

State of Iowa
2010

JOURNAL OF THE HOUSE

2010
REGULAR SESSION
EIGHTY-THIRD
GENERAL ASSEMBLY

Convened January 11, 2010
Adjourned March 30, 2010

Volume I
January 11, 2010—March 16, 2010

CHESTER J. CULVER, Governor
PATRICK J. MURPHY, Speaker of the House
JOHN P. KIBBIE, President of the Senate

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STATE OF IOWA
Des Moines

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EIGHTY-THIRD GENERAL ASSEMBLY

2010 Regular Session

OFFICERS OF THE HOUSE

PATRICK J. MURPHY, <i>Speaker of the House</i>	Dubuque
POLLY BUKTA, <i>Speaker Pro Tempore</i>	Clinton
KEVIN M. MCCARTHY, <i>Majority Leader</i>	Des Moines
AKO ABDUL-SAMAD, <i>Assistant Majority Leader</i>	Des Moines
ELESHA L. GAYMAN, <i>Assistant Majority Leader</i>	Davenport
DAVE J. JACOBY, <i>Assistant Majority Leader</i>	Coralville
SHARON S. STECKMAN, <i>Assistant Majority Leader</i>	Mason City
KRAIG PAULSEN, <i>Minority Leader</i>	Hiawatha
LINDA L. UPMEYER, <i>Minority Whip</i>	Garner
DAVE DEYOE, <i>Assistant Minority Leader</i>	Nevada
JEFF KAUFMANN, <i>Assistant Minority Leader</i>	Wilton
STEVEN F. LUKAN, <i>Assistant Minority Leader</i>	New Vienna
ROD A. ROBERTS, <i>Assistant Minority Leader</i>	Carroll
MATT W. WINDSCHITL, <i>Assistant Minority Leader</i>	Missouri Valley
MARK W. BRANDSGARD, <i>Chief Clerk</i>	West Des Moines
DAVE SCHRADER, <i>Assistant Chief Clerk</i>	Monroe
GAYLE GOBLE, <i>Senior Journal Editor</i>	Des Moines
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ROBIN BENNETT, <i>Assistant Journal Editor</i>	Des Moines
JAN R. RAMSAY, <i>Executive Secretary to Chief Clerk</i>	Des Moines
DOREEN R. TERRELL, <i>Assistant Legal Counsel</i>	Des Moines
DIANE BURGET, <i>Recording Clerk I</i>	Altoona
MICHELLE BAUER, <i>Text Processor II</i>	Des Moines
PEG KEPHART, <i>Engrossing & Enrolling Processor</i>	West Des Moines
DEB REX, <i>Senior Finance Officer III</i>	Earlham
KELLY BRONSINK, <i>Senior Finance Officer I</i>	Des Moines

MARY SANDERS, <i>Supervisor of Secretaries</i>	Des Moines
KRISTI WENTZ, <i>Chief Indexer</i>	West Des Moines
KATHERINE KENLINE, <i>Indexing Assistant</i>	Des Moines
ED CONLOW, <i>Senior Administrative Assistant to Speaker</i>	Des Moines
DEAN FIIHR, <i>Administrative Assistant III to Speaker</i>	Des Moines
CAROLYN GAUKEL, <i>Senior Administrative Assistant to Speaker</i>	West Des Moines
ANDREA JANSA, <i>Administrative Assistant to Majority Leader</i>	Des Moines
BRIAN MEYER, <i>Legal Counsel to Majority Leader</i>	Des Moines
JOE P. ROMANO, <i>Senior Caucus Staff Director</i>	Johnston
JOE GILDE, <i>Caucus Secretary</i>	Des Moines
MARY BRAUN, <i>Caucus Staff Deputy Director</i>	Clive
DAVE EPLEY, <i>Legislative Research Analyst II</i>	Indianola
BILL FREELAND, <i>Legislative Research Analyst</i>	Des Moines
ZEKE FURLONG, <i>Legislative Research Analyst</i>	Ankeny
ANNA HYATT-CROZIER, <i>Senior Legislative Research Analyst</i>	Des Moines
PAULEE LIPSMAN, <i>Senior Legislative Research Analyst</i>	Des Moines
JENIFER PARSONS, <i>Senior Legislative Research Analyst</i>	Baxter
TOM R. PATTERSON, <i>Senior Legislative Research Analyst</i>	Des Moines
RACHELLE THOMAS, <i>Legislative Research Analyst</i>	Des Moines
JEFFREY MITCHELL, <i>Senior Caucus Staff Director</i>	West Des Moines
JASON CHAPMAN, <i>Caucus Staff Secretary</i>	Clive
JOSIE ALBRECHT, <i>Communications Director to Minority Leader</i>	West Des Moines
NOREEN OTTO, <i>Administrative Assistant to Minority Leader</i>	Des Moines
LON ANDERSON, <i>Senior Legislative Research Analyst</i>	Johnston
MATT HINCH, <i>Legislative Research Analyst</i>	Des Moines
KRISTI KIELHORN, <i>Legislative Research Analyst</i>	Urbandale
ANN MCCARTHY, <i>Senior Legislative Research Analyst</i>	West Des Moines
LEWIS OLSON, <i>Senior Legislative Research Analyst</i>	Des Moines
TONY PHILLIPS, <i>Legislative Research Analyst</i>	Des Moines

BRADLEY TROW, <i>Legislative Research Analyst III</i>	Ankeny
SANDRA LEA MORAN, <i>Switchboard Operator</i>	Adel
JANE PHALEN, <i>Switchboard Operator</i>	Mason City
JOYCE HENDRIX, <i>Bill Clerk</i>	Des Moines
JOAN SKEFFINGTON, <i>Assistant Bill Clerk</i>	Waukee
WILLIAM WALLING, <i>Postmaster</i>	Des Moines
MAYNARD BOATWRIGHT, <i>Sergeant-at-Arms</i>	Des Moines
MARV HOLLINGSHEAD, <i>Assistant Sergeant-at-Arms</i>	Des Moines
DARRELL BROWN, <i>Doorkeeper</i>	Des Moines
JACK HALL, <i>Doorkeeper</i>	Johnston
HAROLD HARKER, <i>Doorkeeper</i>	Urbandale
DONALD WEDERQUIST, <i>Doorkeeper</i>	Urbandale
ROBERT YEAGER, <i>Chief Doorkeeper</i>	Windsor Heights

JOINT EMPLOYEES OF THE HOUSE AND SENATE

MARK L. WILLEMSSEN, <i>Senior Facilities Manager</i>	Johnston
RICHARD J. LABERTEW, <i>Conservation/Restoration Specialist II</i>	Indianola
MARK S. LUNDBERG, <i>Conservation/Restoration Specialist II</i>	Des Moines
SHAWNA S. FERGUSON, <i>Legislative Security Coordinator II</i>	Norwalk
KATHLEEN BACUS, <i>Security Officer I</i>	Knoxville
ROBERT CORNWELL, <i>Security Officer I</i>	Johnston
SAM GROVES, <i>Security Officer I</i>	Ankeny
MARSHALL IRWIN, <i>Security Officer I</i>	Des Moines
CARL T. LAMI, <i>Security Officer I</i>	Grimes
STEVE MARSH, <i>Security Officer I</i>	Madrid
JUDITH A. SALIER, <i>Security Officer I</i>	Monroe
KERT SCHNELL, <i>Security Officer I</i>	Newton
CURTIS SCOTT, <i>Security Officer I</i>	Waukee
GORDON SKEFFINGTON, <i>Security Officer I</i>	Waukee
LEO R. SKEFFINGTON, <i>Security Officer I</i>	Adel
RICHARD TAYLOR, <i>Security Officer I</i>	Earlham
JAMES WALTON, <i>Security Officer I</i>	Cedar Rapids
SHIRLEY ROACH, <i>Senior Copy Center Operator</i>	Des Moines
HANNAH MAHAN, <i>Assistant Copy Center Operator</i>	Clive
KATHY STACHON, <i>Lobbyist Clerk</i>	Urbandale

ELECTED STATE OFFICIALS

Official Address: Des Moines, Iowa

CHESTER J. CULVER, <i>Governor</i>	West Des Moines
PATTY JUDGE, <i>Lieutenant Governor</i>	Albia
MICHAEL A. MAURO, <i>Secretary of State</i>	Des Moines
DAVID A. VAUDT, <i>Auditor of State</i>	West Des Moines
MICHAEL L. FITZGERALD, <i>Treasurer of State</i>	Urbandale
BILL NORTHEY, <i>Secretary of Agriculture</i>	Spirit Lake
TOM MILLER, <i>Attorney General</i>	Des Moines

JUSTICES OF THE IOWA SUPREME COURT

MARSHA K. TERNUS, <i>Chief Justice</i>	Grimes
BRENT R. APPEL, <i>Justice</i>	Ackworth
DAVID L. BAKER, <i>Justice</i>	Cedar Rapids
MARK S. CADY, <i>Justice</i>	Fort Dodge
DARYL L. HECHT, <i>Justice</i>	Sioux City
MICHAEL J. STREIT, <i>Justice</i>	Johnston
DAVID S. WIGGINS, <i>Justice</i>	West Des Moines

JUDGES OF THE IOWA COURT OF APPEALS

ROSEMARY SHAW SACKETT, <i>Chief Judge</i>	Okoboji
DAVID DANILSON, <i>Judge</i>	Boone
RICHARD H. DOYLE, <i>Judge</i>	Des Moines
LARRY J. EISENHAUER, <i>Judge</i>	Ankeny
EDWARD MANSFIELD, <i>Judge</i>	Des Moines
AMANDA POTTERFIELD, <i>Judge</i>	Tiffin
ANURADHA VAITHESWARAN, <i>Judge</i>	Des Moines
GAYLE NELSON VOGEL, <i>Judge</i>	Spirit Lake

MEMBERS OF THE HOUSE—EIGHTY—THIRD GENERAL ASSEMBLY – 2010 REGULAR SESSION

Name	Residence	Occupation	Representative District	Former Legislative Service
Abdul-Samad, Ako	Des Moines.....	CEO, Creative Visions	66— <i>Polk</i>	82, 83
Alons, Dwayne.....	Hull	Farmer	4— <i>Lyon, Sioux</i>	78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82, 83
Anderson, Richard T	Clarinda	Attorney.....	97— <i>Fremont, Mills, Page</i>	81, 81X, 82, 83
Arnold, Richard D	Russell.....	Farmer/Truck Driver Owner/ Operator	72— <i>Lucas, Mahaska, Marion,</i> <i>Monroe</i>	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82, 83
Bailey, McKinley D	Webster City	Graduate Student.....	9— <i>Franklin, Hamilton, Webster,</i> <i>Wright</i>	82, 83
Baudler, Clel	Greenfield	Retired State Trooper/Farmer	58— <i>Adair, Audubon, Cass,</i> <i>Guthrie</i>	78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82, 83
Beard, John W.....	Decorah	Businessman/Farmer	16— <i>Allamakee, Winneshiek</i>	83
Bell, Paul A.....	Newton.....	Retired Lt. Newton Police Dept.	41— <i>Jasper</i>	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82, 83
Berry, Deborah L.....	Waterloo.....	Corporate Fundraising Director, KBBG—FM Radio	22— <i>Black Hawk</i>	80, 80X, 80XX, 81, 81X, 82, 83
Bukta, Polly.....	Clinton	Retired Educator	26— <i>Clinton</i>	77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82, 83
Burt, Kerry	Waterloo.....	Firefighter/Financial Services	21— <i>Black Hawk</i>	83
Chambers, Royd E.....	Sheldon	Educator	5— <i>Clay, O'Brien, Osceola, Sioux</i>	80, 80X, 80XX, 81, 81X, 82, 83
Cohoon, Dennis M.....	Burlington.....	Special Education Teacher.....	88— <i>Des Moines</i>	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82, 83
Cownie, Peter	West Des Moines	Pres., Junior Achievement of	60— <i>Polk</i>	83
De Boef, Betty R.....	What Cheer.....	.....	76— <i>Iowa, Keokuk, Poweshiek, Tama</i>	79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82, 83
Deyoe, Dave.....	Nevada	Farmer	10— <i>Hamilton, Story</i>	82, 83
Dolecheck, Cecil.....	Mount Ayr.....	Farmer	96— <i>Adams, Montgomery, Ringgold</i>	77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82, 83

MEMBERS OF THE HOUSE—EIGHTY—THIRD GENERAL ASSEMBLY – 2010 REGULAR SESSION

Name	Residence	Occupation	Representative District	Former Legislative Service
Drake, Jack	Griswold	Farmer	57—Cass, Pottawattamie, Shelby	75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82, 83
Ficken, Gene.....	Independence.....	Retired Teacher.....	23—Black Hawk, Buchanan, Fayette ..	83
Ford, Wayne W.....	Des Moines.....	Exec. Director, Urban Dreams.....	65—Polk	77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82, 83
Forristall, Greg.....	Macedonia	Farmer.....	98—Mills, Pottawattamie	82, 83
Frevort, Marcella R.....	Emmetsburg	Retired Teacher	7—Emmet, Kossuth, Palo Alto.....	77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82, 83
Gaskill, Mary.....	Ottumwa	Retired County Auditor.....	93—Wapello	80, 80X, 80XX, 81, 81X, 82, 83
Gayman, Elesha L.....	Davenport	Adjunct Professor/Consultant.....	84—Scott	82, 83
Grassley, Pat	New Hartford.....	Farmer.....	17—Bremer, Butler.....	82, 83
Hagenow, Chris.....	Windsor Heights.....	Attorney.....	59—Polk	83
*Hanson, Curt	Fairfield	Retired Teacher.....	90—Jefferson, Van Buren, Wapello	83
Heaton, David E.....	Mount Pleasant	Retired Restaurateur	91—Henry, Lee	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82, 83
Heddens, Lisa K.....	Ames.....	Resource Facilitator	46—Boone, Story.....	80, 80X, 80XX, 81, 81X, 82, 83
Helland, Erik.....	Grimes.....	.....	69—Polk	83
Horbach, Lance J	Tama	Insurance.....	40—Grundy, Tama	78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82, 83
**Hunter, Bruce L.....	Des Moines.....	.....	62—Polk	80, 80X, 80XX, 81, 81X, 82, 83
Huseman, Daniel A.....	Tama	Famer	53—Cherokee, Plymouth, Woodbury	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82, 83
Huser, Geri D	Altoona.....	Social Worker/Attorney.....	42—Jasper, Polk	77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82, 83
Isenhart, Charles	Dubuque.....	.....	27—Dubuque.....	83
***Jacoby, Dave J	Coralville.....	Self Employed/Small Business	30—Johnson	80, 80X, 80XX, 81, 81X, 82, 83
Kaufmann, Jeff.....	Wilton.....	Teacher/Livestock Operator	79—Cedar, Johnson, Muscatine.....	81, 81X, 82, 83

*Elected in Special Election September 1, 2009
 ** Elected in Special Election February 11, 2003
 *** Elected in Special Election August 26, 2003

REPRESENTATIVES

MEMBERS OF THE HOUSE—EIGHTY—THIRD GENERAL ASSEMBLY – 2010 REGULAR SESSION

Name	Residence	Occupation	Representative District	Former Legislative Service
Kearns, Jerry A.....	Keokuk.....	Staff Rep., United Steelworkers Union	92— <i>Lee</i>	83
Kelley, Doris.....	Waterloo.....	Telecommunications & Marketing Consultant	20— <i>Black Hawk</i>	82, 83
Koester, Kevin.....	Ankeny.....	School Administrator	70— <i>Polk</i>	83
Kressig, Bob M.....	Cedar Falls.....	Retired, John Deere	19— <i>Black Hawk</i>	81, 81X, 82, 83
Kuhn, Mark A.....	Charles City.....	Family Farmer	14—Cerro Gordo, <i>Floyd, Howard</i> , Mitchell	78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82, 83
Lensing, Vicki S.....	Iowa City.....	Funeral Home Owner	78— <i>Johnson</i>	79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82, 83
Lukan, Steven F.....	New Vienna.....	Account Executive, English & Associates	32—Delaware, <i>Dubuque</i>	80, 80X, 80XX, 81, 81X, 82, 83
Lykam, Jim.....	Davenport.....	Legislator	85— <i>Scott</i>	73, 80, 80X, 80XX, 81, 81X, 82, 83
Marek, Larry K.....	Riverside.....	Family Farmer	89—Jefferson, Johnson, <i>Washington</i> ...	83
Mascher, Mary.....	Iowa City.....	Teacher	77— <i>Johnson</i>	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82, 83
May, Mike.....	Spirit Lake.....	Retired Teacher/Resort Owner	6—Clay, <i>Dickinson</i>	81, 81X, 82, 83
McCarthy, Kevin M.....	Des Moines.....	Attorney	67— <i>Polk</i>	80, 80X, 80XX, 81, 81X, 82, 83
Mertz, Dolores M.....	Ottosen.....		8—Humboldt, <i>Kossuth</i> , Pocahontas, Webster	73, 74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82, 83
Miller, Helen.....	Fort Dodge.....	Attorney/Arts Educator	49— <i>Webster</i>	80, 80X, 80XX, 81, 81X, 82, 83
Miller, Linda J.....	Bettendorf.....	Registered Nurse	82— <i>Scott</i>	82, 83
*Murphy, Pat J.....	Dubuque.....	Speaker of the House	28— <i>Dubuque</i>	73, 74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82, 83
Oldson, Jo.....	Des Moines.....		61— <i>Polk</i>	80, 80X, 80XX, 81, 81X, 82, 83

*Elected in Special Election June 12, 2001

MEMBERS OF THE HOUSE—EIGHTY—THIRD GENERAL ASSEMBLY – 2010 REGULAR SESSION

Name	Residence	Occupation	Representative District	Former Legislative Service
Olson, Donovan	Boone	Distance Education Coordinator, ISU	48—Boone, Dallas	80, 80X, 80XX, 81, 81X, 82, 83
Olson, Rick	Des Moines	Attorney	68—Polk	81, 81X, 82, 83
Olson, Steven N.	DeWitt	Farmer	83—Clinton, Scott	80, 80X, 80XX, 81, 81X, 82, 83
Olson, Tyler	Cedar Rapids	Attorney	38—Linn	82, 83
Palmer, Eric J.	Oskaloosa	Attorney	75—Mahaska, Poweshiek	82, 83
Paulsen, Kraig	Hiawatha	Attorney	35—Linn	80, 80X, 80XX, 81, 81X, 82, 83
Petersen, Janet	Des Moines	Marketing Communications Consultant	64—Polk	79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82, 83
Pettengill, Dawn E.	Mount Auburn	Legislator	39—Benton, Iowa	81, 81X, 82, 83
Quirk, Brian J.	New Hampton	Electrical Contractor	15—Chickasaw, Howard, Winneshiek	79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82, 83
Raecker, J. Scott	Urbandale	Exec. Director, Institute for Character Development	63—Polk	78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82, 83
Rants, Christopher	Sioux City	Self Employed	54—Woodbury	75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82, 83
Rayhons, Henry V	Garner	Semi-retired Farmer	11—Hancock, Winnebago, Worth	77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82, 83
Reasoner, Michael J.	Creston	Legislator	95—Clark, Decatur, Union	80, 80X, 80XX, 81, 81X, 82, 83
Reichert, Nathan K.	Muscatine	Community College Instructor	80—Muscatine	81, 81X, 82, 83
Roberts, Rod A.	Carroll	Development Dir., Christian Church of Christ	51—Carroll, Crawford, Sac	80, 80X, 80XX, 81, 81X, 82, 83
*Running-Marquardt, Kirsten	Cedar Rapids	District Representative for US ... Congressman Dave Loebsack	33—Linn	83
Sands, Thomas R.	Wapello	Bank Officer/Farm Owner Real Estate Appraiser	87—Des Moines, Louisa, Muscatine	80, 80X, 80XX, 81, 81X, 82, 83
Schueller, Tom J.	Maquoketa	Contractor	25—Clinton, Dubuque, Jackson	83
Schulte, Renee	Cedar Rapids	Adjunct Prof., Mt. Mercy College	37—Linn	83

*Elected in Special Election November 24, 2009

MEMBERS OF THE HOUSE—EIGHTY—THIRD GENERAL ASSEMBLY – 2010 REGULAR SESSION

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Name	Residence	Occupation	Representative District	Former Legislative Service
Schultz, Jason	Schleswig	Farmer	55— <i>Crawford</i> , Ida, Monona,	83
			Woodbury	
*Shomshor, Paul C., Jr	Council Bluffs	Certified Public Accountant	100— <i>Pottawattamie</i>	81, 81X, 82, 83
Smith, Mark D	Marshalltown	Licensed Independent	43— <i>Marshall</i>	79, 79X, 79XX, 80, 80X, 80XX,
		Social Worker		81, 81X, 82, 83
Soderberg, Chuck	Le Mars	VP Planning & Legis. Services, ..	3— <i>Plymouth</i> , Sioux	81, 81X, 82, 83
		NW Iowa Power Cooperative		
Sorenson, Kent	Indianola	Business Owner	74— <i>Warren</i>	83
Steckman, Sharon S	Mason City	Retired Educator	13— <i>Cerro Gordo</i>	83
Struyk, Doug	Council Bluffs		99— <i>Pottawattamie</i>	80, 80X, 80XX, 81, 81X, 82, 83
Swaim, Kurt	Bloomfield	Attorney	94— <i>Appanoose, Davis</i> , Wayne	80, 80X, 80XX, 81, 81X, 82, 83
Sweeney, Annette	Alden	Farmer/Publisher	44— <i>Franklin, Hardin</i> , Marshall	83
**Taylor, Todd E	Cedar Rapids	AFSCME Representative	34— <i>Linn</i>	76, 77, 78, 79, 79X, 79XX, 80,
				80X, 80XX, 81, 81X, 82, 83
Thede, Phyllis	Bettendorf		81— <i>Scott</i>	83
Thomas, Roger	Elkader	Exec. Dir., Elkader Dev. Corp.	24— <i>Clayton</i> , Delaware, Fayette	77, 78, 80, 80X, 80XX, 81, 81X
				82, 83
Tjepkes, David A	Gowrie	Retired State Trooper	50— <i>Calhoun</i> , Greene, <i>Webster</i>	80, 80X, 80XX, 81, 81X, 82, 83
Tymeson, Jodi S	Winterset	Licensed Teacher/Retired	73— <i>Dallas, Madison</i> , Warren	79, 79X, 79XX, 80, 80X, 80XX,
		National Guard Officer		81, 81X, 82, 83
Upmeyer, Linda L	Garner	Nurse Practitioner	12— <i>Cerro Gordo</i> , Franklin,	80, 80X, 80XX, 81, 81X, 82, 83
			<i>Hancock</i>	
Van Engelenhoven, Jim	Pella	Farmer	71— <i>Jasper, Marion</i>	78, 79, 79X, 79XX, 80, 80X, 8XX,
				81, 81X, 82, 83
Wagner, Nick	Marion	Electrical Engineer	36— <i>Linn</i>	83
Watts, Ralph C	Adel	Retired Engineer	47— <i>Boone, Dallas</i>	80, 80X, 80XX, 81, 81X, 82, 83

*Elected in Special Election August 5, 2003

**Elected in Special Election June 27, 1995

REPRESENTATIVES

MEMBERS OF THE HOUSE—EIGHTY—THIRD GENERAL ASSEMBLY – 2010 REGULAR SESSION

Name	Residence	Occupation	Representative District	Former Legislative Service
Wendt, Roger F	Sioux City.....	Retired.....	2— <i>Woodbury</i>	80, 80X, 80XX, 81, 81X, 82, 83
Wenthe, Andrew J.....	Hawkeye	Dir. External Affairs/e-Center....	18—Black Hawk, Bremer, <i>Fayette</i>	82, 83
Wessel-Kroeschell, Beth.....	Ames.....	Legislator.....	45— <i>Story</i>	81, 81X, 82, 83
Whitead, Wesley E.....	Sioux City.....	Retired Small Business Owner...	1— <i>Woodbury</i>	77, 78, 80, 80X, 80XX, 81, 81X, 82, 83
Williams, Nathan.....	Lisbon.....	Attorney.....	29— <i>Johnson, Linn</i>	83
Winckler, Cindy L.....	Davenport	Educational Consultant	86— <i>Scott</i>	79, 79X, 79XX, 80, 80X, 80XX, 81, 81X, 82, 83
Windschitl, Matt W.....	Missouri Valley.....	Gunsmith/Conductor, Union.....	56— <i>Harrison, Monona,</i>	82, 83
		Pacific Railroad	Pottawattamie	
*Worthan, Gary.....	Storm Lake	Farmer.....	52— <i>Buena Vista, Sac</i>	83
Zirkelbach, Ray S.....	Monticello.....	Correctional Counselor	31— <i>Dubuque, Jones,</i>	81, 81X, 82, 83

*Elected in Special Election December 12, 2006

JOURNAL OF THE HOUSE

First Calendar Day - First Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 11, 2010

Pursuant to chapter two (2), section two point one (2.1), Code of Iowa, the House of Representatives of the Eighty-third General Assembly of Iowa, 2010 Regular Session, convened at 10:05 a.m., Monday, January 11, 2010.

The House was called to order by the Honorable Patrick Murphy, Speaker of the House.

Prayer was offered by the Honorable Michael Blouin, former state representative from Dubuque County and Deacon at the Church of the Resurrection Catholic Church, Dubuque. He was the guest of Speaker Murphy.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Speaker's granddaughter, Ashlynn Murphy from Dubuque.

The Journal of Saturday, April 25, 2009 was approved.

INTERIM COMMUNICATIONS RECEIVED

The following communications were received during the interim and are on file in the office of the Chief Clerk:

July 17, 2009

The Honorable Chester Culver, Governor of Iowa
State Capitol
Des Moines, Iowa 50319

Governor Culver,

I am deeply humbled today to accept the appointment as Iowa Director of the Farm Service Agency (FSA) from President Obama and US Senator Tom Harkin. As a farmer and public servant over the last two decades, I am excited about this new opportunity to work with US Secretary of Agriculture Tom Vilsack and renew the US Department of Agriculture's commitment to Iowa farmers and rural communities.

It has been a great honor to serve the people of House District 90 over the last seven years and I am extremely grateful for their trust and support. However, the Iowa FSA position gives me the opportunity to serve all the people of Iowa. I look forward to meeting Iowa farmers and building strong, vibrant communities in every corner of our state.

I hereby offer my resignation as District 90 State Representative, effective immediately, to ensure the people of District 90 can select a new State Representative before the next legislative session begins in January.

Sincerely,

John R. Whitaker, State Representative
Iowa House District 90

October 14, 2009

The Honorable Chester Culver, Governor of Iowa
State Capitol
Des Moines, Iowa 50319

Governor Culver,

I hereby offer my resignation as District 33 State Representative, effective immediately, to ensure the people of House District 33 can select a new State Representative before the next legislative session begins in January.

Sincerely,

Dick Taylor, State Representative
Iowa House District 33

SUPPLEMENTARY REPORT OF THE COMMITTEE ON CREDENTIALS

MR. SPEAKER: We, your committee on credentials, respectfully report that we find the following persons duly elected to and entitled to a seat in the House of Representatives of the Eighty-third General Assembly as shown by this duplicate copy of the certificate of election on file in the office of the Secretary of State:

Curt Hanson, House District 90
Kirsten Running-Marquardt, House District 33

BRUCE HUNTER, Chair
LARRY MAREK
DAWN PETTENGILL

ROD ROBERTS
CINDY WINCKLER

STATE OF IOWA
CERTIFICATE OF ELECTION

To the Honorable Mark W. Brandsgard, Clerk of the House of Representatives:

It is hereby certified that, at an election held on Tuesday, September 1, 2009, **CURT HANSON** was elected to the office of: **State Representative, District 90** for the residue of the term, ending on the 31st day of December, 2010. Given at the seat of government, Des Moines, Iowa, on Monday, September 14, 2009.

(Seal)

Chet Culver
Governor

Attest:

Michael A Mauro
Secretary of State

David A. Vaudt
Auditor of State

Michael L. Fitzgerald
Treasurer of State

Bill Northey
Secretary of Agriculture

I hereby acknowledge receipt of the original copy of this document on the 14th day of September, 2009.

MARK W. BRANDSGARD, Chief Clerk of the House of Representatives

STATE OF IOWA
CERTIFICATE OF ELECTION

To the Honorable Mark W. Brandsgard, Clerk of the House of Representatives:

It is hereby certified that, at an election held on Tuesday, November 24, 2009, **Kirsten Running-Marquardt** was elected to the office of: **State Representative, District 33** for the residue of the term, ending on the 31st day of December, 2010. Given at the seat of government, Des Moines, Iowa, on Monday, December 7, 2009.

(Seal)

Chet Culver
Governor

Attest:

Michael A Mauro
Secretary of State

David A. Vaudt
Auditor of State

Michael L. Fitzgerald
Treasurer of State

Bill Northey
Secretary of Agriculture

I hereby acknowledge receipt of the original copy of this document on the 27th day of December, 2009.

MARK W. BRANDSGARD, Chief Clerk of the House of Representatives

McCarthy of Polk moved that the report of the committee on credentials be adopted.

The motion prevailed and the report was adopted.

Gaskill of Wapello moved that a committee of four be appointed to escort the Representatives to their desks.

The motion prevailed and the Speaker appointed Gaskill of Wapello and May of Dickinson to escort Representative Hanson to his desk and Taylor of Linn and Cownie of Polk to escort Representative Running-Marquardt to her desk.

COMMITTEE TO NOTIFY THE GOVERNOR

Gayman of Scott moved that a committee of three be appointed to notify the Governor that the House was duly organized and ready to receive any communication that he may desire to transmit.

The motion prevailed and the following committee was appointed: Gayman of Scott, Chair; Hunter of Polk and Sweeney of Hardin.

COMMITTEE TO NOTIFY THE SENATE

Lensing of Johnson moved that a committee of three be appointed to notify the Senate that the House was duly organized and ready to receive any communication that the Senate may desire to transmit.

The motion prevailed and the following committee was appointed: Lensing of Johnson, Chair; Lykam of Scott and Wagner of Linn.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 101

McCarthy of Polk asked and received unanimous consent for the immediate consideration of the following resolution and moved its adoption:

House Concurrent Resolution 101

By McCarthy and Paulsen

- 1 A concurrent resolution providing for a joint
- 2 convention.
- 3 *Be It Resolved By the House Of Representatives, The*
- 4 *Senate Concurring,* That a joint convention of the two
- 5 houses of the 2010 session of the Eighty-third General

6 Assembly be held on Tuesday, January 12, 2010, at 10:00
7 a.m.; and
8 *Be It Further Resolved*, That Governor Chester J.
9 Culver be invited to deliver his condition of the state
10 message at this joint convention of the two houses of
11 the General Assembly, and that the Speaker of the House
12 of Representatives and the President of the Senate be
13 designated to extend the invitation to him.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 102

McCarthy of Polk asked and received unanimous consent for the immediate consideration of the following resolution and moved its adoption:

House Concurrent Resolution 102

By McCarthy and Paulsen

1 A concurrent resolution providing for a joint
2 convention.
3 *Be It Resolved By The House Of Representatives, The*
4 *Senate Concurring*, That a joint convention of the two
5 houses of the 2010 session of the Eighty-third General
6 Assembly be held on Wednesday, January 13, 2010, at
7 10:00 a.m.; and
8 *Be It Further Resolved*, That Chief Justice Ternus
9 be invited to present her message of the condition of
10 the judicial branch at this convention, and recommend
11 such matters as the Chief Justice deems appropriate,
12 pursuant to section 602.1207 of the Code.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that **House Concurrent Resolutions 101** and **102** be immediately messaged to the Senate.

The House stood at ease at 10:18 a.m., until the fall of the gavel.

The House resumed session at 10:19 a.m., Speaker Murphy in the chair.

SPECIAL PRESENTATION

Speaker Murphy requested Majority Leader McCarthy, Minority Leader Paulsen and Chambers of O'Brien approach to present the Honorable Royd Chambers, state representative from O'Brien County, a United States flag in honor of his military service to our country in Iraq.

The House rose and expressed its appreciation.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Lensing of Johnson, Chair of the committee to notify the Senate that the House was duly organized and ready to receive any communication that the Senate might desire to transmit, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

The House stood at ease at 10:25 a.m., until the fall of the gavel.

The House resumed session at 10:34 a.m., Speaker Murphy in the chair.

REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

Gayman of Scott, Chair of the committee to notify the Governor that the House was duly organized and ready to receive any communication he might desire to transmit, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

INTRODUCTION OF BILLS

House File 2001, by Frevert, Wendt, Winckler, Mascher, Taylor, Murphy, D. Olson and Bukta, a bill for an act relating to utilization of the district management levy to pay the cost of employee health insurance benefits.

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

House File 2002, by Schueller, a bill for an act relating to jurisdictional changes to small claims court cases.

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

House File 2003, by Lykam, a bill for an act relating to frivolous actions in landlord and tenant disputes.

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

House File 2004, by Swaim, a bill for an act creating a sales tax exemption for certain cremation and mortuary science services provided by licensed establishments.

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

House File 2005, by Schueller, a bill for an act eliminating the continuing education requirement for used motor vehicle dealers.

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

House File 2006, by Isenhardt, a bill for an act providing for the periodic repeal of state and local tax expenditures and including applicability provisions.

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

House File 2007, by Lykam, Winckler, Gayman and Thede, a bill for an act concerning requirements for granting a new license to conduct gambling games on a gambling boat or structure in a county with an existing gambling boat or structure.

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

COMMITTEE FROM THE SENATE

Senator Hogg of Linn appeared and notified the House that the Senate was duly organized and ready to receive any communication that the House might desire to transmit.

REMARKS BY THE MAJORITY LEADER

McCarthy of Polk addressed the House as follows:

Thank you Mr. Speaker. Mr. Speaker, ladies and gentleman of the House. It was approximately 15 months ago and I had just entered the coffee shop in the Northern part of Iowa and I noticed on the television there was breaking news. It said United States Senator, John McCain, had just suspended his presidential campaign to return to Washington, D.C. to assist President Bush with the Wall Street bailout. The news said our country was on the verge of going into another Great Depression. The Wall Street and bank bailout happened, President Bush signed it into law, and then our new President took over the reins of this country with our nation literally staring into the abyss with the potential additional collapse of the nation's automobile industry and many other sectors of our economy. The ripple effect of that national economic crisis affected every state in the country and the devastating effects that it has had have known no party bounds. States with Republican governors and Republican legislatures have been just as affected as states with Democratic governors and Democratic legislatures. In Iowa, we felt the full force of this last summer and fall where we lost over a half billion dollars and which then triggered the Governor's across the board cut.

This session, therefore, will be extremely challenging...If we are to meet the needs of Iowans, while still being fiscally responsible. There is good news. In Iowa we are better prepared to meet this challenge than almost any other state in the nation. We hear a lot about massive deficits in our nation's Capitol. In Iowa, we have no deficit. We balance our budget. Indeed, the budget we are in, right now, at 5.2 billion dollars, is less than the budget we inherited three years ago at 5.3 billion dollars. In Washington, we hear a lot about massive debt. In Iowa, we have no structural debt and our level of bonding for infrastructure is the 47th lowest in the country. Unlike almost every other state in the country, Iowa has a surplus to the tune of over a half billion dollars, including our cash reserves and our ending balance. Housing starts last quarter were up 39%. Our unemployment rate has remained steady for the past three months and is one of the lowest in the country. Holiday consumption was up and personal income is expected to rise. Economists believe we have reached a stabilization period and that a recovery is on the horizon. That's the good news.

The bad news is that this recovery will not likely assist us with our work this legislative session as we begin to craft the fiscal year 2011 budget. It will be challenging, but we will get the job done. We will balance the budget and we will do so without raising taxes. We should also try doing it in a bi-partisan way. Iowans are expecting us to work together during these tough times and we are already seeing evidence that we as Iowans are able to do that, as evidenced by unanimous vote out of the government reorganization interim committee. Our thanks to Representatives Mascher and Struyk. This year, to help meet our budget challenge we will pass the largest state government organization and cost savings package in Iowa history. We will also do our best to maintain the progress we have made in education and healthcare. But no budget line-item will be left without feeling at least some pain as we pass our balanced budget. So, let us all work together, because we are all in it together. We in Iowa are fortunate. We stand better prepared to weather this economic storm than almost any other state in the country and our bi-partisan work with government reorganization and healthcare reform shows that we here in this legislature, can truly put people before politics.

It will be a challenging session...but I believe it will be a successful one. We as Iowans will meet this challenge and Iowa will be stronger as a result...with a leaner and more efficient government.

Thank you very much and let's begin our work!

REMARKS BY THE MINORITY LEADER

Paulsen of Linn addressed the House as follows:

Thank you, Mr. Speaker. Mr. Speaker, ladies and gentlemen of the House, family and friends:

First I want to start by welcoming Representative Royd Chambers back to the House. Thank you for your service, Royd, we're very happy to have you home.

Obviously we have a difficult year ahead of us. But rather than look at this as a problem I hope this body will choose to see opportunity. Opportunity for a stronger Iowa, opportunity to create an efficient and open state government. An opportunity to give the state back to the people.

Last year we heard a lot of blame being passed out. House Republicans don't think this is helpful. Wasn't it President Truman who said, "the buck stops here?" Instead of blaming our state's troubles on someone else, House Republicans have taken action and are ready to take action again this year.

Make no mistake though, just like I said last year ... if blame is continued to be misplaced, as Republicans believe it has in the past, I will continue to talk about the pork of the last three years – the 2,600 new state employees – the 17+% spending increases. Mr. Speaker, Republicans prefer to move on; I hope Democrats feel the same.

Last year in my opening day speech I called for increased truth and transparency in state government, vowed to stand up against tax increases, and pointed out the importance of reducing the cost of government. As we worked through the year, Republicans crafted legislation to do just that. While most of it was not supported at the time, these ideas are now being revered as a good plan.

Today, those three goals have not changed. House Republicans will continue our efforts in those areas and add a few more to the list.

During the interim we went back to our home districts, met with our constituents and developed several bold solutions for the state of Iowa. The only party to put forth an agenda, we focused on empowering families, reducing budgets, and strengthening education and healthcare, just to name a few. We will put our plan into action with legislation that will hopefully be given a better reception than our efforts last year.

We will also focus on creating an environment which is welcoming to employers and encourages them to invest in our workforce, passing an affordable and responsible budget and standing up to the creeping federal intrusion into the lives of Iowans.

When we convened last year, 80,000 Iowans were out of work. When we adjourned that number had jumped to over 100,000. Now it is somewhere around 115,000 Iowans out of work. House Republicans will offer concrete and realistic ideas to put Iowans back to work.

We've repeatedly been saying we must reduce spending and we must be fiscally conservative with Iowans' tax dollars. While bloated budgets, increased spending and growing debt is now the norm—let me be very clear about where we stand—House Republicans will not support any budget that spends more money than it takes in. Balancing the budget is not good enough if it's on the backs of the property taxpayer.

The taxpayer deserves a seat at the table and House Republicans will make sure that happens.

Republicans believe state government disregarded Iowans' concerns last year. Pushing bills through at all hours of the night with little debate, removing citizens from the very building they pay for, budgets created behind closed doors, and we failed to permit them to have the final say on how marriage should be defined in Iowa.

Abraham Lincoln once said, "Public sentiment is everything. With public sentiment, nothing can fail; without it nothing can succeed."

Mr. Speaker, it's time to listen to the will of the people. House Republicans believe it's time to return state government back to the hands of Iowans, allowing their voices to be heard...they deserve a seat at the table that they pay for.

Mr. Speaker, House Republicans stand ready to move Iowa forward. Mr. Speaker House Republicans are ready to go to work. Thank you.

REMARKS BY THE SPEAKER

Speaker Murphy addressed the House as follows:

Well good morning, first of all I would like to say thank you. Thank you to all of you for the opportunity to serve as a representative and also as a speaker. I think from time to time we forget and, over the next 80 or so days, it's important for us to remember that we represent the people of our district and it's an honor and a privilege to do that everyday.

I think that it's important that we keep that in mind as we go through this legislative process, which is probably one of the toughest sessions probably in the last 75 years. I'd also like to welcome back Representative Chambers. You're getting that wave down pretty good, you should run for office. Welcome back, I'm glad to see that your home safely and I know that all of us are glad to see that you're safely returned. We always need to remember we still have thousands and thousands of people that give us our freedom everyday that they're serving abroad, we need to keep that in mind as we debate this year.

Welcome back legislators and staff. I want to say a special thanks to my family, especially for my wife Teri, who allows me this opportunity. It's very important for all of us to think about, today and everyday this session, our families back home or here in town and how much sacrifice they make for us to serve.

I want to take a special opportunity to welcome the two new legislators. I too was the birth child of a special election in 1989. It is a very special day the first day you spend here, especially since I got a back row seat just like these two did. It is a great opportunity and I wish the best to both Representatives Running-Marquardt and Hanson on your endeavors as long as you serve.

I want to talk a little bit on what we have to focus on this session. The national economy is still struggling. So we are going to have a focus this year on what we can do to help middle class families and small businesses and help them succeed. We want to continue our creation of good paying jobs, but we need to focus on balancing the budget, and making sure we do it without raising taxes on Iowans.

We need to create more accountability and transparency in state government. But we also need to make sure we continue the inroads we've made over the last several years to access for health care for children.

Our vision is beginning to pay off. While the national economy was last week reported that we had a zero economic growth for the last decade, Iowa bucked that trend and created 28,000 jobs during that 10 year period for about a 2% gain. We need to continue that focus this session. Iowa's one of just four states, to record a positive economic growth last year according to the Nonpartisan Economic Index. Iowa's unemployment rate has held steady while most other states continue to rise.

We also need to continue our efforts from last year when Iowa was the first state in the nation to pass the unemployment extension act that the federal government passed and Representative Ford floor-managed. There is also a 30% increase in private workers rebuilding roads and bridges, according to a study done by the DOT this year. Primarily due to the fact that we very quickly and accepted the federal ARRA funds, which was the jobs act to help put people back to work.

A leading business magazine rates Iowa as one of the best states in which to do business, up significantly from 3 years ago. We continue to be a world leader in renewable fuels of ethanol, soy diesel and wind energy of Iowa refineries and we're now 2nd in wind production.

We need to continue building a solid foundation for a stronger Iowa. Helping Iowans get the education they need and the skills to land a good paying job. There's no question that we are probably going to cut every portion of government this year, but we really need to keep our focus, on guaranteeing that our children get the education they need like my granddaughter who did the pledge of allegiance this morning. And to make sure those people who have to retool because they've lost their job or they've been laid off get the new skills they need through higher education. We need to keep targeting job creation efforts in key industries and to land companies like Google and IBM. We've been on the front end of that and they are recognizing Iowa as a leader.

We need to continue upgrading our infrastructure and investing in the renewable energy economy and improving energy efficiency and energy utilization through the Iowa Power Fund and we'll be doing bills that will do that this year. We also need to

help Iowans rebuild from the devastating storms of 2008. We made a lot of progress last year, but we need to continue to focus for those communities to rebuild and for people to have economic opportunities.

There is no question, we are asking middle class families to tighten their belts during tough economic times. That's why we need to make sure that when we look at tax credits this year. That they are totally transparent, that people get to see who's getting what, and there is no question that Iowans will expect us to very closely look at corporate tax credits and other tax credits. Do they create jobs? Do they create economic opportunities for our communities? And if they don't, then we need to deal with that. But again I think we need to push for more transparency to make sure that that occurs.

Again we will be balancing the budget without raising taxes. Our record of fiscal responsibility tops the nation. We still have a triple A bond rating. The independent nonpartisan Pew Center ranked Iowa as the second best managed state in the nation. We still have 419 million dollars in our reserve accounts, one of the few states that still does. We have federal ARRA funds that are still available most states have spent all of theirs. And the general fund expenditures this year will be less than it was three years ago. From 5.4 billion in 2007 down to 5.2 billion in 2010.

But we are also tightening our belts like middle class families. Before session started this year, we instituted a pay freeze on all employees and a hiring freeze. We are going to move to an 80 day session this year. We are asking every legislative employee to take six furlough days, and we have fewer support staff during the session. And come March 31st, you will notice it greatly because there will be no pages and no clerks, so we will have to do more work on our own. But if we're asking middle class families to make tight budget decisions, we need to show that ourselves, and we will continue to do that.

My thanks to legislators on both sides of the aisle. We have a bill worked on by the state government interim committee and we will act quickly this year to do state reorganization. It will deliver service to Iowans more efficiently, it will create more accountability of taxpayer dollars, and it will eliminate wasteful spending. We can really use that at this time. So that is a bill we will be working on in a very bi-partisan effort to try to get that accomplished.

But we won't give up on our children in this state either, or our states future. We can build a strong diversified economy that creates more good paying jobs and continue to improve our schools for the next generations so they can succeed better than we have. And make sure our kids have access in this state to healthcare.

We face many challenges but Iowans are counting on us. It is time for us to put politics aside, work together for the betterment of this state. We are all sent here to represent different people, and to represent them to move this great state forward. We've made a lot of progress in the recent years and we want to continue that progress. There's no question that we will have less dollars, but it is now time for us to get to work.

RULE 57 SUSPENDED

McCarthy of Polk asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for committee meetings today after adjournment.

2010 HOUSE COMMITTEE REVISIONS

The Speaker announced the following appointments to the standing committees of the House:

STANDING COMMITTEES APPOINTED

ADMINISTRATION AND RULES – 14 Members

Wessel-Kroeschell, Chair	Jacoby	Miller, H.	Roberts
Gayman*	Kaufmann	Murphy	Upmeyer
Deyoe**	Lukan	Paulsen	
Abdul-Samad	McCarthy	Reasoner	

AGRICULTURE – 21 Members

Mertz, Chair	Bukta	Huseman	Struyk
Marek*	De Boef	Miller, H.	Sweeney
Drake**	Dolecheck	Olson, S.	Wenthe
Bailey	Frevert	Rayhons	Worthan
Beard	Gayman	Reasoner	Zirkelbach
Bell			

APPROPRIATIONS – 25 Members

Oldson, Chair	Cownie	Hunter	Roberts
Wenthe*	De Boef	Huseman	Swaim
Raecker**	Dolecheck	Jacoby	Taylor
Alons	Gayman	Kressig	Watts
Bailey	Heaton	Lukan	Winckler
Cohoon	Heddens	Reichert	Worthan
			Zirkelbach

COMMERCE – 23 Members

Petersen, Chair	Kressig	Quirk	Struyk
Reasoner*	Lukan	Rants	Wagner
Soderberg**	Oldson	Reichert	Wenthe
Helland	Olson, D.	Sands	Windschitl
Jacoby	Olson, T.	Shomshor	Zirkelbach
Kelley	Pettengill	Sorenson	

ECONOMIC GROWTH— 21 Members

Thomas, Chair	Cownie	May	Sorenson
Ford*	Horbach	Miller, H.	Steckman
Forristall**	Jacoby	Schueler	Swaim
Anderson	Kelley	Schultz	Thede
Bailey	Marek	Soderberg	Wenthe
Chambers			

EDUCATION – 23 Members

Wendt, Chair	Cohoon	Koester	Sweeney
Ficken*	Cownie	Mascher	Thede
May**	Dolecheck	Miller, L.	Tymeson
Abdul-Samad	Ford	Palmer	Willems
Bukta	Forristall	Raecker	Winckler
Chambers	Kelley	Steckman	

ENVIRONMENTAL PROTECTION – 21 Members

Olson, D., Chair	Frevort	Kressig	Schultz
Kearns*	Gaskill	Lensing	Smith
Olson, S.**	Gayman	Lukan	Soderberg
Anderson	Hagenow	Miller, H.	Watts
Deyoe	Hanson	Reichert	Whitead
Drake			

GOVERNMENT OVERSIGHT – 9 Members

Lensing, Chair	Baudler	Olson, S.	Swaim
Ford*	Berry	Sorenson	Whitead
Watts**			

HUMAN RESOURCES – 21 Members

Smith, Chair	Forristall	Mascher	Steckman
Berry*	Heaton	Olson, T.	Thede
Miller, L.**	Heddens	Petersen	Upmeyer
Abdul-Samad	Hunter	Schulte	Wendt
Alons	Koester	Soderberg	Wessel-Kroeschell
Baudler			

JUDICIARY – 21 Members

Swaim, Chair	Helland	Mertz	Schultz
Palmer*	Horbach	Oldson.	Smith
Anderson**	Huser	Olson, R.	Struyk
Baudler	Kaufmann	Olson, T.	Wessel-Kroeschell
Ford	Lensing	Schulte	Willems
Heaton			

LABOR – 17 Members

Olson, R., Chair	Chambers	Huser	Tymeson
Willems*	Cownie	Kearns	Van Engelenhoven
Horbach**	Grassley	Mascher	Watts
Abdul-Samad	Hunter	Taylor	Winckler
Burt			

LOCAL GOVERNMENT – 21 Members

Gaskill, Chair	Deyoe	Kuhn	Tjepkes
Kressig*	Ford	Olson, D.	Van Engelenhoven
Wagner**	Grassley	Roberts	Whitead
Arnold	Huser	Schueller	Winckler
Burt	Isenhardt	Sorenson	Windschitl
Cohoon			

NATURAL RESOURCES – 21 Members

Bell, Chair	Ficken	May	Steckman
Beard*	Hanson	Mertz	Sweeney
Rayhons**	Huseman	Palmer	Thede
Arnold	Lykam	Running-Marquardt	Upmeyer
Baudler	Marek	Schultz	Whitead
Deyoe			

PUBLIC SAFETY – 21 Members

Lykam, Chair	Bukta	Kuhn	Reichert
Burt*	Hagenow	Lukan	Sands
Baudler**	Hanson	Olson, R.	Tjepkes
Alons	Heddens	Olson, S.	Whitead
Bell	Kressig	Rayhons	Worthan
Berry			

REBUILD IOWA AND DISASTER RECOVERY – 17 Members

Schueller, Chair	Helland	Kuhn	Sands
Berry *	Huser	Olson, T.	Sorenson
Grassley**	Jacoby	Pettengill	Taylor
Burt	Kaufmann	Running-Marquardt	Thomas
De Boef			

STATE GOVERNMENT – 21 Members

Mascher, Chair	Gaskill	Pettengill	Running-Marquardt
Beard*	Isenhardt	Quirk	Schulte
Struyk**	Kaufmann	Raecker	Taylor
Cohoon	Koester	Rants	Wendt
Drake	Lensing	Roberts	Willems
Frevert			

TRANSPORTATION – 21 Members

Quirk, Chair	Cphoon	Koester	Roberts
Kelley*	Gaskill	Lykam	Wagner
Tjepkes**	Hagenow	Marek	Wendt
Abdul-Samad	Hanson	May	Wenthe
Arnold	Huseman	Olson, D.	Worthan
Bell			

VETERANS AFFAIRS – 17

Zirkelbach, Chair	Bukta	Kearns	Thomas
Whitead*	Ficken	Mascher	Van Engelenhoven
Chambers**	Gayman	Rants	Watts
Alons	Isenhardt	Sweeney	Windschitl
Bailey			

WAYS AND MEANS – 25 Members

Shomshor, Chair	Grassley	Miller, L.	Struyk
Olson, T.*	Hagenow	Olson, D.	Thomas
Sands**	Helland	Petersen	Wagner
Bell	Isenhardt	Pettengill	Wendt
Bukta	Kaufmann	Reasoner	Willems
Forristall	Kelley	Steckman	Windschitl
Frevert			

ETHICS – 6 Members

Miller, H., Chair	Pettengill**	Raecker	
Olson, T.*	Palmer	Tymeson	

HOUSE APPROPRIATIONS SUBCOMMITTEES

ADMINISTRATION AND REGULATION – 9 Members

Hunter, Chair	Drake	Helland	Kelley
Reasoner*	Gaskill	Kearns	Wagner
Alons**			

AGRICULTURE AND NATURAL RESOURCES – 9 Members

Reichert, Chair	Beard	Mertz	Sweeney
Marek*	Grassley	Olson, D.	Tymeson
De Boef**			

ECONOMIC DEVELOPMENT – 9 Members

Kressig, Chair	Forristall	Schueller	Soderberg
Isenhardt*	Running-Marquardt	Schultz	Thomas
Cownie**			

EDUCATION – 9 Members

Winckler, Chair	Chambers	Frevert	May
Hanson*	Ficken	Koester	Wenthe
Dolecheck**			

HEALTH AND HUMAN SERVICES – 9 Members

Heddens, Chair	Miller, L.	Schulte	Smith
Thede*	Rayhons	Shomshor	Wessel-Kroeschell
Heaton**			

JUSTICE SYSTEMS – 9 Members

Taylor, Chair	Anderson	Olson, R.	Willems
Palmer*	Horbach	Tjepkes	Zirkelbach
Worthan**			

TRANSPORTATION, INFRASTRUCTURE AND CAPITALS – 9 Members

Cohoon, Chair	Burt	Lykam	Pettengill
Bailey*	Hagenow	Petersen	Sands
Huseman**			

* Vice Chair

** Ranking Member

On motion by McCarthy of Polk, the House was recessed at 10:57 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 1:33 p.m., Speaker Murphy in the chair.

HOUSE FILES 111 and 217 WITHDRAWN

Gaskill of Wapello asked and received unanimous consent to withdraw House Files 111 and 217 from further consideration by the House.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

AUDITOR OF STATE

Annual report concerning the Attorney General's Office reimbursements, pursuant to Chapters 22 and 139A, Code of Iowa.

Report of the review of targeted small business procurement activities, pursuant to Chapter 11.46, Code of Iowa.

BOARD OF PAROLE

Annual report of savings with the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

BOARD OF REGENTS

Annual report of the College Bound and IMAGES Programs, pursuant to Chapters 262.92, 261.101 and 262.93, Code of Iowa.

Annual reports on Patents and Licenses, Iowa Values Fund, and Progress of Regents Institutions on Tech Transfer, pursuant to Chapters 262B.3, 15G.111(2) and 2009 Iowa Acts, Chapter 176, Code of Iowa.

Annual report on the sale of the ISU Ankeny Experimental Farm and use of proceeds, pursuant to Chapter 266.39F, Code of Iowa.

Annual reports on the University of Iowa Hospitals and Clinics, pursuant to Chapter 263A.13, Code of Iowa.

FY 2009 Postsecondary Enrollment Program and Specific Expenditures, pursuant to Chapter 262.9(9), Code of Iowa.

Request for approval on proposals of the FY 2010 Grow Iowa Values Fund, pursuant to Chapter 15E, Code of Iowa.

DEPARTMENT OF ADMINISTRATIVE SERVICES

Affirmative Action and Diversity Plan, pursuant to Chapter 19B, Code of Iowa.

Annual report for FY 2009, pursuant to Chapter 7E.3.4, Code of Iowa.

Annual report of the Iowa Communications Network (ICN), pursuant to Chapters 8D.3(3)(g) and 8D.14, Code of Iowa.

Internal service funds report, pursuant to Chapter 8A.123(5), Code of Iowa.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Report on activities of the Iowa Commission on Volunteer Services, pursuant to Chapter 15H.2(2)(h), Code of Iowa.

DEPARTMENT OF EDUCATION
Iowa Autism Council

Annual report, pursuant to Chapter 256.35A(4), Code of Iowa.

Annual Condition of Education Report, pursuant to Chapter 256, Code of Iowa.

DEPARTMENT OF HUMAN RIGHTS

Annual report of usage of the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

DEPARTMENT OF HUMAN SERVICES
Child Support Recovery Unit

Report of the Deficit Reduction Act, pursuant to the 2009 Iowa Acts.

Report of Independent Living foster care program, pursuant to Chapter 234.35(4), Code of Iowa.

Annual report of child abuse to Juvenile Court Services, pursuant to 2009 Iowa Acts, section 17.

Annual report of savings through the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

Annual report on Community Health Centers, pursuant to Chapter 230A, Code of Iowa.

Iowa Medicaid annual DUR report, pursuant to Chapter 249A.24(3), Code of Iowa.

Report on the Lean government exchange with the Department of Management, Office of Lean Enterprise, pursuant to Chapter 7E, Code of Iowa.

Report of protocol for persons responsible for child care and child abuse, pursuant to Chapter 235A, Code of Iowa.

DEPARTMENT OF INSPECTIONS AND APPEALS

Annual report of usage with the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

DEPARTMENT OF JUSTICE

Annual report of the Prosecutor Intern Program, pursuant to Chapter 13.2(12), Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

Annual report of the 2008 Greenhouse Gas Emissions, pursuant to Chapter 455B.851, Code of Iowa.

Annual report of the Safe Drinking Water Act, pursuant to Chapter 466, Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

Annual report on electronic exchange of health information by health care providers, pursuant to Chapter 135.156, Code of Iowa.

DEPARTMENT OF PUBLIC SAFETY

Annual report, pursuant to Chapter 7E.3(4), Code of Iowa.

Annual report of savings with Iowa Communications Network (ICN) for FY 2009, pursuant to Chapter 8D.10, Code of Iowa.

DEPARTMENT OF REVENUE

Quarterly report of cost incurred, pursuant to Chapter 421.17(27)(h)(j), Code of Iowa.

DEPARTMENT OF TRANSPORTATION

Annual report of Improvement Program, pursuant to Chapter 7A.9, Code of Iowa.
Use of reversions report, pursuant to Chapter 307.46(2), Code of Iowa.

DEPARTMENT OF VETERANS AFFAIRS

Annual report for fiscal year 2009, pursuant to Chapter 1187(4), 2008 Iowa Acts.

Report of teleconferencing usage of the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

IOWA CIVIL RIGHTS COMMISSION

Annual report of usage with the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

IOWA COMMUNICATIONS NETWORK

Annual report, pursuant to Chapter 8D.14, Code of Iowa.

IOWA DIVISION OF BANKING

Iowa Communications Network (ICN) savings report, pursuant to Chapter 8D.10, Code of Iowa.

IOWA DIVISION OF CRIMINAL AND JUVENILE JUSTICE PLANNING

Annual report of compliance, pursuant to Chapter 223(a)(3)(D)(ii), Code of Iowa.

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

Annual report on non-usage of the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

IOWA FINANCE AUTHORITY

Report on the status of the State Housing Trust Fund, pursuant to 2006 Iowa Acts, Chapter 1185(49), Code of Iowa.

IOWA HIGHER EDUCATION LOAN AUTHORITY

Annual report, pursuant to Chapter 261A.21, Code of Iowa.

IOWA HOSPITAL ASSOCIATION

Report of IPERS reduced retirement waiting period for licensed health care professionals, pursuant to Chapter 97B.52A, Code of Iowa.

IOWA LAW ENFORCEMENT ACADEMY

Annual report of usage of the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Annual report, pursuant to 2006 Iowa Acts, Chapter 1092(7), Code of Iowa.

Annual report for fiscal year 2009, pursuant to Chapter 12F.5, Code of Iowa.

IOWA PUBLIC TELEVISION

Annual report of usage with the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

IOWA SCHOOLS JOINT INVESTMENT TRUST

Annual report, pursuant to Chapter 12b.10A(7), Code of Iowa.

IOWA UTILITIES BOARD

Annual report of renewable energy tax credit eligibility study, pursuant to Chapters 476B and 476C(8), Code of Iowa.

First report on small wind innovation zones, pursuant to chapter 476.48(1)(c), Code of Iowa.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 500 Administration and Rules

Relating to the deadline for requesting the drafting of bills by members and to requirements for consideration of amendments.

H.S.B. 501 Administration and Rules

Relating to session timetable changes.

H.S.B. 502 Administration and Rules

Relating to compensation payable by the General Assembly.

H.S.B. 503 Administration and Rules

Relating to admittance to the floor of the house, the issuance of certificates of recognition or condolence, and the requirements for consideration of amendments.

H.S.B. 504 Economic Growth

Relating to economic development including changes to the administration of certain economic development programs and to the terms served by members of the economic development board and including effective date provisions.

H.S.B. 505 Economic Growth

Establishing an Iowa innovation council in the department of economic development.

H.S.B. 506 Ethics

Relating to ethics laws by establishing disclosure requirements, providing jurisdictional authority, and allowing certain procedures in resolving ethics complaints.

H.S.B. 507 Human Resources

To allow therapeutically certified optometrists to supply therapeutic contact lenses.

H.S.B. 508 Human Resources

Relating to the diagnosis of substance-related disorders and problem gambling or pathological gambling disorders.

H.S.B. 509 Human Resources

Relating to the disclosure of disease information reported to a public health department.

H.S.B. 510 Human Resources

Relating to the provision of health benefit coverage for certain cancer treatment delivered pursuant to approved cancer clinical trials and including applicability provisions.

H.S.B. 511 Human Resources

Relating to benefit coverage for medication therapy management.

H.S.B. 512 Rebuild Iowa and Disaster Recovery

Relating to disclosure concerning the availability of flood insurance and sewer back-up insurance coverage and flood damage to property being transferred.

H.S.B. 513 Rebuild Iowa and Disaster Recovery

Relating to the distribution of moneys from the disaster aid individual assistance grant fund.

H.S.B. 526 Education

Delaying the establishment of the categorical state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions.

H.S.B. 527 Education

Relating to school improvement and the approval and revocation of charter schools, the establishment of innovation zone schools by consortia of school districts and area education agencies, and the implementation of interventions for persistently lowest-achieving schools.

H.S.B. 528 Education

Requiring a school district to spend down its unexpended general fund balance prior to levying additional property taxes.

H.S.B. 531 Education

Delaying the establishment of the state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions.

H.S.B. 544 Education

Relating to the school budget review committee by modifying its membership and by modifying the committee's duties related to school district unusual financial circumstances.

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

Committee Bill (Formerly House Study Bill 500), relating to the deadline for requesting the drafting of bills by members and to requirements for consideration of amendments.

Fiscal Note is not required.

Recommended **Do Pass** January 11, 2010.

Committee Bill (Formerly House Study Bill 501), relating to session timetable changes.

Fiscal Note is not required.

Recommended **Do Pass** January 11, 2010.

RESOLUTION FILED

HR 101, by Willems, a resolution urging ratification of the Comprehensive Nuclear Test Ban Treaty.

Laid over under **Rule 25**.

On motion by McCarthy of Polk the House adjourned at 1:36 p.m., until 9:00 a.m., Tuesday, January 12, 2010.

JOURNAL ADDENDUM

OATH OF OFFICE

The following oath of office was administered to Representative Curt Hanson of Jefferson County by Senator Becky Schmitz in Fairfield on September 21, 2009 and to Representative Kirsten Running-Marquardt of Linn County by Senator Robert Dvorsky in Cedar Rapids on January 6, 2010.

“I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I will faithfully discharge the duties of the office of Representative according to the best of my ability.”

CURT HANSON
KIRSTEN RUNNING-MARQUARDT

JOURNAL OF THE HOUSE

Second Calendar Day - Second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 12, 2010

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

Prayer was offered by Polly Bukta, Speaker Pro Tempore from Clinton County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Macki Ditch, the Speaker's Page from Anamosa.

The Journal of Monday, January 11, 2010 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 12, 2010, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 101, a concurrent resolution providing for a joint convention of the two houses of the 2010 session of the Eighty-third General Assembly be held on Tuesday, January 12, 2010, at 10:00 a.m. and that Governor Chester J. Culver be invited to deliver his condition of the state message at this joint convention.

Also, that the Senate has on January 12, 2010, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 102, a concurrent resolution providing for a joint convention of the two houses of the 2010 session of the Eighty-third General Assembly be held on Wednesday, January 13, 2010, at 10:00 a.m. and that Chief Justice Ternus be invited to present her message of the condition of the judicial branch at this joint convention.

MICHAEL E. MARSHALL, Secretary

PETITION FILED

The following petition was received and placed on file:

By Frevert of Palo Alto, from ninety-eight Iowa citizens favoring an Iowa marriage amendment.

INTRODUCTION OF BILLS

House File 2008, by Willems, a bill for an act relating to fees charged by the natural resource commission to stock private waters with fish.

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

House File 2009, by Willems, a bill for an act allowing the use of a leashed dog to retrieve a wounded deer and providing a penalty.

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

House File 2010, by Lukan, a bill for an act prohibiting state agencies from employing persons to perform certain lobbying activities and making penalties applicable.

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

House File 2011, by Hunter, a bill for an act relating to treatment procedures for dialysis units.

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

House File 2012, by Willems, a bill for an act directing each judicial district to establish a family law mediation program.

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

House File 2013, by Van Engelenhoven, a bill for an act providing for the repeal of provisions authorizing temporary licensure of interpreters and transliterators, and providing transition provisions.

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

House File 2014, by Zirkelbach, a bill for an act relating to the refund of certain licensure fees by the plumbing and mechanical systems board.

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

House File 2015, by Zirkelbach, a bill for an act creating a silver alert program for the identification and location of cognitively impaired persons who are confirmed missing.

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

House File 2016, by Zirkelbach, a bill for an act imposing an age restriction for motorcycle passengers and making a penalty applicable.

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

The House stood at ease at 9:09 a.m., until the fall of the gavel.

The House resumed session at 9:45 a.m., Speaker Murphy in the chair.

COMMITTEE TO NOTIFY THE SENATE

Wenthe of Fayette moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such committee Wenthe of Fayette, Running-Marquardt of Linn and Schulte of Linn.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Wenthe of Fayette, Chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention reported that the committee had performed its duty.

The report was accepted and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the Honorable body of the Senate.

The President was escorted to the Speaker's station, the Secretary to the Chief Clerk's desk and the members of the Senate were seated in the House chamber.

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 101, duly adopted, the joint convention was called to order at 9:47 a.m., President Kibbie presiding.

Senator Gronstal of Pottawattamie moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present.

The motion prevailed.

President Kibbie announced a quorum present and the joint convention duly organized.

Senator Gronstal of Pottawattamie moved that a committee of six, consisting of three members from the Senate and three members from the House of Representatives, be appointed to notify Governor Chester J. Culver that the joint convention was ready to receive him.

The motion prevailed and the President appointed as such committee Senators Stewart of Jackson, Dandekar of Linn and Noble of Polk, on the part of the Senate, and Representatives Kuhn of Floyd, Berry of Blackhawk and Sorenson of Warren, on the part of the House.

The House stood at ease at 9:49 a.m., until the fall of the gavel.

The House resumed session at 9:55 a.m., President Kibbie in the chair.

Secretary of State, Michael A. Mauro; Treasurer of State, Michael Fitzgerald; Secretary of Agriculture and Land Stewardship, Bill

Northey; State Auditor, David Vaudt and Attorney General, Tom Miller were escorted into the House chamber.

The House stood at ease at 9:57 a.m., until the fall of the gavel.

The House resumed session at 9:57 a.m., President Kibbie in the chair.

The Supreme Court Justice, the Justices of the Supreme Court, the Chief Judge and Judges of the Appellate Court were escorted into the House chamber.

Lieutenant Governor Patty Judge was escorted into the House chamber.

The Governor's wife, Mari Culver, their children Clare and John and the Governor's Aunt, Kay Baty were escorted into the House chamber.

Adjutant General Tim Orr, his wife and the Governor's guests were escorted into the chamber.

The committee waited upon Governor Chester J. Culver and escorted him to the Speaker's station.

President Kibbie presented Governor Chester J. Culver, who delivered the following condition of the state message:

A special welcome to Chief Justice Ternus, Members of The Court, fellow statewide elected officials, especially my capable and talented partner, Lt. Governor Judge.

Speaker Murphy, Leader McCarthy; President Kibbie, Leader Gronstal; Leaders Paulsen and McKinley, and Members of the General Assembly – thank you for this opportunity to address you this morning. It is my privilege to be here.

I'm happy to be with you this morning for this extraordinary 80-day session. There's much to do, and no time to waste.

We face some real challenges. Ones we did not create, but ones we will overcome.

On the one hand, we continue to recover from the natural disasters which are historic in their scope – the fourth worst natural disaster in our history.

Additionally, the ongoing national recession continues to affect every Iowa family, every Iowa business, and every aspect of our state government.

But, as Iowans, we continue to address these challenges head-on, with resilience, optimism, determination and good old-fashioned hard work.

We're also a people of great faith. A faith that teaches us, with God's help, all things are possible. With perseverance, there's nothing we can't endure, and that there's no challenge we can't overcome.

These are Iowa values we can all embrace, regardless of what part of the state we come from, our political views or our station in life.

You see, despite the obstacles that sometimes get in the way, Iowans continue to look forward, not backward. They believe, as I do, that the 21st Century will be "Iowa's Century."

For these reasons, I'm happy to report the Condition of the State is resilient, because the people of Iowa are resilient.

We have never stopped in our work for the people we have the honor to represent. For example, to address both of our statewide challenges, the double challenges related to the economy and natural disasters. You passed, and I signed, I-JOBS, our statewide infrastructure and job creation initiative.

A "yes" vote on I-JOBS was a "yes" vote for flood victims. A "yes" vote on "I-JOBS was a vote to rebuild our economy. A "yes" on I-JOBS was a vote for businesses and communities as they struggle across the state to get back on their feet.

So, I want to be very clear: I'm proud of the fact we've made the difficult decisions necessary to put our state on the road to recovery.

I'm proud of the fact that on my watch we've earned the highest possible bond rating for good fiscal management. I'm proud of the fact that we've balanced the budget three years in a row, without raising taxes on hardworking Iowans.

And speaking of the budget, some politicians and armchair quarterbacks appear to be confused about our current budget situation.

Well, let's end the confusion. Here are the facts. Today, the budget is balanced. And it has been balanced every single day that I've had the privilege to be Governor of this state. Additionally, because of our cost savings initiatives, the budget this morning is smaller than it was on the day I took office.

And this didn't happen, as you know, by accident. It happened because we made tough choices. We managed the budget responsibly and effectively.

Here are the ten steps that I've taken to successfully manage our state through the economic downturn.

First, starting in 2008, I cut spending 3 percent, froze state hiring, cut employee travel and reduced the state's health insurance costs by 20 million dollars.

In 2009, I instituted a Lean Government initiative, further cut spending by 10 percent. This saved a half a billion dollars.

In addition, I cut my own pay 10 percent, ordered state Department heads to do the same, and mandated that 3,500 non-contract employees in the executive branch take furlough days.

In addition, to further cut costs, I signed Executive Order Number 20 to improve efficiency, eliminate redundancies and identify wasteful spending. This order will save up to 140 million dollars next year, and nearly a half billion dollars over the next five years.

Then, we took a huge step. We successfully negotiated a cost and job-savings agreement with two of our state's largest unions: the State Police Officers and AFSCME. Fortunately, their members agreed to share in the sacrifice for the greater good. So, I want to salute Danny Homan of AFSCME and Mark Bowlin of SPOC, and their members, for these historic measures.

This demonstrates: when Iowans come to the table in good faith, we can meet our challenges.

Finally, we've done all of these things to balance the budget, while protecting our priorities. In renewable energy, workforce development, early childhood education, health care for our kids, and public safety.

But there is another priority we must always find time, and the money, to fund.

As you know, in the coming months thirty-five hundred men and women of the Iowa National Guard will be deployed to Afghanistan.

As the Commander in Chief of the Guard, it's my duty – both morally, and legally, to make sure these fighting Iowans are prepared for service. The 3,500 troops represent the largest single overseas deployment since World War II. So, we must give them every tool they need to complete their mission, and come home safely.

These brave men and women have earned our support. That's why I'm asking you to pass a supplemental appropriations bill early this session to restore some of the cuts to the Department of Public Defense.

No family better understands the importance of preparation and training than the Mills family of Altoona. Captain Tim Mills is now deployed in Iraq, and his wife Mary is with us today.

She's joined by Adjutant General Tim Orr, the leader of the Iowa Guard. So, please join me in thanking both of them and their families for their sacrifice and service.

Now, I want to talk about next year's budget.

The budget I will submit at the end of the month will be balanced. And it will reflect our values as Iowans. Here are my top legislative and budget priorities for the 2010 session.

Number one: my top priority is jobs.

Job creation and job retention are incredibly important. So, I'm asking you to fully fund community college job training, and to adequately fund the Department of Workforce Development during these challenging times. And, to create more 'green collar jobs' of the future, to fully fund the Iowa Power Fund.

In addition, to help create more jobs, invest further in our infrastructure, stimulate our economy, and continue our flood recovery efforts, I look forward to working with you to best allocate the remaining 100 million dollars of our I-JOBS initiative in FY '11.

Number two: I'm asking you to enact the remaining recommendations contained in my Government Efficiency Report. This will require legislative approval, and, it will allow us to save more than 200 million dollars next year, and a nearly billion dollars over the next five years.

These are common-sense ideas, which will allow us to streamline state government operations, offer early retirement or a 4-day workweek to some state employees, implement enterprise wide strategic purchasing, reduce the size of our vehicle fleet, and eliminate redundant and unnecessary information technology services.

Number three: Finding efficiencies in state government is only the first step. A major reorganization of state government needs to be the next. So, I believe it's time to rethink the way state government does business. Let me be clear. We're talking about real reform for the 21st Century. Not just short-term cost savings. This will also move us closer to the kind of smarter, more efficient government that is our goal, and that taxpayers deserve. So, I look forward to getting this done this session.

Fourth: Last session, you passed and I signed recovery assistance that offered both immediate and long term help for Iowans affected by the floods. This included funding for the Rebuild Iowa Office, which, thanks to Lieutenant General Ron Dardis' leadership, was recently recognized as being a national model for effective flood recovery. So, I am asking you to fully fund, once again, the Rebuild Iowa Office next year.

Here's why: the office has helped us successfully secure over 3.6 billion dollars in state and federal money to help Iowans rebuild from the devastation of the storms and tornados. And, our efforts are working. For example, 3000 Iowans who lost their homes, are now guaranteed the funds necessary to buy a new one.

Finally, I hope we can work together to commit a significant portion of the remaining I-JOBS funding specifically for flood recovery projects statewide.

Fifth, I respectfully ask you to explore every option available, including transferring money from the road fund to ensure we adequately fund the Iowa State Patrol and the Department of Public Safety. We've done it before, and I believe we can do it again.

Six, as you know, in an effort to save taxpayer money, and increase transparency, we have recently completed a thorough review of all tax credits in Iowa. Last week, the Tax Credit Review Panel issued their report. I ask you to act on their recommendations, and do all you can to make these credits work exactly as intended.

Number seven: let's talk about honoring our most important responsibility as Iowans. That is, our duty as parents, and as shepherds of our children's future.

And speaking of children, my two wonderful kids, John and Clare, are here with us this morning, along with the First Lady, and I would ask that you welcome them to the Chamber.

You know, I'm proud of the fact that, working together, we've made a long-term investment in the health and education of all children. Just think: in the last three years, because of it, we have extended health insurance coverage to 52,000 kids. This investment now makes Iowa number one in the nation when it comes to insuring children. Together, we must continue this investment.

Additionally, we must also continue to expand access to early childhood education. To date, we have helped more than 12,000 kids in 175 school districts get a quality preschool education. So, my budget request will include the last installment of our four-year, 60 million dollar commitment to preschool.

Number eight: in order to ensure all Iowa children can compete in this new global economy, today I ask you to quickly pass legislation required to allow Iowa to compete for federal Race To The Top funds.

Iowa stands to receive up to 175 million dollars. This will allow us be more innovative in the classroom, build the education infrastructure our students need, turn around underperforming schools and allow more parental choice. Let's make sure Iowa doesn't miss out on this great opportunity for our students. Let's make sure Iowa remains on the cutting edge in education reform.

Nine: I am asking you to pass legislation that requires school districts to spend down a portion of their cash reserves instead of shifting the burden to local property taxpayers.

Number ten: as Governor, and as a former teacher, my commitment to education transcends even our most difficult budget challenges. So, in my budget, I will fully fund two percent allowable growth for our public schools – that's right: we're not only going to set it, we're going to fund it this session.

And, on top of that, I will be asking you to dedicate at least 100 million dollars from the reserves to restore some of the recent cuts. This will be a real short-term shot in the arm for some of our schools, especially in rural districts, which are already cash-strapped, with depleted reserves.

Additionally, I want us to do all we can to support our community colleges, private colleges and Regents' Institutions. We have some of the best in the country, and they've also earned our support. And speaking of best in the country, wasn't it great for Iowa and Iowa State to win those bowl games this year? These are some very talented student-athletes, and I congratulate the coaches, the players, their fans for all their work – it was a great year for our state.

I also want to welcome President Greg Geoffroy from Iowa State, David Miles and Bonnie Campbell from the Board of Regents, and thank them for their service to our state.

So, as you can see we have a lot of ground to cover in a short period of time this session. But as I've said, nothing we do here is more important than doing our part to help create and retain good paying, private sector jobs.

And speaking of jobs, now, I want to recognize and thank those of you who had the courage and foresight to stand up and join me in passing our Iowa jobs and infrastructure initiative last session.

Let's remember what the I-JOBS bill included, and why Iowans support it.

The I-JOBS bill is fair and equitable – every county in the state receives funds which local leaders can dedicate to high priority infrastructure projects of their own choice.

And the process of getting the funds to each of our 99 counties is transparent, and merit-based. The bipartisan board is comprised of Iowans who have volunteered their time and expertise with one goal in mind – to award I-JOBS funds according to the letter and spirit of the law. Because in Iowa, we don't use public funds to build bridges to nowhere.

We also have a little bit of history here. Past administrations – including most recently, Governors Branstad and Vilsack – have used Constitutional authority to bond for capital investments. But I-JOBS is an investment in Iowa's future, which is unprecedented in its scope.

And I-JOBS bonds will be paid back at a historically low interest rate – through gaming revenue – and not by raising taxes.

And, not one penny of I-JOBS funds will be used for state operating costs. In other words, we're not bonding to pay our bills.

In the short term, I-JOBS is creating jobs. But in the long term, it will strengthen our economy, and allow us to speed up our flood recovery efforts.

We have made a major investment through I-JOBS, to modernize our entire state infrastructure, improve our rail, road and bridge systems, rebuild from the worst floods in Iowa history, improve water quality and protect our state and our communities from future disasters.

Additionally, it will allow us to invest in our renewable energy and telecommunications network across the state.

Through I-JOBS, we've kept our promise to the men and women who served in the military, by expanding and renovating the Iowa Veterans' Home in Marshalltown. When the renovation is complete, we will have the nicest, most advanced veterans' home in America, and our veterans deserve it.

And here are some more examples of what I-JOBS means for Iowans. In Linn and Louisa Counties – some of our hardest hit areas – there are currently 54 I-JOBS projects underway, for a total investment of nearly 95 million dollars.

In Butler County, where Parkersburg is located, and where the F-5 tornado devastated that community, there are 14 I-JOBS projects, at close to 3 million dollars.

The list is long. As I've said, every single county will benefit from I-JOBS.

We have now approved more than 1,400 projects, invested more than 530 million dollars statewide.

These things matter. Just ask the people impacted by the floods. Ask the people of Charles City and Elkader, who will have new fire stations as a result, to replace the two that were destroyed by the floods. Or, the people of Fort Dodge and Perry, whose community colleges will be renovated.

Finally, the 100 million dollars we set aside for flood recovery allowed the University to leverage three quarters of a billion dollars in federal funds, to rebuild Hancher Auditorium and eleven other buildings on campus.

So, we're literally rebuilding our state, and our economy at the same time. And, this focus on building for the long haul is now paying big dividends.

We now have the 8th fastest growing economy in the United States. We were recently recognized as being the 4th best place in America to do business - up from number nine last year. And Iowa is now number one in terms of low cost of doing business of any of the fifty states.

There's more. Two weeks ago, according to MarketWatch, Des Moines was named the number one city in America to do business.

These aren't just statistics - they are tools which will help us continue to attract good-paying jobs to Iowa, and encourage existing companies to expand.

As an example, I am proud of the fact that we have been able to bring to Iowa nearly 3,500 new good-paying jobs at companies like Google in Council Bluffs, Aviva in West Des Moines and IBM in Dubuque.

These exciting projects are just the tip of the iceberg: Since 2007, private industry has brought more than 7 billion dollars in new capital investment to Iowa.

Our business climate - even during this difficult recession - continues to outperform our neighbors, putting us on a clear path to recovery.

So, in an effort to make sure we continue to do all we can to keep Iowa moving forward, and to prepare our state for a bright economic future, I will be joining the Lt. Governor to embark on an Iowa jobs tour, to help build a better economic future.

And speaking of the future, let's talk about building the green-collar economy of tomorrow.

Today, there are more than 8,000 new, green jobs in Iowa. And, through the Power Fund, we've now invested in 26 exciting research and development projects, in places like Ames and Shenandoah. These second and third generation renewable energy projects will help us secure our energy future. They've also attracted more than 200

million dollars in private capital because of the interest in so many of these breakthrough technologies.

So, the Power Fund is allowing us to fast become the silicon prairie of the Midwest and the renewable energy capital of the United States. We are now generating 15 percent of all of our power from renewable sources. And, in just a few short years, Iowa will become one of the only states to be a net exporter of energy.

In closing, I believe we should never lose sight of the fact that everything we do here is about real people. Those people are counting on us every day to help, especially now.

As I've said, the people of our state are resilient. Let me give you two very powerful examples of Iowans overcoming adversity.

Charlene Shurtz is one of too many people in Cedar Rapids who lost everything in the floods. She had six feet of water in her home, and it was a total loss. But now, I'm happy to report that she is one of 3,000 Iowans eligible for a home buyout, which means soon, Charlene will be in her new home, where she belongs.

And Cyndi Ecker. Cyndi is a small business owner from Waverly. Her life changed forever in June of 2008 when the floods destroyed her floral business. I'm happy to report, she's back in business. She is one of more than a thousand small business owners who benefitted from our successful Jumpstart Iowa business program.

Charlene and Cyndi are with us today. Will you please join me in recognizing them, in the chamber?

What have we learned from these resilient Iowans? We've learned that the spirit of Iowans is unbroken, regardless of the adversity we may face.

So, as we enter a new decade, approach a new session and craft a new budget, we face fundamental choices, in spite of some real challenges which remain.

Will we move this state forward by reforming and reorganizing government?

Will we continue to be a leader in renewable energy, and green collar job creation, and stay on the path to recovery?

Will we continue to make investments in our kids, by expanding access to health insurance, and adequately fund education at all levels?

Will we fight for the men and women who wear the uniform of the United States military?

Finally, will we finish our work and overcome the devastation from the floods and tornadoes, and rebuild a stronger, greener, more sustainable state?

Well, I believe history tells us time and time again that the Iowa way, and the American way, is that when we are faced with great adversity and challenges, we meet them with bold, decisive action.

So, this is no time for fear, or partisanship and inaction. Instead, let's finish what we started, unafraid of tomorrow and inspired by its possibility. I will do my part, and I look forward to working with the House and Senate leadership, and all of the members. Good luck in the days ahead, as we embrace the future, making this "Iowa's Century" – with an unwavering faith that our best days are ahead of us.

Thank you and God bless.

Governor Chester J. Culver was escorted from the House chamber by the committee previously appointed.

On motion by McCarthy of Polk, the joint convention was dissolved at 10:45 a.m.

On motion by McCarthy of Polk, the House was recessed at 11:00 a.m., until the conclusion of the committees meetings today.

EVENING SESSION

The House reconvened at 8:06 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILLS

House Joint Resolution 2001, by Reasoner, a joint resolution proposing an amendment to the Constitution of the State of Iowa defining a valid and recognized marriage in the state.

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

House File 2017, by Zirkelbach, a bill for an act requiring certain canoes and kayaks to be registered and providing penalties.

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

House File 2018, by Petersen, a bill for an act requiring coverage for immunizations for influenza that are administered at any location and providing an applicability date.

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

House File 2019, by Gaskill, a bill for an act relating to the regulation of lobbyists engaged in lobbying activities before the general assembly.

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

House File 2020, by Abdul-Samad and Hanson, a bill for an act relating to text messaging and the use of cellular telephones by motor vehicle operators and providing a penalty.

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

House File 2021, by Tjepkes, a bill for an act classifying text messaging while driving as reckless driving and making penalties applicable.

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

House File 2022, by Zirkelbach, a bill for an act relating to earned time accrual by an inmate at a correctional institution of the department of corrections.

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

House File 2023, by Zirkelbach, a bill for an act relating to placement of certain inmates on work release.

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

House File 2024, by Steckman, a bill for an act providing for restitution for Medicaid expenditures.

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

House File 2025, by Hunter, a bill for an act relating to patient information concerning dialysis treatments.

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

House File 2026, by Baudler, a bill for an act relating to the sale of a pseudoephedrine product at a pharmacy, and providing for penalties.

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

House File 2027, by Steckman, a bill for an act concerning the sales and use tax imposed on the operation of bingo games.

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

House File 2028, by Zirkelbach, a bill for an act relating to the description of the great seal of the state of Iowa.

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

House File 2029, by Zirkelbach, a bill for an act concerning bona fide retirement rules under the Iowa public employees retirement system.

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

House File 2030, by committee on education, a bill for an act relating to the school budget review committee by modifying its membership and by modifying the committee's duties related to school district unusual financial circumstances.

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

House File 2031, by committee on education, a bill for an act delaying the establishment of the categorical state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions.

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

House File 2032, by committee on education, a bill for an act delaying the establishment of the state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions.

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

House File 2033, by committee on education, a bill for an act relating to school improvement and the approval and revocation of charter schools, the establishment of innovation zone schools by consortia of school districts and area education agencies, and the implementation of interventions for persistently lowest-achieving schools.

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

HOUSE FILE 823 REREFERRED

The Speaker announced that House File 823, previously referred to committee on **ways and means** was rereferred to committee on **environmental protection**.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF REVENUE

Report of appropriations from the Rebuild Iowa Infrastructure Fund for ongoing projects, pursuant to Chapter 8.57(6)(h), Code of Iowa.

IOWA VETERANS HOME

Annual report of usage on the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM OF IOWA

Annual report of investment with any company or business doing business in or with the country of Sudan, pursuant to Chapter 12F.5, Code of Iowa.

OFFICE OF CITIZENS' AIDE/OMBUDSMAN

2008 annual report, pursuant to Chapter 2C, Code of Iowa.

OFFICE OF DRUG CONTROL POLICY

Annual report, pursuant to Chapter 126, Code of Iowa.

OFFICE OF ENERGY INDEPENDENCE

Annual report, pursuant to Chapter 469.3J, Code of Iowa.

STATE LIBRARY OF IOWA

Annual report of Iowa Communications Network (ICN) usage, pursuant to Chapter 8D.10, Code of Iowa.

TREASURER OF STATE

Annual report for fiscal year 2009, pursuant to Chapter 12F, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 3 Reassigned

State Government: Lensing, Chair; Drake and Isenhart.

House Joint Resolution 5

State Government: Lensing, Chair; Isenhart and Kaufmann.

House Joint Resolution 6

State Government: Lensing, Chair; Kaufmann and Mascher.

House File 2001

Education: Winckler, Chair; Bukta and Koester.

House File 2007

State Government: Quirk, Chair; Struyk and Wendt.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 504

Economic Growth: Thomas, Chair; Forristall and Marek.

House Study Bill 505

Economic Growth: Thomas, Chair; Forristall and Wenthe.

House Study Bill 526

Education: Wendt, Chair; Chambers and Steckman.

House Study Bill 527

Education: Wendt, Chair; Ficken and May.

House Study Bill 528

Education: Ficken, Chair; Tymeson and Wendt.

House Study Bill 531

Education: Wendt, Chair; Chambers and Steckman.

House Study Bill 544

Education: Ficken, Chair; Tymeson and Wendt.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 514 Human Resources**

Requiring criminal history and abuse registry checks for certified nurse aide training program students and providing a penalty.

H.S.B. 515 Human Resources

Relating to transfer of assets provisions under the medical assistance program.

H.S.B. 516 Human Resources

Authorizing the continuing expenditure of repayment receipts for lead training and certification collection by the department of public health and including effective date and applicability provisions.

H.S.B. 517 Human Resources

Relating to health-related activities and regulation by the department of public health, and making penalties applicable.

H.S.B. 518 Human Resources

Creating the local public health governance Act, and providing penalties.

H.S.B. 519 Human Resources

Relating to the organization and duties of the state board of health.

H.S.B. 520 Human Resources

Relating to emergency medical care providers, emergency medical care service programs and emergency medical care services training programs, and providing penalties.

H.S.B. 521 Commerce

Relating to certain residential real estate contracts and Iowa's consumer fraud Act and making penalties applicable.

H.S.B. 522 Commerce

Updating references to the federal Truth in Lending Act.

H.S.B. 523 Commerce

Relating to the consumer credit code by increasing dollar amount limitations for transactions governed by the consumer credit code, establishing an exemption from the definition of a consumer loan for specified debts secured by real property, and modifying filing fees and a penalty for creditors and debt collectors.

H.S.B. 524 Commerce

Providing notification to the department of workforce development by the secretary of state when certain business entities apply for reinstatement after dissolution to ensure certain tax obligations have been fulfilled.

H.S.B. 525 Commerce

Relating to artisan's liens and Iowa's consumer frauds Act and private right of action for consumer frauds Act and making penalties applicable.

H.S.B. 529 Commerce

Relating to restrictions for drug product selection relative to antiepileptic drugs.

H.S.B. 530 Commerce

Requiring health benefit coverage for certain cancer treatment delivered pursuant to approved cancer clinical trials and providing an applicability date.

H.S.B. 532 State Government

Relating to the provision of services through Iowa communications network connection facilities under specified circumstances.

H.S.B. 533 State Government

Relating to ethics regulations for the executive branch, legislative branch, and local officials and employees.

H.S.B. 534 State Government

Requiring certain campaign finance statements and reports to be filed in an electronic format.

H.S.B. 535 State Government

Concerning the administration of the Iowa public employees' retirement system.

H.S.B. 536 State Government

Relating to the practice of accounting and to the organization and operation of the licensing boards included within the professional licensure and regulation bureau of the banking division in the department of commerce.

H.S.B. 537 State Government

Concerning bona fide retirement requirements under the Iowa public employees' retirement system and including effective date and retroactive applicability provisions.

H.S.B. 538 Veterans Affairs

Relating to unemployment insurance benefits for spouses who leave employment to accompany a spouse on a military assignment.

H.S.B. 539 Veterans Affairs

Requiring the department of veterans affairs to promote and support the preservation of the U.S.S. Iowa as a naval museum.

H.S.B. 540 Veterans Affairs

Exempting from the computation of the state individual income tax certain amounts received from the veterans trust fund and including a retroactive applicability provision.

H.S.B. 541 Public Safety

Relating to detainees lodged against parolees in this state.

H.S.B. 542 Public Safety

Relating to activities of the department of public safety including regulating the storage of flammable and combustible liquids in aboveground storage tanks and retaining fees.

H.S.B. 543 Public Safety

Relating to the violator facility established within the department of corrections.

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 EDUCATION

Committee Bill (Formerly House Study Bill 526), delaying the establishment of the categorical state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** January 12, 2010.

Committee Bill (Formerly House Study Bill 527), relating to school improvement and the approval and revocation of charter schools, the establishment of innovation zone schools by consortia of school districts and area education agencies, and the implementation of interventions for persistently lowest-achieving schools.

Fiscal Note is not required.

Recommended **Do Pass** January 12, 2010.

Committee Bill (Formerly House Study Bill 531), delaying the establishment of the state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** January 12, 2010.

Committee Bill (Formerly House Study Bill 544), relating to the school budget review committee by modifying its membership and by modifying the committee's duties related to school district unusual financial circumstances.

Fiscal Note is not required.

Recommended **Do Pass** January 12, 2010.

RESOLUTIONS FILED

HCR 103, by committee on administration and rules, a concurrent resolution amending the joint rules of the Senate and House of Representatives relating to session timetable changes.

Placed on the **calendar**.

HR 102, by committee on administration and rules, a resolution amending the permanent rules of the House of Representatives relating to the deadline for requesting the drafting of bills by members and to requirements for consideration of amendments.

Placed on the **calendar**.

On motion by McCarthy of Polk the House adjourned at 8:10 p.m., until 9:00 a.m., Wednesday, January 13, 2010.

JOURNAL OF THE HOUSE

Third Calendar Day - Third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 13, 2010

The House met pursuant to adjournment at 9:08 a.m., Speaker Murphy in the chair.

Prayer was offered by Jim Obradovich, Deacon at Holy Trinity Catholic Church, Des Moines. He was the guest of Majority Leader, McCarthy of Polk.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Samantha Pearson, the Majority Leader's Page from Baxter.

The Journal of Tuesday, January 12, 2010 was approved.

PETITION FILED

The following petition was received and placed on file:

By Murphy of Dubuque, from eighteen thousand, twenty-six citizens opposing any attempts to amend the constitution to overturn the Supreme Court's unanimous decision allowing gay and lesbian couples to marry.

INTRODUCTION OF BILLS

House File 2034, by Abdul-Samad, a bill for an act prohibiting the imposition by a dental plan of fee schedules for the provision of dental services that are not covered by the plan.

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

House File 2035, by Bell, a bill for an act relating to the license or authorization issued to a person who qualifies as a driver education instructor.

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

House File 2036, by Abdul-Samad, a bill for an act relating to the services that may be provided by a registered dental assistant.

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

House File 2037, by Zirkelbach, a bill for an act concerning the purchasing of raffle tickets.

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

House File 2038, by Isenhart, a bill for an act relating to Iowa's landlord and tenant law by amending requirements for rental deposits, providing for the imposition of punitive damages, and including applicability provisions.

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

House File 2039, by May, a bill for an act relating to an appropriation from the rebuild Iowa infrastructure fund to the department of natural resources for the restoration and renovation of a historical shelter.

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

House File 2040, by Steckman, a bill for an act relating to the use of certain regular physical plant and equipment levy funds and including effective date provisions.

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

The House stood at ease at 9:13 a.m., until the fall of the gavel.

The House reconvened at 9:46 a.m., Speaker Murphy in the chair.

COMMITTEE TO NOTIFY THE SENATE

Mascher moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such committee the following: Mascher of Johnson, Chair; Hanson of Jefferson and Helland of Polk.

The House stood at ease at 9:47 a.m., until the fall of the gavel.

The House resumed session at 9:55 a.m., Speaker Murphy in the chair.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Mascher of Johnson, Chair of the committee to notify the Senate that the House was ready to receive it in joint convention, reported that it had performed its duty.

The report was accepted and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station, the Secretary to the Chief Clerk's desk and the members of the Senate were seated in the House chamber.

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 102, duly adopted, the joint convention was called to order at 9:57 a.m., President Kibbie presiding.

Senator Gronstal of Pottawattamie moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present.

The motion prevailed.

Senator Gronstal of Pottawattamie moved that a committee of six consisting of three members from the Senate and three members from the House of Representatives be appointed to escort Governor Chester J. Culver to the House chamber for the Condition of the Judicial Branch Message.

The motion prevailed and the President appointed as such committee Senators Horn of Linn, Courtney of Des Moines and Hartsuch of Scott, on the part of the Senate, and Representatives

Schueller of Jackson, Thede of Scott and Hagenow of Polk, on the part of the House.

Senator Gronstal of Pottawattamie moved that a committee of six consisting of three members from the Senate and three members from the House of Representatives be appointed to notify Chief Justice Marsha K. Ternus that the joint convention was ready to receive her.

The motion prevailed and the President appointed as such committee Senators Hancock of Dubuque, Fraise of Lee and Bartz of Worth, on the part of the Senate, and Representatives Swaim of Davis, T. Olson of Linn and Anderson of Page, on the part of the House.

Secretary of State, Michael A. Mauro; Treasurer of State, Michael Fitzgerald; Secretary of Agriculture and Land Stewardship, Bill Northey; State Auditor David Vaudt; and Attorney General Tom Miller were escorted into the House chamber.

The Justices of the Supreme Court, the Chief Judge and Chief Judges of the Court of Appeals and the Chief Judges of the state's judicial districts were escorted into the House chamber.

Lieutenant Governor Patty Judge was escorted into the House chamber.

The committee waited upon Governor Chester J. Culver and escorted him into the House chamber.

The committee waited upon Chief Justice Marsha K. Ternus who delivered the following Condition of the Judicial Branch Message:

Thank you for this opportunity to speak with you about the delivery of justice in Iowa.

Over the last six months, the members of the court and I have traveled around the state to talk with Iowans about the condition of the court system. We have visited with lawyers, local officials, judges, and other community members, in both rural and urban counties. We have listened to their concerns. They have many concerns — and significant ones — about the impact the budget cuts have had on the operation of the court system. However, their overarching concern is reduced access to justice and its effect on individual Iowans and their communities. Today, I speak to you with their concerns, their voices clearly in mind.

Our common concern for justice is why we gather here this morning. Justice is not an optional government service. Justice is “a constitutional imperative.” As Alexander

Hamilton, one of the founders of our government and one of the authors of *The Federalist*, observed: "Justice is the end of government" and it is "the first duty of society." Two centuries later, Hamilton's conclusions still ring true. Justice is the glue that holds our diverse society together. For these reasons, justice is not only the common obligation of all three branches of government; justice is our primary obligation.

The general theme of my previous reports has been that the state of the judiciary is good. This year, however, I cannot give a favorable report. The budget cuts of the past decade have taken a heavy toll on the ability of the judicial branch to fulfill its constitutional mission. Consequently, the ability of Iowans to receive the court services the Constitution affords them has been reduced, and justice hangs in the balance.

Condition of the Courts

Although we are a co-equal, independent branch of government, we know our separate powers do not shield the courts from sacrifice in times of fiscal crisis. In fact, we have reduced our operating expenses time and time again in response to the state's financial problems. In the last decade alone, we cut the cost of operating the state court system five times — and each time the cuts were deep.

Unlike many state agencies and the regents, the judicial branch has no pass-through funds, no programs to cut, and no reserve funds to tap. Nearly all of our operating costs are for people — employees and judges who are the life blood of the court system — so when we cut our budget, we must cut our workforce. Since FY 2002 our staffing levels have plummeted 17%. Last year alone, we cut our workforce by almost 11%. In addition, we are holding open judicial vacancies. These unfilled judicial positions come at a time when the judicial workload formula shows that the state is already twenty-one judges short of caseload demands.

What is the result of our ten years of downsizing? Today, Iowa's court system operates with a smaller workforce than it had in 1987, the year the state assumed full funding for the court system. Yet over the same period, the number of cases filed in our courts, excluding simple misdemeanors and scheduled violations, has increased by 66%. You heard that right: after twenty-two years, we have fewer people to handle a 66% increase in the most serious and time-consuming cases on our docket.

For years, we have managed the growing imbalance between resources and workload remarkably well without too many serious problems rising to the surface. Under the current circumstances, however, we can no longer insulate Iowans from the consequences of inadequately funded courts; we must ration access to justice.

What does this sad state of affairs mean for Iowans? It means their primary point of access to justice, the clerk of court office, is open part time. It means they will lose valuable services such as assistance completing pro se forms for small claims, dissolution of marriage, and mental health commitments. It means Iowans will encounter delays in important services such as the processing of child support checks and docketing liens. It means citizens will wait longer for hearings and trials and will have to settle for assembly-line justice. It means pressures to plea bargain will increase. It means that some matters like distribution of court orders and arrest warrant checks will be vulnerable to mistakes or will fall between the cracks. While we are doing everything in our power to minimize these problems, we simply do not have

the staff to prevent them. We are deeply concerned about the effect these problems will have, not only on litigants and others dependent on court services, but also on the safety of our communities.

Stop Gap Measures

To cope with our reduced funding, we have implemented measures that will allow the courts to function as well as possible in the short term. We continue to operate a clerk of court office in each county, although all offices operate with reduced public hours and some operate only a few days a week. We continue to send judges to every county on a regular basis, and to assign one judge to one child or one family in child welfare cases, although more cuts may force us to discontinue these services.

In addition, cases and duties have been ranked in order of priority to ensure that we concentrate our limited resources on high priority cases. Priority cases are cases that involve a constitutional mandate that necessitates timely adjudication, as well as cases that involve the health, safety, and well-being of vulnerable citizens. For example, criminal cases, mental health commitments, and cases involving the welfare of children are high priorities. Of course by concentrating our resources on these priority cases, litigants in non priority cases will see longer delays. Non priority cases that will be delayed include important matters such as foreclosures, divorces not involving children, debt collection actions, personal injury lawsuits, property disputes, probate matters, and judicial review of administrative agency actions such as workers compensation and unemployment compensation cases.

We are confident that our judges and court staff will, as always, do all they can to enable the judicial branch to fulfill its important mission. It is due to their tireless efforts and admirable work ethic that we have coped as well as we have with dwindling resources. However, even the most productive person can do only so much in a day. We must acknowledge the fact that without restoration of the resources we have lost, we cannot provide the access to justice that Iowans need, and our ability to provide criminal justice consistent with constitutional requirements is in jeopardy.

Maintain the Delivery of Justice

We appreciate the scope and magnitude of the state's fiscal difficulties. In recognition of this grim reality, the judicial branch submitted a status quo budget request for FY 2011. We did so even though a status quo budget means we must continue to ration access to justice. As leaders of the state's justice system, we would be irresponsible to downplay the importance of access to justice and to disregard the dangers of underfunded courts. We urge you to provide the funds we need to maintain access to justice at the current level. There are many important reasons to do so.

Let's start with the most important reason: the administration of justice is not an optional service. It is "a constitutional imperative." There are some things that only government can do and these things it must do well. Administering justice under the law equally to all people is a function that only government can fulfill. The determination of guilt and innocence, property rights and parental rights, and legal privileges and power are judgments only government can make. In short, providing access to justice is an indispensable function of government. Indeed, the long-term stability of our democracy hinges on the ability of each branch of government to effectively carry out its constitutional responsibilities, a delicate balance that is jeopardized when one branch is underfunded.

Another reason to maintain access to justice at the current level is that during bad economic times, Iowans need the courts more than ever. As a chief justice from another state has aptly observed about the state courts: “We have become the emergency room for society’s worst ailments.” Consider the kinds of cases that have seen significant growth in numbers just over the past two years:

- Mortgage foreclosures are up 34%
- Debt collection cases are up 21%
- Petitions for domestic violence protective orders are up 15%
- Adult commitments for substance abuse or mental health problems are up 16%
- Juvenile commitments for substance abuse or mental health problems are up 76%. As these figures demonstrate, this is the worst possible time for the people of Iowa to have less access to justice

I cannot emphasize enough the serious consequences the budget cuts have on vulnerable and troubled children and on young adults in particular. Recent budget cuts have undermined our ability to monitor troubled youth, identify their needs in a timely manner, and provide the services they require. As you know, we have a small window of opportunity to help these children and young adults. Society pays a high price when we squander that opportunity. When we fail to effectively address their problems early on, we greatly increase the odds these children will end up in the adult correctional and mental health systems. If that happens, not only will we have failed to provide these children with the tools they need to become productive members of society, we will have put the safety of our communities at risk. We cannot allow our vulnerable youth to become casualties of this fiscal crisis.

It would be easy for you to respond that there is nothing you can do; the state’s financial situation has never been worse, and every part of government must contribute. But I suggest that the judicial branch has already contributed more than its fair share over the years. The consequences of cut, after cut, after cut now far outweigh the money to be saved. After a decade of downsizing, the time has come to hold the line.

Let me first note that additional cuts in the judicial branch budget will do little to fix the state’s looming shortfall. The judicial branch budget represents a tiny fraction — only 3% — of the state budget. We are frequently reminded these days that small amounts add up to real savings. But consider this: small cuts can result in real problems. Even a small reduction in the judicial branch budget will have noticeable and dire consequences on the delivery of justice to Iowans who need court services.

Ironically, underfunding the judicial system is counterproductive to economic recovery because a well-funded court system contributes to the economic well-being of our communities. Besides the obvious impact caused by layoffs of state employees, which harm local communities, cuts in court budgets impact the business community at large. Case delays add to the cost of doing business and create uncertainties for businesses, making them less likely to invest and expand. Recent studies in California and Florida confirm the economic fallout of cutbacks in court services in those states. There is no reason to believe Iowa is immune from such consequences.

Here's another reason to hold the line on court funding. Budget cuts impact court services disproportionately, in large part as a consequence of the cumulative effects of past budget cuts. The judicial branch workforce, unlike the workforce of other government entities, did not bounce back from the cuts imposed earlier in the decade. As you know, most state offices and departments cut personnel in FY 2002. That year, we cut our workforce by 9%. Seven years later, in 2009, before our last round of budget cuts, our workforce was still 7% lower than it was in FY 2002. In contrast, for example, by FY 2009 the executive branch had regained the staffing level it had before the FY 2002 cuts, and the regents had increased its staffing level by 8%. So when this latest financial crisis hit, the playing field was already out of balance.

This imbalance is readily seen in the last round of budget cuts. Notwithstanding the budget reductions implemented by the governor in the executive branch, the delivery of justice was still hit disproportionately harder than most other sectors of government. Our workforce represents only 4% of state government's entire workforce. Yet, our latest workforce reduction, which included the elimination of vacant positions and layoffs, amounted to approximately 23% of the entire state's workforce reduction. Focusing just on layoffs, the judicial branch laid off 110 employees, more than any other entity in state government. On top of our workforce reduction, we have imposed ten days of unpaid leave on all judicial officers and court employees. While employees of other state entities are taking unpaid leave, most are taking far less than ten days, and many are taking none at all.

Here's the bottom line: This past decade, budget cuts have hit court services harder than other state functions. More budget cuts will severely diminish Iowans' access to justice and jeopardize our ability to fulfill our constitutional responsibilities.

We, like you, value the level and quality of justice we have in this state. We, like you, want to avoid any further erosion of access to justice and its ripple effect on our citizens and communities. We pledge to work closely with you and the governor to find solutions that will prevent the further decline of Iowa's court system.

Funding Solutions

Last year, as in previous times of fiscal duress, we worked with you to raise court fees as a way to avoid or minimize budget cuts. We are open to discussions about raising court fees again so long as we raise fees that do not further impair access to justice. We have already identified a list of fees that meet this requirement, which we will provide to you. We also highly recommend that litigants and other court users realize the full benefit of the revenue raised from such fees.

3 R's: Retooling, Redesigning, Restructuring

Earlier, I reviewed some of the stop gap measures we have taken to maintain the delivery of justice. I must inform you, however, that these measures do not ensure the same level of access we have provided in the past. Plainly put, it is unrealistic to expect the courts to return to business as usual.

Under these circumstances, we must examine ways to retool, redesign, and restructure court operations so our resources are used as effectively as possible and are allocated to the greatest needs. We have ideas for changes along these lines. Some we can do on our own under our constitutional authority to administer and supervise the

courts. Others require action by you. All are prudent measures that improve our service to the people, not only through this financial crisis but well into the future.

Retooling

In the long run, retooling our operations through the use of modern technology holds great potential for increasing our efficiency and productivity without impairing the quality of our work. Technology can expand access to justice, speed up case processing, increase productivity, lower expenses for litigants and the state, and improve quality.

EDMS

For years we have been telling you of our plans for a paperless court using a system we call EDMS. EDMS will help us manage our growing caseload and enable us to process cases at any location. For instance, court employees in the smaller counties would be able to handle some of the case processing work of the busier, larger counties. EDMS will make judges more efficient because they will be able to work on cases from any county regardless of where they may be assigned for the day. In short, EDMS is a long-range solution that will allow the judicial branch to maintain access to justice in the face of shrinking resources. I am pleased to report that we have begun testing EDMS in Plymouth County. If all goes well, we aim to have EDMS statewide within four years.

DART

Our citizens expect their government to explore the use of technology that has the potential for effectively providing services to the public within the constraints of smaller budgets. Digital audio recording technology, or DART, may have this potential. Courts in 26 states and most federal magistrate and bankruptcy courts successfully use digital recording to make an official record of some or all court proceedings. Just this month, the Conference of State Court Administrators issued a white paper, which we have included in your materials, recommending, with only two limited exceptions, that "courts should move to digital recording as the method for making the verbatim record." This report concludes digital technology is reliable and accurate and "is an economic alternative to traditional court reporting that provides savings to both litigants and courts." Even though Iowa courts are staffed with skilled court reporters, given our serious financial problems, it would be irresponsible for the court to ignore a technology that may allow our courts to run more affordably without sacrificing quality.

For the last eight months, a judicial council committee has been studying DART to evaluate its accuracy and reliability. Late last month, the committee submitted its report. In a nutshell, the committee unanimously concluded that: (1) digital recording technology can reliably record the words spoken during court proceedings if the court uses high quality equipment that has been professionally installed and is operated by a trained employee, and (2) accurate transcripts of court proceedings can be obtained from such digital recordings when prepared by well-qualified transcribers. Please review this report, which is included in the materials we have provided to you. It should settle all questions about the accuracy and reliability of digital audio recording equipment.

Despite this favorable report, the supreme court has no plan to displace court reporters. The evaluation of this technology is just the first step in determining whether Iowa courts should join the courts of 26 other states and the many federal courts that currently use digital recording to make the official court record. There are many more questions to address before we would ever consider moving ahead with DART. We must fully examine the cost of purchasing, installing, maintaining, and operating this equipment; the method and cost of transcribing recordings; and the cost of providing judges with the support staff they need. I can assure you that the availability of skilled support staff for judges will be a primary consideration in reaching any conclusion about the use of DART. I can also assure you that our decision will be based on facts and on what is in the best interest of the court system as a whole, including the interests of judges, litigants and the public. I trust you will respect our constitutional authority in this area.

Redesigning

Now let's move from retooling our operations to redesigning court procedures.

Civil Litigation Reform

Last year I told you of our goal to make Iowa's civil justice system faster, less complicated, more affordable, and better equipped to handle complex cases. Civil justice system reforms in other jurisdictions show that these improvements are attainable. To achieve such improvements in Iowa, we have established a steering committee that will develop a plan for a multi-option civil justice system that will include proposals for new court processes and improvements in current procedures. We have asked the steering committee to complete this challenging task by June, 2011.

Mediation in Family Law Cases

As requested by the legislature, each of our judicial districts has examined how mediation of family law cases could be implemented or expanded in their districts. A report summarizing these efforts is included in the materials provided to you this morning. We will continue to examine ways in which we can make this dispute resolution option available to Iowa litigants within the limits of our current funding.

In addition to our study of civil litigation reform and our expansion of family law mediation, our employees and judges are constantly searching for ways to streamline our procedures and work flow in a way that will allow us to do more with less. We have learned that even small changes can make a big difference in our ability to handle the work of the courts.

Restructuring

Our final option to better meet the demands on our courts within our budget constraints is restructuring our delivery system.

Consolidation

When meeting with citizens around the state to talk about the budget question, they always want to know: Do we plan to consolidate the courts, particularly in rural areas of the state? Our answer is: No, the judicial branch has no plans to consolidate

the courts. Although the Supreme Court has reached no conclusion about whether consolidation is a prudent policy decision, we think consolidation has obvious drawbacks for the operation of the courts. While it is true that consolidation might make our clerk of court offices easier to manage and supervise, it would reduce our expenses by only a negligible amount. We tapped all the savings we would have achieved through consolidation when we cut our clerk of court workforce last year and reduced the smallest offices to part-time. At this point, consolidating clerk of court offices may actually increase our expenses, not lower them. We would need to move mountains of court records from closed offices to the new permanent location. Because we are required by statute to hold court in every county, we would need to transport case files and exhibits back and forth between counties with and without clerk offices as required for court hearings. Moreover, merging clerk of court offices would shift considerable costs to litigants and local governments by requiring parties to travel farther and prisoners to be transported longer distances.

Notwithstanding the lack of significant savings to the courts by the consolidation of clerk of court offices, additional budget cuts could eventually starve us into consolidation because we simply will not have enough employees to staff 100 clerk offices. Currently, some of our small, part-time clerk of court offices operate with only one employee. In Judicial District 5B in south central and southwest Iowa, we have sixteen employees running nine clerk offices. Last month we had to close one county's clerk office for two days in one week because we had no one available to staff the office those days. Given our current staffing levels, such closures will continue to occur. More budget cuts will worsen this situation and expand it to more counties. The result: de facto consolidation. In the past, you have made it clear that you do not want to consolidate court services; yet, your recent funding decisions suggest the opposite and drive us toward that result. We ask that you not force consolidation of our courts through the back door of underfunding. Whether to have court consolidation is an important policy matter that should be made by careful deliberation, not by default.

Magistrates

Now let's shift to another important topic: magistrates.

Last year, I told you of our task force that examined Iowa's judicial magistrate structure, and you approved one of the key recommendations of the task force: the requirement that judicial magistrates must be attorneys licensed to practice law in Iowa. We appreciate your support of that improvement, and now ask you to follow through with more. Specifically, we ask you to approve the following recommendations of the task force:

Allow the judicial branch to convert two part-time magistrate positions to one full-time magistrate position. Eliminate the mandatory minimum of one magistrate per county but require that magistrate court be held in every county on a regular basis. Allow a magistrate to reside in a county that is contiguous to the county of appointment.

These changes will result in a more efficient and effective use of Iowa's magistrates that will increase their collective productivity, reduce disparities in workload, increase the pool of applicants for magistrate positions, and reduce the number of conflicts that plague magistrate courts, particularly magistrate courts in smaller counties.

It's been said, "There is much we can do to chart a better course than the one we're on." I have mentioned four improvements that will chart a better course for the judicial branch, enhancing the delivery of justice and enabling the courts to operate more efficiently. We recognize that improvement necessarily requires change, and change can be difficult for some people. Nonetheless, we cannot handle a 66% increase in workload with fewer employees without changing the way we deliver court services. So although change is always challenging, it is inevitable, as we simply cannot afford to continue "business as usual."

Iowa's Fair and Impartial Courts

I turn now to a brighter note. Even though the budget cuts of the past decade have severely impaired Iowans' access to justice, the quality of justice in Iowa remains strong. The credit for this good news belongs to our dedicated court employees and our high-caliber, fair and impartial judiciary.

Iowa's judiciary is recognized as among the best in the nation. For example, in surveys conducted by the Harris Poll for the United States Chamber of Commerce from 2002 to 2008, Iowa's judiciary has consistently ranked among the top ten in terms of competence, fairness and impartiality. In addition to the results of this survey, I have learned since becoming chief justice that chief justices from many other states hold Iowa's court system in high regard. They view our judges as competent, fair, and highly ethical.

Iowa's high standing is, in large part, a result of its constitutional commission-based, merit selection process for choosing judges. Because merit selection emphasizes professional qualifications, Iowa's judges tend to possess the attributes most valued in judges—integrity, legal excellence, and above all else, fairness and impartiality.

Fair and impartial justice is the hallmark of Iowa's court system and is central to the ultimate quality of justice. Iowa's dedicated judges and staff are committed to ensuring that everyone who comes to our courts receives fair and impartial justice. Fair and impartial justice does not mean everyone will agree with court decisions or that courts are immune from error. Fair and impartial justice means that our judges and the process for resolving legal disputes are even-handed. Fair and impartial justice means that Iowa's courts follow the rule of law: when a person stands before an Iowa judge he or she can trust that the judge will make a decision based upon the facts of the case and the consistent application of the law and the constitution, not based upon political pressures or promises or personal beliefs. But fair and impartial justice means little to those people who do not have access to that justice. And now, because of a decade of budget cuts, we are rationing Iowans' access to justice.

Conclusion: Iowa Cannot Afford to Ration Justice

The judicial branch cannot stop the erosion of access to justice by itself. We are doing all we can within the constraints of our current statutory framework and our appropriations. Your support and cooperation are imperative. We depend on you to marshal the resources we need to provide access to justice. If adequate resources are not available to support access to justice, then you must take other measures to help us improve the situation. Eliminate our statutory duties that have no bearing on the resolution of cases. Remove statutory restrictions that impede prudent improvements that would maximize the use of our scarce resources. Approve our ideas for statutory

changes that will strengthen the delivery of justice. And finally, if you cannot find adequate resources to support access to justice, join us in explaining to Iowans, your constituents, why their access to the courts has been diminished.

You may think that rationing access to justice is not too much to ask of Iowans given the state's dire financial circumstances and the sacrifices being made by all Iowans during this recession. But think again. Iowans need court services now more than ever.

Abused and neglected children depend on our courts for timely placements in safe and stable homes. Victims of violence depend on our courts for protective and no-contact orders to help shield them from further harm.

Communities depend on our courts to address and stop juvenile delinquency, to try criminal charges, and to impose sentences on convicted criminal offenders.

Business owners depend on our courts to resolve contractual disputes that undermine productivity and profits.

Broken families depend on our courts to provide some measure of order to their lives.

Most importantly, all Iowans, whether they realize it or not, depend on our courts to uphold the rule of law, which guarantees an open, accountable, and predictable legal process that fosters a civil, stable society.

It is our common obligation, our first duty to society, to ensure that our citizens have access to justice, even in times of fiscal stress. As justice hangs in the balance, we can do nothing less.

On motion by McCarthy of Polk the joint convention was dissolved at 10:53 a.m.

REPORT OF COMMITTEE ON MILEAGE

Mr. Speaker: Your committee appointed to determine the mileage each member is entitled to begs leave to submit the following report:

Name	Round Trip Miles
Curtis D. Hanson	224
Kirsten A. Running-Marquardt	230
Thomas R. Sands	320

Respectfully submitted,

Joanne M. Oldson, Chair
David R. Deyoe

Andrew J. Wenthe

REPORT OF ADMINISTRATION AND RULES COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 2, your committee on administration and rules submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated.

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Asst to the Legal Counsel	Michelle K. Bauer	19-3 to	S-O	01-05-09
Text Processor I		19-4	P-FT	08-31-09
Legis. Research Analyst	Kristi L. Kielhorn	27-3	P-FT	10-05-09
Admin Asst to Leader	Andrea N. Jansa	27-3	P-FT	12-04-09
Switchboard Operator	Sandi Moran	14-1	S-O	01-07-10
Legis. Secretary	Sally A. Adams	17-1	S-O	01-11-10
Legis. Secretary	Janet Bannister	17-1	S-O	01-11-10
Legis. Secretary	Corey Becker	18-1	S-O	01-11-10
Legis. Committee Sec.	Curtis I. Bigsby	17-2	S-O	01-11-10
Legis. Secretary	Maison B. Bleam	16-1	S-O	01-11-10
Legis. Secretary	Beverly A. Burns	16-3 to 17-3	S-O	01-11-10
Legis. Secretary	Jason Clinton	17-1	S-O	01-13-10
Legis. Committee Sec.	Jamie Corey	17-1	S-O	01-11-10
Legis. Secretary	Jason Covey	15-1	S-O	01-11-10
Legis. Secretary	Mary Cownie	16-1	S-O	01-11-10
Legis. Secretary	Zachary C. Dalluge	15-1	S-O	01-11-10
Legis. Secretary	Jessie Dick	17-1	S-O	01-11-10
Legis. Secretary	Jennifer Erstad	16-1	S-O	01-11-10
Legis. Secretary	Pat Ferin	16-1	S-O	01-11-10
Legis. Committee Sec.	Caitlin Forrester	17-1	S-O	01-11-10
Legis. Secretary	Cassandra C. Furlong	15-2 to 17-2	S-O	01-11-10
Legis. Committee Sec.				
Legis. Secretary	Priscilla A. Gammon	15-1	S-O	01-11-10
Legis. Committee Sec.	Bethany Gildner	17-1	S-O	01-13-10
Legis. Secretary	Peter A. Gutschenritter	17-1	S-O	01-13-10
Legis. Secretary	Jennifer Hoskin	16-1	S-O	01-11-10
Legis. Secretary	Reginald Hawkins	17-1	S-O	01-11-10
Legis. Secretary	Ken Holland	16-1	S-O	01-11-10
Legis. Comm. Sec.	Luke Kluesner	17-1	S-O	01-12-10
Legis. Secretary	Justin J. Knight	16-1	S-O	01-11-10
Legis. Secretary	Deepa Kunapuli	16-1	S-O	01-11-10
Legis. Committee Sec.	Karen A. Lischer	17-1	S-O	01-11-10
Legis. Secretary	Vicki Loomer-Hokel	16-1	S-O	01-11-10

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Legis. Secretary	Amy L. Lynch	16-2 to	S-O	01-11-10
Legis. Committee Sec.		17-2		
Legis. Secretary	Susan M. Mahedy-Ridgway	15-2 to	S-O	01-11-10
		16-2		
Legis. Secretary	Carole I. Martin	15-2 to	S-O	01-11-10
Legis. Committee Sec.		17-2		
Legis. Secretary	Charity McCauley	17-1	S-O	01-11-10
Legis. Secretary	Nancy M. McDowell	15-2 to	S-O	01-11-10
		16-2		
Legis. Committee Sec.	Kathleen K. Mc Knight	17-1	S-O	01-11-10
Legis. Committee Sec.	Ericka J. Meanor	17-1 to	S-O	01-12-10
Legis. Secretary		17-1		
Legis. Secretary	Chris Morgan	15-1	S-O	01-11-10
Legis. Secretary	Melba K. Murken	18-4 to	S-O	01-11-10
		15-4		
Legis. Secretary	K'la D. Novencido	16-1 to	S-O	01-11-10
		17-1		
Legis. Secretary	Nicole Persson	16-1	S-O	01-11-10
Legis. Secretary	Matthew J. Sexton	16-1	S-O	01-11-10
Legis. Committee Sec.	Anne M. Small	18-1	S-O	01-11-10
Legis. Committee Sec.	Fran D. Smith	17-2 to	S-O	01-11-10
Legis. Secretary		16-2		
Legis. Secretary	R.R.S. Stewart	16-1	S-O	01-11-10
Legis. Secretary	Kelcy Whitaker	18-1	S-O	01-11-10
Legis. Secretary	Jessica Zuerner	15-1	S-O	01-11-10

PAGES-GROUP I

Speaker's Page	Mackenzie A. Ditch	9-1	S-O
Chief Clerk's Page	Samuel H. Jurgena	9-1	S-O
Chief Clerk's Page	Chelsea C. Nicoletto	9-1	S-O
Chief Clerk's Page	Patrick A. Stall	9-1	S-O
Page	Mary Grace Brandsgard	9-1	S-O
Page	Alex V. Conner	9-1	S-O
Page	Ryan M. Fisher	9-1	S-O
Page	Robert E. Grau	9-1	S-O
Page	Caytlin G. Hentzel	9-1	S-O
Page	John M. Johnson	9-1	S-O
Page	Samuel J. Kavalier	9-1	S-O
Page	Daxton C. Oberreuter	9-1	S-O
Page	Samantha A. Pearson	9-1	S-O
Page	Tessa K. Reynolds	9-1	S-O
Page	Taylor J. Schipper	9-1	S-O
Page	Kent E. Sorenson	9-1	S-O
Page	Emily G. Steinke	9-1	S-O
Page	James D. Taylor	9-1	S-O

PAGES-GROUP II

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of appoint- ment</u>	<u>Eff. Date</u>
Page	Christopher Brent Smith	9-1	S-O	

The following are resignations from the officers and employees of the House:

Text Processor I	Colleen R. MacRae			08-14-09
Admin Asst I to Leader	Mark N. Langgin			12-03-09

Pursuant to Senate Concurrent Resolution 2, duly adopted, the following is a list of changes for officers and employees of the Joint Senate/House:

Asst. Copy Center Operator	Hannah L. Mahan	18-1	S/O	01-06-10
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The following are resignations from the officers and employees of the Joint Senate/House:

Legis. Security Officer I	Mahlon Y. Lamp			06-25-09
Legis. Security Officer I	Staci M. Bohlen			11-06-09

SPONSOR ADDED
(House Joint Resolution 2001)

Mertz of Kossuth requested to be added as a sponsor of House Joint Resolution 2001.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2001

State Government: Lensing, Chair; Mascher and Rants.

House File 86 Reassigned

Public Safety: Whitead, Chair; Baudler and Lykam.

House File 87 Reassigned

Public Safety: Whitead, Chair; Alons and Lykam.

House File 88 Reassigned

Public Safety: Whitead, Chair; Alons and Bell.

House File 131 Reassigned

Local Government: Kressig, Chair; Kuhn and Tjepkes.

House File 249 Reassigned

Local Government: Cohoon, Chair; Kuhn and Tjepkes.

House File 310

Local Government: Winckler, Chair; Whitead and Windschitl.

House File 378 Reassigned

State Government: Quirk, Chair; Running-Marquardt and Struyk.

House File 421 Reassigned

Public Safety: Whitead, Chair; Hagenow and Reichert.

House File 453 Reassigned

Public Safety: Whitead, Chair; Hagenow and Hanson.

House File 474 Reassigned

State Government: Taylor, Chair; Koester and Running-Marquardt.

House File 491

Local Government: Kuhn, Chair; Schueller and Wagner.

House File 499 Reassigned

Public Safety: Whitead, Chair; Baudler and Reichert.

House File 559 Reassigned

Public Safety: Whitead, Chair; Baudler and Reichert.

House File 573 Reassigned

Local Government: Kuhn, Chair; Schueller and Wagner.

House File 2010

State Government: Lensing, Chair; Frevert and Pettengill.

House File 2011

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

House File 2013

Human Resources: Mascher, Chair; Forristall and Hunter.

House File 2014

State Government: Taylor, Chair; Quirk and Struyk.

House File 2019

State Government: Gaskill, Chair; Beard and Pettengill.

House File 2028

State Government: Beard, Chair; Frevert and Koester.

House File 2029

State Government: Frevert, Chair; Drake and Running-Marquardt.

Senate File 428 Reassigned

State Government: Quirk, Chair; Running-Marquardt and Struyk.

Senate File 434

Local Government: Huser, Chair; Isenhardt and Tjepkes.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 502

Administration and Rules: Wessel-Kroeschell, Chair; Abdul-Samad and Kaufmann.

House Study Bill 503

Administration and Rules: Wessel-Kroeschell, Chair; Abdul-Samad and Kaufmann.

House Study Bill 507

Human Resources: Berry, Chair; Heddens and Schulte.

House Study Bill 508

Human Resources: Smith, Chair; Alons and Mascher.

House Study Bill 509

Human Resources: Wendt, Chair; Baudler and Hunter.

House Study Bill 510

Human Resources: Abdul-Samad, Chair; L. Miller, and Steckman.

House Study Bill 511

Human Resources: Wessel-Kroeschell, Chair; Forristall and Thede.

House Study Bill 514

Human Resources: T. Olson, Chair; Abdul-Samad and Koester.

House Study Bill 515

Human Resources: Mascher, Chair; Heaton and Steckman.

House Study Bill 516

Human Resources: Wessel-Kroeschell, Chair; Soderberg and Thede.

House Study Bill 517

Human Resources: Hunter, Chair; L. Miller and Thede.

House Study Bill 518

Human Resources: Hunter, Chair; L. Miller and Thede.

House Study Bill 519

Human Resources: Thede, Chair; Hunter and L. Miller.

House Study Bill 520

Human Resources: Thede, Chair; Hunter and Koester.

House Study Bill 521

Commerce: Reichert, Chair; Kressig and Struyk.

House Study Bill 522

Commerce: Kressig, Chair; Jacoby and Sands.

House Study Bill 523

Commerce: Kressig, Chair; Helland and Jacoby.

House Study Bill 524

Commerce: Shomshor, Chair; Kelley and Wagner.

House Study Bill 525

Commerce: Kressig, Chair; Helland and Jacoby.

House Study Bill 529

Commerce: T. Olson, Chair; D. Olson and Sorenson.

House Study Bill 530

Commerce: T. Olson, Chair; D. Olson and Struyk.

House Study Bill 532

State Government: Lensing, Chair; Mascher and Struyk.

House Study Bill 533

State Government: Willems, Chair; Beard and Pettengill.

House Study Bill 534

State Government: Isenhart, Chair; Schulte and Willems.

House Study Bill 535

State Government: Frevert, Chair; Drake and Taylor.

House Study Bill 536

State Government: Taylor, Chair; Kaufmann and Wendt.

House Study Bill 537

State Government: Frevert, Chair; Pettengill and Running-Marquardt.

House Study Bill 541

Public Safety: Reichert, Chair; R. Olson and Sands.

House Study Bill 542

Public Safety: Burt, Chair; Bukta and Tjepkes.

House Study Bill 543

Public Safety: Whitead, Chair; Bukta and Tjepkes.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 545 Local Government

Authorizing the posting of certain notices, actions, and information on an internet site.

H.S.B. 546 Local Government

Relating to the approval and use of increased local sales and services tax revenues to fund urban renewal projects.

H.S.B. 547 Local Government

Authorizing certain cities to employ a public safety commissioner in lieu of a chief of the fire department and a chief of the police department.

H.S.B. 548 Public Safety

Relating to the enrollment fee for persons on probation and parole.

H.S.B. 549 Rebuild Iowa and Disaster Recovery

Relating to emergency preparedness for assisted living programs and elder group homes.

H.S.B. 550 Economic Growth

Concerning fine arts projects in state buildings.

H.S.B. 551 Education

Relating to participation in extracurricular activities by certain children.

H.S.B. 552 Economic Growth

Providing for a sales tax exemption for purchases made by a nonprofit blood bank licensed by the federal food and drug administration.

AMENDMENTS FILED

H—8001	H.F.	2033	Wendt of Woodbury
H—8002	H.F.	2033	Ford of Polk
H—8003	H.F.	2033	Ford of Polk
H—8004	H.F.	2030	Rants of Woodbury
H—8005	H.F.	2032	Rants of Woodbury May of Dickinson Dolecheck of Ringgold
H—8006	H.F.	2033	Koester of Polk

H—8007	H.F.	2033	Dolecheck of Ringgold
H—8008	H.F.	2031	Rants of Woodbury May of Dickinson Dolecheck of Ringgold

On motion by McCarthy of Polk the House adjourned at 11:17 a.m., until 9:00 a.m., Thursday, January 14, 2010.

JOURNAL OF THE HOUSE

Fourth Calendar Day - Fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 14, 2010

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

Prayer was offered by Reverend Brad Cranston, pastor of Heritage Baptist Church, Burlington. He was the guest of Minority Leader Paulsen of Linn County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Dax Oberreuter, Minority Leader Paulsen's Page from Ryan.

The Journal of Wednesday, January 13, 2010 was approved.

INTRODUCTION OF BILLS

House File 2041, by H. Miller, a bill for an act relating to the limitation on length of service for city development board members and including effective date provisions.

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

House File 2042, by Schultz, a bill for an act relating to compensation terms for state employees and providing effective dates.

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

House File 2043, by Isenhardt, Swaim, Kuhn, Lensing, Wessel-Kroeschell, Hunter, Beard, Kearns, Bailey, Abdul-Samad, Gayman, Frevert, Hanson, Steckman, Taylor, Gaskill, Zirkelbach, Smith, Berry, H. Miller and Whitead, a bill for an act requiring the executive director of the ethics and campaign disclosure board to conduct a study relating to the feasibility of public financing of elections in Iowa.

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

House File 2044, by Schultz, a bill for an act relating to persons who operate dairy farms where milk or milk products are produced for sale to individuals.

Read first time and referred to committee on **economic growth**.

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 January 13, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2033, a bill for an act relating to school improvement and the approval and revocation of charter schools, the establishment of innovation zone schools by consortia of school districts and area education agencies, and the implementation of interventions for persistently lowest-achieving schools.

Also: that the Senate has on January 13, 2010, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 101, a senate resolution amending the joint rules of the Senate and House of Representatives relating to session timetable changes.

MICHAEL E. MARSHALL, Secretary

HOUSE FILES WITHDRAWN

The following House Files were withdrawn by unanimous consent:

House Files 2, 22, 30, 37, 40, 57, 59, 65, 74, 82, 106, 133, 138, 139, 140, 182, 186, 191, 193, 250, 251, 265, 274, 276, 293, 295, 351, 354, 357, 366, 383, 396, 417, 419, 441, 443, 449, 458, 501, 556, 565, 569, 572, 575, 587, 599, 602 and 771.

On motion by Jacoby of Johnson, the House was recessed at 9:19 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:12 p.m., Zirkelbach of Jones in the chair.

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 January 14, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2045, a bill for an act delaying the establishment of the state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions.

Also: that the Senate has on January 14, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2046, a bill for an act delaying the establishment of the categorical state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 2045, by Wagner, a bill for an act creating a sales tax exemption for general school supplies purchased during a certain time period.

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

House File 2046, by May, a bill for an act modifying the deadline for establishment of the state percent of growth for purposes of the state school foundation program and including effective date provisions.

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

House File 2047, by May, a bill for an act relating to certain reporting requirements required of school districts, accredited nonpublic schools, and community colleges.

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

House File 2048, by May, a bill for an act relating to the allocation of Iowa resources enhancement and protection funds to certain county conservation accounts.

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

House File 2049, by May, a bill for an act requiring the administering of end-of-course examinations for certain secondary school subject areas.

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

House File 2050, by May, a bill for an act relating to testing requirements for applicants for teacher licensure or endorsement.

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

House File 2051, by Mascher, a bill for an act providing for standardized provisions and format and a consumer guide for long-term care insurance policies and including applicability provisions.

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

House File 2052, by Mascher, a bill for an act relating to the creation and use of moneys in a home and community-based services trust fund and making an appropriation.

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

House File 2053, by Whitead, a bill for an act providing for the use of photo traffic enforcement in road work zones on primary highways.

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

House File 2054, by Whitead, a bill for an act authorizing monitor vending machines.

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

House File 2055, by Sweeney, Chambers, Alons, Tymeson, S. Olson, Zirkelbach, Worthan, May and Mertz, a bill for an act relating to eligible lenders for the home ownership assistance program for military members.

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

House File 2056, by Mascher, a bill for an act relating to the requirements for national criminal history record checks for child care providers.

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

House File 2057, by Windschitl, Sorenson, Schultz, Helland, Struyk, Pettengill, Koester, Baudler, Chambers, Forristall, Tymeson and Hagenow, a bill for an act relating to the collection of certain information for the issuance of nonprofessional permits to carry weapons.

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

House File 2058, by Mascher, a bill for an act relating to reimbursement for services provided under a medical assistance home and community-based services waiver for the elderly.

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

House File 2059, by Reichert, a bill for an act relating to the Iowa statues on display in the United States capitol.

Read first time and referred to committee on **economic growth**.

House File 2060, by May, a bill for an act providing an exemption from vehicle registration for trailers used in veterans parades.

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

House File 2061, by Lykam, a bill for an act relating to a statement of professional recognition for persons qualified as instructors of the junior reserve officer training corps program curriculum.

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

SENATE MESSAGES CONSIDERED

Senate File 2033, by committee on education, a bill for an act relating to school improvement and the approval and revocation of

charter schools, the establishment of innovation zone schools by consortia of school districts and area education agencies, and the implementation of interventions for persistently lowest-achieving schools.

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

Senate File 2045, by committee on education, a bill for an act delaying the establishment of the state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions.

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

Senate File 2046, by committee on education, a bill for an act delaying the establishment of the categorical state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions.

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

ADOPTION OF HOUSE CONCURRENT RESOLUTION 103

Wessel-Kroeschell of Story called up for consideration **House Concurrent Resolution 103**, as follows:

House Concurrent Resolution 103

By Committee on Administration and Rules

- 1 A concurrent resolution amending the joint rules of
- 2 the Senate and House of Representatives relating to
- 3 session timetable changes.
- 4 *Be It Resolved By The House Of Representatives,*
- 5 *The Senate Concurring,* That Rule 20, subsections 2
- 6 and 3, of the Joint Rules of the Senate and House
- 7 of Representatives, as adopted by the Senate and
- 8 House of Representatives during the 2009 Session in
- 9 House Concurrent Resolution 3, are amended to read as
- 10 follows:
- 11 2. To be placed on the calendar in the house of
- 12 origin, a bill must be first reported out of a standing
- 13 committee by Friday of the 9th week of the first
- 14 session and the ~~8th~~ 5th week of the second session. To
- 15 be placed on the calendar in the other house, a bill
- 16 must be first reported out of a standing committee by
- 17 Friday of the 13th week of the first session and the

18 ~~11th~~ 8th week of the second session.

19 3. During the 11th week of the first session ~~and~~
 20 ~~the 9th week of the second session~~, each house shall
 21 consider only bills originating in that house and
 22 unfinished business. During the 14th week of the
 23 first session ~~and the 12th week of the second session~~,
 24 each house shall consider only bills originating in
 25 the other house and unfinished business. Beginning
 26 with the 15th week of the first session and the

Page 2

1 ~~13th~~ 10th week of the second session, each house shall
 2 consider only bills passed by both houses, bills exempt
 3 from subsection 2, and unfinished business.

Under the provision of Rule 31.8, related to the timely filing of amendments, amendment H-8013 filed by Cownie of Polk and Rants of Woodbury from the floor, was placed out of order.

SENATE CONCURRENT RESOLUTION 101 SUBSTITUTED FOR HOUSE CONCURRENT RESOLUTION 103

Wessel-Kroeschell of Story asked and received unanimous consent to substitute Senate Concurrent Resolution 101 for House Concurrent Resolution 103.

Wessel-Kroeschell of Story called up for consideration **Senate Concurrent Resolution 101**, as follows and moved its adoption:

Senate Concurrent Resolution 101

By Committee on Administration and Rules

1 A concurrent resolution amending the joint rules of
 2 the Senate and House of Representatives relating to
 3 session timetable changes.
 4 *Be It Resolved By The Senate, The House of Representatives,*
 5 *Concurring,* That Rule 20, subsections 2
 6 and 3, of the Joint Rules of the Senate and House
 7 of Representatives, as adopted by the Senate and
 8 House of Representatives during the 2009 Session in
 9 House Concurrent Resolution 3, are amended to read as
 10 follows:

11 2. To be placed on the calendar in the house of
 12 origin, a bill must be first reported out of a standing
 13 committee by Friday of the 9th week of the first
 14 session and the ~~8th~~ 5th week of the second session. To
 15 be placed on the calendar in the other house, a bill
 16 must be first reported out of a standing committee by

17 Friday of the 13th week of the first session and the
 18 ~~11th 8th~~ week of the second session.
 19 3. During the 11th week of the first session ~~and~~
 20 ~~the 9th week of the second session~~, each house shall
 21 consider only bills originating in that house and
 22 unfinished business. During the 14th week of the
 23 first session ~~and the 12th week of the second session~~,
 24 each house shall consider only bills originating in
 25 the other house and unfinished business. Beginning
 26 with the 15th week of the first session and the

Page 2

1 ~~13th 10th~~ week of the second session, each house shall
 2 consider only bills passed by both houses, bills exempt
 3 from subsection 2, and unfinished business.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 102

Wessel-Kroeschell of Story called up for consideration **House Resolution 102**, as follows and moved its adoption:

House Resolution 102

By Committee on Administration and Rules

1 A resolution amending the permanent rules of the House
 2 of Representatives relating to the deadline for
 3 requesting the drafting of bills by members and to
 4 requirements for consideration of amendments.

5 *Be It Resolved By The House Of Representatives,*
 6 That Rule 29, unnumbered paragraph 2, of the Rules of
 7 the House, as adopted by the House of Representatives
 8 during the 2009 Session in House Resolution 8, is
 9 amended to read as follows:

10 After adjournment of the first regular session,
 11 bills may be prefiled at any time before the convening
 12 of the second regular session. No bill or joint
 13 resolution under individual sponsorship, other than a
 14 nullification resolution, shall be read for the first
 15 time after 4:30 p.m. on Friday of the second first week
 16 of the second regular session of the general assembly
 17 unless a formal request for drafting the bill has been
 18 filed with the legislative services agency before that
 19 time.

20 *Be It Further Resolved By The House Of*
 21 *Representatives,* That Rule 31, subsection 8, of
 22 the Rules of the House, as adopted by the House of
 23 Representatives during the 2009 Session in House
 24 Resolution 8, is amended to read as follows:
 25 8. No amendment to the rules of the house, to any

26 resolution or bill, except technical amendments and

Page 2

1 amendments to bills substituted for by senate files
2 containing substantially identical title, language,
3 subject matter, purpose and intrasectional arrangement,
4 shall be considered by the membership of the house
5 without a copy of the amendment having been filed with
6 the chief clerk by 4:00 p.m. or within one-half hour of
7 adjournment, whichever is later, on the day preceding
8 floor debate on the amendment. If the house adjourns
9 prior to 2:00 p.m. on Friday, the final deadline is two
10 hours after adjournment. However, committee amendments
11 filed pursuant to the submission of the committee
12 report may be accepted after this deadline. This
13 provision shall not apply to any proposal debated on
14 the floor of the house after the fourteenth week of the
15 first session and the twelfth ninth week of the second
16 session. No amendment or amendment to an amendment
17 to a bill, rule of the house, or resolution shall be
18 considered by the membership of the house without
19 a copy of the amendment being on the desks of the
20 entire membership of the house prior to consideration.
21 However, after the fourteenth week of the first session
22 and the twelfth ninth week of the second session, the
23 membership of the house may consider an amendment or an
24 amendment to an amendment to a bill, rule of the house,
25 or resolution without a copy of the amendment being
26 on the desks of the entire membership of the house
27 prior to consideration if a copy of the amendment is
28 made available to the entire membership of the house
29 electronically.

The motion prevailed and the resolution was adopted.

HOUSE FILES WITHDRAWN

The following House Files were withdrawn by unanimous consent:

House Files 327, 445, 472, 574 and 606.

On motion by McCarthy of Polk, the House was recessed at 4:37 p.m., until the conclusion of the caucus.

EVENING SESSION

The House reconvened at 6:02 p.m., Bukta of Clinton in the chair.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate Concurrent Resolution 101** be immediately messaged to the Senate.

SENATE FILE 173 REREFERRED

The Speaker announced that Senate File 173, previously referred to committee on **education** was rereferred to committee on **appropriations**.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF ADMINISTRATION

Annual report for fiscal year 2008, pursuant to Chapter 8.21, Code of Iowa.

DEPARTMENT OF EDUCATION

Annual report of the Iowa Communications Network (ICN) usage, pursuant to Chapter 8D.10, Code of Iowa.

Annual report on community colleges, pursuant to Chapter 260C.14, Code of Iowa.

Annual report of disaster waivers for 2009, pursuant to Chapter 256.9, Code of Iowa.

DEPARTMENT OF HUMAN RIGHTS

2009 annual performance plan report, pursuant to Chapter 216A, Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

2009 report on mercury thermostat recycling, pursuant to Chapter 455D.16, Code of Iowa.

DEPARTMENT OF PUBLIC DEFENSE, IOWA HOMELAND SECURITY
AND EMERGENCY MANAGEMENT DIVISION

Annual report, pursuant to Chapter 29C.20A(4), Code of Iowa.

Annual report detailing the administration of the Community Disaster Grant Fund, pursuant to the 2009 Iowa Acts.

DEPARTMENT OF PUBLIC HEALTH

Annual report, pursuant to Chapter 135.163, Code of Iowa.

DEPARTMENT OF VETERANS AFFAIRS

Annual report of expenditures from the Iowa Veterans Trust Fund, pursuant to Chapter 35A.13, Code of Iowa.

IOWA LOTTERY

Annual report of service with the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

IOWA NATIONAL GUARD

Annual report of usage with the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Annual report, pursuant to Chapter 97B.4(4)(a), Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House File 592 Reassigned

Public Safety: Whitead, Chair; Bukta and Worthan.

House File 669 Reassigned

Appropriations: Reichert, Chair; De Boef and Kressig.

House File 696 Reassigned

Public Safety: Whitead, Chair; Lukan and Lykam.

House File 2002

Judiciary: Huser, Chair; Anderson and Palmer.

House File 2003

Judiciary: Palmer, Chair; Helland and T. Olson.

House File 2005

Transportation: Quirk, Chair; Marek and Tjepkes.

House File 2012

Judiciary: Huser, Chair; Mertz and Struyk.

House File 2015

Public Safety: Heddens, Chair; Bukta and Hagenow.

House File 2016

Transportation: Quirk, Chair; Tjepkes and Wenthe.

House File 2020

Transportation: Abdul-Samad, Chair; Quirk and Tjepkes.

House File 2021

Transportation: Tjepkes, Chair; Abdul-Samad and Quirk.

House File 2022

Judiciary: R. Olson, Chair; Baudler and Wessel-Kroeschell.

House File 2023

Judiciary: R. Olson, Chair; Baudler and Wessel-Kroeschell.

House File 2024

Judiciary: Smith, Chair; Lensing and Schulte.

House File 2025

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

House File 2026

Public Safety: Heddens, Chair; Baudler and Berry.

House File 2027

Veterans Affairs: Isenhart, Chair; Alons and Ficken.

House File 2035

Transportation: Bell, Chair; Hanson and May.

House File 2036

Human Resources: Abdul-Samad, Chair; Schulte and Smith.

House File 2037

State Government: Quirk, Chair; Struyk and Willems.

House File 2038

Judiciary: Palmer, Chair; Helland and Smith.

House File 2039

Appropriations: Cohoon, Chair; Huseman and Jacoby.

House Concurrent Resolution 4

Administration and Rules: Jacoby, Chair; Deyoe and Wessel-Kroeschell.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 46 Reassigned**

Public Safety: Whitead, Chair; Baudler and Reichert.

House Study Bill 77 Reassigned

Public Safety: Whitead, Chair; Baudler and Bukta.

House Study Bill 113 Reassigned

Public Safety: Whitead, Chair; Baudler and R. Olson.

House Study Bill 176 Reassigned

Public Safety: Whitead, Chair; R. Olson and Sands.

House Study Bill 538

Veterans Affairs: Zirkelbach, Chair; Bukta and Sweeney.

House Study Bill 539

Veterans Affairs: Bailey, Chair; Thomas and Windschitl.

House Study Bill 540

Veterans Affairs: Kerns, Chair; Chambers and Whitead.

House Study Bill 545

Local Government: Isenhart, Chair; Gaskill and Tjepkes.

House Study Bill 546

Local Government: Gaskill, Chair; Isenhart and Sorenson.

House Study Bill 547

Local Government: Winckler, Chair; Burt and Grassley.

House Study Bill 548

Public Safety: Kuhn, Chair; Hanson and S. Olson.

House Study Bill 550

Economic Growth: H. Miller, Chair; Cownie and Steckman.

House Study Bill 551

Education: Palmer, Chair; Cownie and Willems.

House Study Bill 552

Economic Growth: Thomas, Chair; Jacoby and Schultz.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 553 Judiciary

Relating to expunging the conviction for certain alcohol-related offenses committed by persons under legal age.

H.S.B. 554 Judiciary

Creating the criminal offense of robbery in the third degree, and providing a penalty.

H.S.B. 555 Judiciary

Relating to the calculation of earned time for an inmate in a correctional institution.

H.S.B. 556 Judiciary

Concerning authorized public employment by retired judges.

H.S.B. 557 Judiciary

Relating to marital agreements, and including effective date and applicability provisions.

H.S.B. 558 Judiciary

Relating to Iowa's uniform disclaimer of property interest Act.

H.S.B. 559 Judiciary

Relating to mechanics' liens including the establishment of a state construction registry for residential construction property and providing an effective date.

H.S.B. 560 Veterans Affairs

Relating to the military division of the department of public defense concerning state military service and the Iowa code of military justice.

H.S.B. 561 Education

Relating to the resumption of tuition grant eligibility.

H.S.B. 562 State Government

Governing residential electrical installations, and establishing a fee.

H.S.B. 563 State Government

Relating to campaign finance requirements and reporting.

H.S.B. 564 State Government

Relating to the licensure of persons engaged in fire protection system installation, maintenance, repair, service, or inspection.

H.S.B. 565 State Government

Concerning state government reorganization and efficiency, making appropriations, establishing fees, establishing criminal penalties, and providing effective and applicability provisions.

H.S.B. 566 State Government

Concerning public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa

public employees' retirement system, and the statewide fire and police retirement system, making appropriations, and including effective date and retroactive applicability provisions.

H.S.B. 567 Human Resources

Relating to child support recovery including child support provisions for minor parents, medical support, and the review and adjustment process.

H.S.B. 568 Human Resources

Relating to the provision of deliverable fuels to customers eligible for the federal low-income home energy assistance program, and including effective date provisions.

H.S.B. 569 Human Resources

Revising the duties of the mental health, mental retardation, developmental disabilities, and brain injury commission and related provisions.

H.S.B. 570 Human Resources

Relating to the IowaCare program, and providing for repeals.

H.S.B. 571 Human Resources

Relating to various activities regulated and programs administered by the department of public health, including the Iowa collaborative safety net provider network, fetal death certification, and optometry, cosmetology, and barbering licensure, and including effective date provisions.

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 ECONOMIC GROWTH

Committee Bill (Formerly House Study Bill 505), establishing an Iowa innovation council in the department of economic development.

Fiscal Note is not required.

Recommended **Do Pass** January 14, 2010.

AMENDMENTS FILED

H—8009	H.F.	2030	Wendt of Woodbury Dolecheck of Ringgold Raecker of Polk
H—8010	S.F.	2033	May of Dickinson
H—8011	S.F.	2033	Chambers of O'Brien
H—8012	S.F.	2033	Koester of Polk
H—8014	S.F.	2045	May of Dickinson Dolecheck of Ringgold
H—8015	S.F.	2046	May of Dickinson Dolecheck of Ringgold
H—8016	S.F.	2033	Dolecheck of Ringgold
H—8017	S.F.	2033	Heaton of Henry
H—8018	S.F.	2033	Heaton of Henry
H—8019	S.F.	2033	Schultz of Crawford
H—8020	S.F.	2033	Ford of Polk
H—8021	S.F.	2033	Ford of Polk
H—8022	S.F.	2033	Ford of Polk

On motion by McCarthy of Polk the House adjourned at 6:03 p.m., until 8:00 a.m., Friday, January 15, 2010.

JOURNAL OF THE HOUSE

Fifth Calendar Day - Fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, January 15, 2010

The House met pursuant to adjournment at 8:00 a.m., Speaker Murphy in the chair.

Prayer was offered by the Honorable Ako Abdul-Samad, state representative from Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by John Johnson, House Page from Stratford.

The Journal of Thursday, January 14, 2010 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Alons of Sioux, Baudler of Adair, Drake of Cass, Horbach of Tama, Lukan of Dubuque, L. Miller of Scott and Van Engelenhoven of Marion, on request of Paulsen of Linn.

INTRODUCTION OF BILL

House File 2062, by Reichert, Soderberg, Helland, Windschitl, Kaufmann, Abdul-Samad, Wagner, Willems, Schueller, Koester, Struyk, Tymeson, Watts, Upmeyer, Running-Marquardt, Paulsen, Hagenow, Lukan, Schultz and Quirk, a bill for an act relating to the installation of certain fire suppression systems in residential construction and including effective date provisions.

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

CONSIDERATION OF BILLS

Regular Calendar

House File 2031, a bill for an act delaying the establishment of the categorical state percent of growth for the budget year beginning

July 1, 2011, for purposes of the state school foundation program, and including effective date provisions, was taken up for consideration.

SENATE FILE 2046 SUBSTITUTED FOR HOUSE FILE 2031

Wendt of Woodbury asked and received unanimous consent to substitute Senate File 2046 for House File 2031, placing out of order amendment H-8008 filed by Rants of Woodbury, May of Dickinson and Dolecheck of Ringgold, on January 13, 2010.

Senate File 2046, a bill for an act delaying the establishment of the categorical state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions, was taken up for consideration.

May of Dickinson offered the following amendment H-8015 filed by him and Dolecheck of Ringgold. Rants of Woodbury moved its adoption:

H-8015

1 Amend Senate File 2046, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by striking lines 1 through 9 and
 4 inserting:
 5 <Section 1. Section 257.8, subsection 2, Code
 6 Supplement 2009, is amended to read as follows:
 7 2. Categorical state percent of growth. The
 8 categorical state percent of growth for the budget
 9 year beginning July 1, 2010, is two percent. The
 10 categorical state percent of growth for ~~each a~~ budget
 11 year shall be established by statute which shall
 12 be enacted within thirty days of the submission in
 13 ~~the year preceding~~ the base year of the governor's
 14 budget under section 8.21. The establishment of the
 15 categorical state percent of growth for a budget year
 16 shall be the only subject matter of the bill which
 17 enacts the categorical state percent of growth for a
 18 budget year. The categorical state percent of growth
 19 may include state percents of growth for the teacher
 20 salary supplement, the professional development
 21 supplement, and the early intervention supplement. >
 22 2. Title page, by striking lines 1 through 4
 23 and inserting: <An Act modifying the deadline for
 24 establishment of the categorical state percent of
 25 growth for purposes of the state school foundation
 26 program and including effective date provisions.>

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

On the question "Shall amendment H-8015 be adopted?" (S.F. 2046)

The ayes were, 37:

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

The nays were, 54:

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

Absent or not voting, 9:

Alons	Baudler	Bell	Drake
Horbach	Lukan	Miller, H.	Miller, L.
Van Engelenhoven			

Amendment H-8015 lost.

Wendt of Woodbury 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. 2046)

The ayes were, 91:

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

The nays were, none.

Absent or not voting, 9:

Alons	Baudler	Bell	Drake
Horbach	Lukan	Miller, H.	Miller, L.
Van Engelenhoven			

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

House File 2032, a bill for an act delaying the establishment of the state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions, was taken up for consideration.

SENATE FILE 2045 SUBSTITUTED FOR HOUSE FILE 2032

Wendt of Woodbury asked and received unanimous consent to substitute Senate File 2045 for House File 2032, placing out of order

amendment H-8005 filed by Rants of Woodbury, May of Dickinson and Dolecheck of Ringgold, on January 13, 2010.

Senate File 2045, a bill for an act delaying the establishment of the state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions, was taken up for consideration.

Rants of Woodbury offered the following amendment H-8014 filed by May of Dickinson and Dolecheck of Ringgold and moved its adoption:

H-8014

1 Amend Senate File 2045, as passed by the Senate,
2 as follows:

3 1. Page 1, by striking lines 1 through 8 and
4 inserting:

5 <Sec. ___.Section 257.8, subsection 1, Code
6 Supplement 2009, is amended to read as follows:

7 1. State percent of growth. The state percent
8 of growth for the budget year beginning July 1,
9 2009, is four percent. The state percent of growth
10 for the budget year beginning July 1, 2010, is
11 two percent. The state percent of growth for ~~each~~
12 ~~subsequent~~ a budget year shall be established by
13 statute which shall be enacted within thirty days of
14 the submission in ~~the year preceding~~ the base year
15 of the governor's budget under section 8.21. The
16 establishment of the state percent of growth for a
17 budget year shall be the only subject matter of the
18 bill which enacts the state percent of growth for a
19 budget year. >

20 2. Title page, by striking lines 1 through 4
21 and inserting: <An Act modifying the deadline for
22 establishment of the state percent of growth for
23 purposes of the state school foundation program and
24 including effective date provisions.>

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

On the question "Shall amendment H-8014 be adopted?" (S.F. 2045)

The ayes were, 37:

Anderson
De Boef

Arnold
Deyoe

Chambers
Dolecheck

Cownie
Forristall

Grassley	Hagenow	Heaton	Helland
Huseman	Kaufmann	Koester	May
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rayhons	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Wagner	Watts	Windschitl
Worthan			

The nays were, 52:

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

Absent or not voting, 11:

Alons	Baudler	Bell	Drake
Horbach	Lukan	Miller, H.	Miller, L.
Olson, D.	Quirk	Van Engelenhoven	

Amendment H-8014 lost.

Wendt of Woodbury 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. 2045)

The ayes were, 91:

Abdul-Samad	Anderson	Arnold	Bailey
Beard	Berry	Bukta	Burt
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Ficken	Ford
Forristall	Fevvert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann

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

The nays were, none.

Absent or not voting, 9:

Alons	Baudler	Bell	Drake
Horbach	Lukan	Miller, H.	Miller, L.
Van Engelenhoven			

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

HOUSE FILES 2031 and 2032 WITHDRAWN

Wendt of Woodbury asked and received unanimous consent to withdraw House Files 2031 and 2032 from further consideration by the House.

House File 2030, a bill for an act relating to the school budget review committee by modifying its membership and by modifying the committee's duties related to school district unusual financial circumstances, was taken up for consideration.

Wendt of Woodbury offered the following amendment H-8009 filed by him, Dolecheck of Ringgold and Raecker of Polk and moved its adoption:

H-8009

- 1 Amend House File 2030 as follows:
- 2 1. Page 1, by striking lines 4 through 7
- 3 and inserting <school district's unreserved and

4 undesignated fund balances.>
5 2. Page 3, by striking lines 23 through 31
6 and inserting <July 1, 2009, if the school budget
7 review committee determines that a school district's
8 unexpended fund balance is in excess of the amount
9 necessary for operations, the school budget review
10 committee shall direct the school district to use the
11 unexpended fund balance in lieu of levying property
12 taxes and shall direct the department of management to
13 do one of the following:
14 a. For the fiscal period beginning July 1, 2009,
15 and ending June 30, 2012, limit the school district's
16 cash reserve levy to a level that is not excessive as
17 determined by the school budget review committee.
18 b. For fiscal years beginning on or after July 1,
19 2012, limit the school district's cash reserve levy
20 to a level that is not excessive as determined by the
21 school budget review committee and does not exceed the
22 cash reserve limitation in subsection 2.>
23 3. Page 4, after line 4 by inserting:
24 <Sec. __.EMERGENCY RULES. The department of
25 education may adopt emergency rules under section
26 17A.4, subsection 3, and section 17A.5, subsection 2,
27 paragraph "b", to implement the provisions of this
28 Act, and the rules shall be effective immediately upon
29 filing unless a later date is specified in the rules.
30 Any rules adopted in accordance with this section shall
31 also be published as a notice of intended action as
32 provided in section 17A.4.
33 Sec. __. EFFECTIVE UPON ENACTMENT. This Act,
34 being deemed of immediate importance, takes effect upon
35 enactment. "
36 4. Title page, line 4, after "circumstances" by
37 inserting "and including effective date provisions">

Amendment H-8009 was adopted.

The House stood at ease at 8:51 a.m., until the fall of the gavel.

The House resumed session at 8:53 a.m., Speaker Murphy in the chair.

Rants of Woodbury offered the following amendment H-8004 filed by him as follows:

H-8004

1 Amend House File 2030 as follows:
2 1. Page 2, after line 35 by inserting:
3 <Sec. __.Section 257.31, Code Supplement 2009,

4 is amended by adding the following new subsection:
 5 **NEW SUBSECTION. 7A.** A school district may annually
 6 request that the school budget review committee
 7 approve the cash sale of up to the value of one million
 8 dollars of unused spending authority to a second
 9 school district, and the purchasing school district
 10 may use the equivalent value of the purchased spending
 11 authority in its school district.>

Mascher of Johnson rose on a point of order that amendment H-8004 was not germane.

The Speaker ruled the point well taken and amendment H-8004 not germane.

Wenthe of Fayette in the chair at 9:46 a.m.

Mascher of Johnson 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. 2030)

The ayes were, 85:

Abdul-Samad	Arnold	Bailey	Baudler
Beard	Bell	Berry	Bukta
Burt	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Ficken
Ford	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Hanson
Heaton	Heddens	Helland	Hunter
Huseman	Huser	Isenhart	Jacoby
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	May	McCarthy	Mertz
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Schueller	Schulte	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Wagner	Wendt	Wessel-Kroeschell
Whitead	Winckler	Worthan	Zirkelbach
Wenthe,			
Presiding			

The nays were, 8.

Anderson	Kaufmann	Rants	Sands
Schultz	Watts	Willems	Windschitl.

Absent or not voting, 7:

Alons	Drake	Horbach	Lukan
Miller, H.	Miller, L.	Van Engelenhoven	

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

House File 2033, a bill for an act relating to school improvement and the approval and revocation of charter schools, the establishment of innovation zone schools by consortia of school districts and area education agencies, and the implementation of interventions for persistently lowest-achieving schools, was taken up for consideration.

Speaker Murphy in the chair at 10:14 a.m.

McCarthy of Polk in the chair at 10:16 a.m.

Speaker Murphy in the chair at 10:19 a.m.

Ford of Polk asked and received unanimous consent to withdraw amendment H-8002 filed by him on January 13, 2010.

Wendt of Woodbury offered the following amendment H-8001 filed by him and moved its adoption:

H-8001

- 1 Amend House File 2033 as follows:
- 2 1. Page 1, line 33, after "Secondary" by
- 3 inserting "Education"

Amendment H-8001 was adopted.

SENATE FILE 2033 SUBSTITUTED FOR HOUSE FILE 2033

Wendt of Woodbury asked and received unanimous consent to substitute Senate File 2033 for House File 2033, placing out of order the following amendments filed on January 13, 2010:

Amendment H–8003 filed by Ford of Polk.

Amendment H–8006 filed by Koester of Polk.

Amendment H–8007 filed by Dolecheck of Ringgold.

Senate File 2033, a bill for an act relating to school improvement and the approval and revocation of charter schools, the establishment of innovation zone schools by consortia of school districts and area education agencies, and the implementation of interventions for persistently lowest-achieving schools, was taken up for consideration.

Ford of Polk asked unanimous consent to withdraw amendment H–8020 filed by him on January 14, 2010.

Objection was raised.

Ford of Polk moved to withdraw his amendment H–8020.

The motion prevailed and amendment H–8020 was withdrawn.

Koester of Polk asked and received unanimous consent that amendment H–8012 be deferred.

Ford of Polk asked and received unanimous consent to withdraw amendment H–8022 filed by him on January 14, 2010.

Chambers of O'Brien offered the following amendment H–8011 filed by him and moved its adoption:

H–8011

1 Amend Senate File 2033, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, line 35, after <chapter.> by
4 inserting <Any plan which is a component of the
5 application the state board submits to the United
6 States department of education to compete for a grant
7 under the race to the top funds available pursuant
8 to the federal American Recovery and Reinvestment Act
9 of 2009, Pub.L.No.111?5, shall include parent and
10 guardian involvement measures in efforts to extend
11 state reforms by using college-ready and career-ready
12 standards and assessments, building a workforce of
13 highly effective educators, creating educational data
14 systems to support student achievement, and turning
15 around lowest-performing schools. The measures shall

- 16 be intended to do the following:
 17 a. Ensure that communication between home and
 18 school is regular, two-way, and meaningful.
 19 b. Promote and support parenting skills.
 20 c. Recognize and support the integral role parents
 21 and guardians play in assisting student learning.
 22 d. Welcome parents and guardians into the school
 23 and seek their support and assistance.
 24 e. Make parents and guardians partners in the
 25 decisions that affect children and families.
 26 f. Utilize community collaborations productively
 27 and community resources prolifically to strengthen
 28 schools, families, and student learning. >

Roll call was requested by Chambers of O'Brien and Tymeson of Madison.

On the question "Shall amendment H-8011 be adopted?" (S.F. 2033)

The ayes were, 38:

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

The nays were, 56:

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

Absent or not voting, 6:

Alons	Drake	Horbach	Lukan
Miller, L.	Van Engelenhoven		

Amendment H-8011 lost.

Schultz of Crawford offered the following amendment H-8019 filed by him and moved its adoption:

H-8019

- 1 Amend Senate File 2033, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, lines 14 and 15, by striking <sexual
- 4 orientation, gender identity>

Wenthe of Fayette in the chair at 10:49 a.m.

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

On the question "Shall amendment H-8019 be adopted?" (S.F. 2033)

The ayes were, 37:

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

The nays were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Ficken	Ford	Frevrt	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	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	Quirk	Reasoner	Reichert
Running-Marquardt	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor	Thede
Thomas	Wendt	Wessel-Kroeschell	Whitead
Willems	Winckler	Wenthe, Presiding	

Absent or not voting, 8:

Alons	Deyoe	Drake	Horbach
Lukan	Miller, L.	Van Engelenhoven	Zirkelbach

Amendment H-8019 lost.

Ford of Polk asked and received unanimous consent to withdraw amendment H-8021 filed by him on January 14, 2010.

Sweeney of Hardin offered the following amendment H-8010 filed by May of Dickinson and moved its adoption:

H-8010

1 Amend Senate File 2033, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 14, after line 33 by inserting:
 4 <Sec. ___.CONDITIONAL REPEAL AND CODE EDITOR
 5 NOTIFICATION. In the event that the state fails
 6 to receive federal moneys allocated in the federal
 7 American Recovery and Reinvestment Act of 2009, Pub.L.
 8 No.111-5, for the federal race to the top competitive
 9 grant administered by the United States department of
 10 education, as determined by the director of the state
 11 department of education, this Act is repealed and the
 12 director of the state department of education shall
 13 notify the Code editor of the denial of the state's
 14 grant application. The Code editor may include any
 15 necessary changes in the next Code editor's bill to
 16 effect the repeal of this Act.>
 17 2. Title page, line 5, after <schools> by
 18 inserting <, and providing for a conditional repeal>
 19 3. By renumbering as necessary.

Roll call was requested by Sweeney of Hardin and Paulsen of Linn.

On the question "Shall amendment H-8010 be adopted?" (S.F. 2033)

The ayes were, 38:

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

The nays were, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	Isenhardt	Jacoby	Kearns
Kelley	Kressig	Kuhn	Lensing
Lykam	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	Wendt	Wessel-Kroeschell	Whitead
Willems	Winckler	Zirkelbach	Wenthe, Presiding

Absent or not voting, 6:

Alons	Drake	Horbach	Lukan
Miller, L.	Van Engelenhoven		

Amendment H-8010 lost.

Speaker Murphy in the chair at 11:15 a.m.

Dolecheck of Ringgold offered amendment H-8016 filed by him as follows:

H-8016

- 1 Amend Senate File 2033, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 14, after line 33 by inserting:
- 4 <Sec. ____ NEW SECTION. 256F.14 Frontier schools.
- 5 1. The board of directors of a school district, an
- 6 accredited nonpublic school, the board of directors of
- 7 a community college, the state board of regents, an

8 accredited private institution as defined in section
9 261.9, or a private nonprofit corporation organized
10 under chapter 504 may submit an application to the
11 state board to establish a frontier school. The state
12 board shall adopt rules specifying the criteria for
13 approval of frontier schools. The department shall
14 develop an application process. The applicant shall
15 specify in its application all of the following:
16 a. Mission and instructional focus of the school.
17 b. Organizational structure and management of the
18 school.
19 c. Impact of labor agreements and contracts on the
20 success of the school.
21 d. Roles and responsibilities of all involved
22 constituencies.
23 e. Arrangements for special needs students.
24 f. Connection of the school to the school district.
25 g. Facility and operation costs.
26 h. Methods for measuring results, including but not
27 limited to student achievement results.
28 2. For purposes of this section, "frontier school"
29 means a school that is nonsectarian in its program,
30 admission policies, employment practices, and all
31 other operations. The school is a public school and is
32 part of the state's system of public education. The
33 primary focus of a frontier school shall be to provide
34 a comprehensive program of instruction for at least one
35 grade or age group from five through eighteen years
36 of age. Frontier schools may be designed to allow
37 significant autonomy to the schools. However, frontier
38 schools shall be accountable for significant results.
39 3. Except as provided in this subsection, frontier
40 schools are exempt from all statutes and rules
41 applicable to a school, a school board, or a school
42 district, although a frontier school may elect to
43 comply with one or more provisions of statute or rule.
44 However, a frontier school shall meet all applicable
45 state and local health and safety requirements; a
46 frontier school shall be organized and operated as a
47 nonprofit corporation under chapter 504; the provisions
48 of chapters 21 and 22 shall apply to meetings and
49 records of a frontier school board; and a frontier
50 school is subject to and shall comply with chapters

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1 216 and 216A relating to civil and human rights, and
2 sections 275.55A, 279.9A, 280.17B, 280.21B, and 282.4,
3 relating to suspension and expulsion of a student. The
4 frontier school shall employ or contract with necessary
5 teachers, as defined in section 272.1, who hold a valid
6 license with an endorsement for the type of service for

7 which the teacher is employed. Frontier schools are
 8 subject to the same financial audits, audit procedures,
 9 and audit requirements as a school district. The
 10 audits shall be consistent with the requirements of
 11 sections 11.6, 11.14, 11.19, 256.9, subsection 19,
 12 and section 279.29, except to the extent deviations
 13 are necessary because of the program at the school.
 14 The department, auditor of state, or the legislative
 15 services agency may conduct financial, program, or
 16 compliance audits. The provisions of chapter 20 shall
 17 not apply to the board of directors of a frontier
 18 school or its employees.

19 4. A student enrolled in a frontier school shall
 20 be counted, for state school foundation aid purposes,
 21 in the student's district of residence. A student's
 22 residence, for purposes of this section, means a
 23 residence under section 282.1. The board of directors
 24 of the district of residence shall pay to the frontier
 25 school the state cost per pupil for the previous school
 26 year, plus any moneys received for the student as a
 27 result of the non-English speaking weighting under
 28 section 280.4, subsection 3, for the previous school
 29 year multiplied by the state cost per pupil for the
 30 previous year. >

31 2. Title page, line 2, after <schools,> by
 32 inserting <the establishment of a frontier school,>

33 3. By renumbering as necessary.

Dolecheck of Ringgold offered the following amendment H-8023, to amendment H-8016, filed by him from the floor and moved its adoption:

H-8023

1 Amend the amendment, H-8016, to Senate File 2033,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, after line 2 by inserting:
 5 <__. Page 3, line 7, before <operated> by
 6 inserting <, including a frontier school,>>

7 2. Page 2, by striking lines 31 and 32.

8 3. By renumbering as necessary.

Amendment H-8023 was adopted.

Dolecheck of Ringgold moved the adoption of amendment H-8016, as amended.

McCarthy of Polk rose on a point of order to question whether a member may be recognized to speak for a third time.

The Speaker ruled the point well taken.

Roll call was requested by Dolecheck of Ringgold and Paulsen of Linn.

On the question "Shall amendment H-8016, as amended, be adopted?" (S.F. 2033)

The ayes were, 37:

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

The nays were, 57:

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

Absent or not voting, 6:

Alons	Drake	Horbach	Lukan
Miller, L.	Van Engelenhoven		

Amendment H-8016, as amended, lost.

Heaton of Henry asked and received unanimous consent to withdraw amendment H-8017 filed by him on January 14, 2010.

Heaton of Henry offered the following amendment H-8018 filed by him and moved its adoption:

H-8018

- 1 Amend Senate File 2033, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 14, after line 33 by inserting:
- 4 Sec. ____ DEPARTMENT OF EDUCATION – FEDERAL RACE
- 5 TO THE TOP GRANT FUNDS RESTRICTION. Federal race to
- 6 the top competitive grant funds that the department of
- 7 education receives from the United States department
- 8 of education under the federal American Recovery and
- 9 Reinvestment Act of 2009, Pub.L. No.111-5, shall
- 10 supplement and not supplant moneys appropriated or
- 11 allocated by the general assembly. >
- 12 2. By renumbering as necessary.

Roll call was requested by Heaton of Henry and Paulsen of Linn.

On the question "Shall amendment H-8018 be adopted?" (S.F. 2033)

The ayes were, 37:

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

The nays were, 56:

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

Wendt	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 7:

Alons	Deyoe	Drake	Horbach
Lukan	Miller, L.	Van Engelenhoven	

Amendment H-8018 lost.

Koester of Polk offered the following amendment H-8012, previously deferred, filed by him and moved its adoption:

H-8012

- 1 Amend Senate File 2033, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 3, by striking <a. >
- 4 2. By striking page 1, line 11, through page 2,
- 5 line 4.

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

On the question "Shall amendment H-8012 be adopted?" (S.F. 2033)

The ayes were, 39:

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

The nays were, 52:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Ficken	Ford	Frevrt	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	Isenhardt	Jacoby	Kearns
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Miller, H.

Oldson	Olson, D.	Olson, T.	Palmer
Quirk	Reasoner	Reichert	Running-Marquardt
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor	Thede	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 9:

Alons	Dolecheck	Drake	Horbach
Lukan	Miller, L.	Olson, R.	Petersen
Van Engelenhoven			

Amendment H-8012 lost.

Schueller of Jackson in the chair at 12:54 p.m.

Speaker Murphy in the chair at 1:15 p.m.

Wendt of Woodbury 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. 2033)

The ayes were, 56:

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

The nays were, 37:

Anderson	Arnold	Baudler	Chambers
Cownie	De Boef	Deyoe	Forristall
Grassley	Hagenow	Heaton	Helland

Huseman	Kaufmann	Koester	May
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rayhons	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Wagner	Watts	Windschitl
Worthan			

Absent or not voting, 7:

Alons	Dolecheck	Drake	Horbach
Lukan	Miller, L.	Van Engelenhoven	

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 2030** and **Senate Files 2033, 2045 and 2046**.

SUBCOMMITTEE ASSIGNMENTS

House File 12 Reassigned

Natural Resources: Beard, Chair; Baudler and Steckman.

House File 33 Reassigned

Natural Resources: Mertz, Chair; Lykam and Sweeney.

House File 42 Reassigned

Natural Resources: Beard, Chair; Baudler and Steckman.

House File 137 Reassigned

Natural Resources: Bell, Chair; Steckman and Upmeyer.

House File 190 Reassigned

Natural Resources: Beard, Chair; Arnold and Palmer.

House File 203 Reassigned

Natural Resources: Palmer, Chair; Deyoe and Running-Marquardt.

House File 207 Reassigned

Natural Resources: Beard, Chair; Schultz and Steckman.

House File 275 Reassigned

Natural Resources: Marek, Chair; Hanson and Sweeney.

House File 343 Reassigned

Natural Resources: Lykam, Chair; Ficken and Huseman.

House File 390 Reassigned

Natural Resources: Beard, Chair; Ficken and Rayhons.

House File 466 Reassigned

Natural Resources: Beard, Chair; Hanson and Rayhons.

House File 721

Natural Resources: Beard, Chair; Baudler and Hanson.

House File 2008

Natural Resources: Thede, Chair; Hanson and Sweeney.

House File 2009

Natural Resources: Hanson, Chair; Arnold and Mertz.

House File 2017

Natural Resources: Lykam, Chair; May and Whitead.

House File 2043

State Government: Cohoon, Chair; Frevert and Pettengill.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 125 Reassigned

Natural Resources: Bell, Chair; Arnold, Deyoe, Palmer and Steckman.

House Study Bill 553

Judiciary: Willems, Chair; Schultz and Wessel-Kroeschell.

House Study Bill 554

Judiciary: R. Olson, Chair; Baudler and T. Olson.

House Study Bill 555

Judiciary: Lensing, Chair; Baudler and R. Olson.

House Study Bill 556

Judiciary: Ford, Chair; Heaton and Lensing.

House Study Bill 557

Judiciary: T. Olson, Chair; Helland and Mertz.

House Study Bill 558

Judiciary: Swaim, Chair; Anderson and Huser.

House Study Bill 559

Judiciary: Palmer, Chair; Struyk and Willems.

House Study Bill 560

Veterans Affairs: Thomas, Chair; Bailey and Chambers.

House Study Bill 561

Education: Winckler, Chair; Ficken and Forristall.

House Study Bill 562

State Government: Quirk, Chair; Struyk and Taylor.

House Study Bill 563

State Government: Beard, Chair; Cohoon and Schulte.

House Study Bill 564

State Government: Quirk, Chair; Koester and Taylor.

House Study Bill 565

State Government: Mascher, Chair; Gaskill, Kaufmann, Struyk and Taylor.

House Study Bill 566

State Government: Frevert, Chair; Drake, Mascher, Pettengill and Running-Marquardt.

House Study Bill 567

Human Resources: Abdul-Samad, Chair; Koester and Wendt.

House Study Bill 568

Human Resources: Wendt, Chair; Abdul-Samad and Soderberg.

House Study Bill 569

Human Resources: Abdul-Samad, Chair; Schulte and Wendt.

House Study Bill 570

Human Resources: Abdul-Samad, Chair; Heaton and Wendt.

House Study Bill 571

Human Resources: Thede, Chair; Forristall and Wessel-Kroeschell.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 572 Human Resources

Relating to the field services organization for the department of human services and including effective date provisions.

H.S.B. 573 Rebuild Iowa and Disaster Recovery

Relating to flood plain management.

H.S.B. 574 Judiciary

Relating to the wearing of an alcohol monitoring device as a condition of probation for certain operating-while-intoxicated and related offenses.

On motion by McCarthy of Polk the House adjourned at 2:06 p.m., until 10:00 a.m., Tuesday, January 19, 2010.

JOURNAL OF THE HOUSE

Ninth Calendar Day - Sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 19, 2010

The House met pursuant to adjournment at 10:19 a.m., Speaker Murphy in the chair.

Prayer was offered by Sister Tess Engel from Fort Dodge. She was the guest of Representative Helen Miller of Webster County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alex Conner, House Page from West Burlington.

The Journal of Friday, January 15, 2010 was approved.

INTRODUCTION OF BILLS

House File 2063, by Mascher, a bill for an act providing for and making an appropriation to the department on aging for statewide expansion of the elder abuse initiative program.

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

House File 2064, by Gayman, a bill for an act relating to continuation of and reenrollment in dental coverage for certain adult children and including applicability and retroactive applicability provisions.

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

HOUSE FILES 334 and 339 WITHDRAWN

Petersen of Polk asked and received unanimous consent to withdraw House Files 334 and 339 from further consideration by the House.

HOUSE FILE 640 WITHDRAWN

Swaim of Davis asked and received unanimous consent to withdraw House File 640 from further consideration by the House.

HOUSE FILE 2033 WITHDRAWN

Wendt of Woodbury asked and received unanimous consent to withdraw House File 2033 from further consideration by the House.

HOUSE FILES WITHDRAWN

On motion by Shomshor of Pottawattamie, the following House Files were withdrawn by unanimous consent:

House Files 528, 631, 702, 747, 748, 750, 751, 764 and 769.

On motion by McCarthy of Polk, the House was recessed at 10:35 a.m., upon completion of the committee blocks.

EVENING SESSION

The House resumed session at 5:45 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILLS

House File 2065, by Smith, a bill for an act relating to reimbursement for supported community living under the medical assistance home and community-based services waiver for intellectual disabilities.

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

House File 2066, by Kaufmann, Raecker and Huser, a bill for an act relating to information required to be included in campaign finance reports filed by political committees.

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

House File 2067, by Kaufmann, L. Miller and Helland, a bill for an act providing a sales tax exemption from the sale of occupant consumables to be used in transient lodging.

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

House File 2068, by Gaskill, a bill for an act granting veterans a paid holiday for veterans day and making penalties applicable.

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

House File 2069, by Hagenow, a bill for an act authorizing persons who are relatives, friends, or neighbors to provide child care as unregistered child care home providers under certain circumstances.

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

House File 2070, by May, a bill for an act requiring the development and administration of a statewide comprehensive exit examination as a condition of high school graduation.

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

House File 2071, by Abdul-Samad, a bill for an act relating to policies granting resident status for purposes of paying postsecondary tuition and fees at public institutions of higher education.

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

House File 2072, by May, a bill for an act providing for the increased use of physical plant and equipment levy funds by school districts and including repeal and applicability provisions.

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

House File 2073, by Wendt and Whitead, a bill for an act relating to prohibited activities of certain public employees and officials in connection with urban renewal projects.

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

House File 2074, by Winckler and Lensing, a bill for an act relating to the use of wireless telecommunications devices by motor vehicle operators and providing penalties.

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

House File 2075, by committee on commerce, a bill for an act requiring health benefit coverage for certain cancer treatment delivered pursuant to approved cancer clinical trials and providing an applicability date.

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

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on January 15, 2010. Had I been present, I would have voted "nay" on House File 2030 and Senate File 2033 and "aye" on Senate Files 2045, 2046 and amendment H-8014 to Senate File 2045, H-8004 and H-8009 to House File 2030 and amendments H-8010, H-8011, H-8012, H-8016, H-8018 and H-8019 to Senate File 2033.

ALONS of Sioux

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on January 15, 2010, he approved and transmitted to the Secretary of State the following bill:

Senate File 2033, an Act relating to school improvement and the approval and revocation of charter schools, the establishment of innovation zone schools by consortia of school districts and area education agencies, and the implementation of interventions for persistently lowest-achieving schools.

SUBCOMMITTEE ASSIGNMENTS

House File 744

Judiciary: T. Olson, Chair; Heaton and Mertz.

House File 767

Judiciary: T. Olson, Chair; Heaton and Mertz.

House File 2018

Commerce: T. Olson, Chair; Lukan and Zirkelbach.

House File 2034

Commerce: T. Olson, Chair; Reasoner and Sorenson.

House File 2040

Education: Steckman, Chair; Abdul-Samad and Chambers.

House File 2041

Local Government: Whitead, Chair; Kressig and Sorenson.

House File 2046

Education: Cohoon, Chair; May and Kelley.

House File 2047

Education: Wendt, Chair; Chambers and Palmer.

House File 2049

Education: Steckman, Chair; Cownie and Willems.

House File 2050

Education: Mascher, Chair; Forristall and Wendt.

House File 2051

Commerce: Zirkelbach, Chair; Jacoby and Pettengill.

House File 2052

Human Resources: Mascher, Chair; Petersen and Schulte.

House File 2054

State Government: Wendt, Chair; Quirk and Raecker.

House File 2056

Human Resources: Mascher, Chair: Baudler and Berry.

House File 2058

Human Resources: Mascher, Chair: Schulte and Steckman.

House File 2062

Commerce: Reichert, Chair; Quirk and Wagner.

House File 2064

Commerce: T. Olson, Chair; Jacoby and Sorenson.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 572

Human Resources: Abdul-Samad, Chair; Schulte and Wendt.

House Study Bill 574

Judiciary: Wessel-Kroeschell, Chair; Kaufmann and Smith.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 575 State Government

Providing for the regulation of commercial establishments required to be certified to keep certain pets, including by providing for regulation, the imposition of fees, and an appropriation.

H.S.B. 576 Rebuild Iowa and Disaster Recovery

Relating to disaster recovery case management.

H.S.B. 577 Public Safety

Requiring carbon monoxide detectors in certain dwellings and multiple-unit residential buildings, making penalties applicable, and including effective date provisions.

H.S.B. 578 State Government

Concerning the Iowa lottery authority relating to the awarding of prizes and providing a criminal penalty.

H.S.B. 579 Agriculture

Relating to grape and wine development by providing for the elimination of a commission, programs, and duties of the department

of agriculture and land stewardship and providing for the transfer of unexpended and unobligated moneys.

H.S.B. 580 Commerce

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, 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.

H.S.B. 581 Labor

Relating to employment practices and public safety programs administered by the division of labor services of the department of workforce development.

H.S.B. 582 Veterans Affairs

Providing appropriations to the department of veterans affairs.

H.S.B. 583 Veterans Affairs

Providing veterans a paid holiday for veterans day and making penalties applicable.

H.S.B. 584 Veterans Affairs

Relating to the waiver of undergraduate tuition and mandatory fees by state postsecondary institutions for persons who served on active duty in the military service of the United States in a designated combat zone or hazardous duty area.

H.S.B. 585 Veterans Affairs

Creating a veterans combat bonus for active duty military service during certain military conflicts, making an appropriation, and providing a penalty and tax exemption.

H.S.B. 586 Judiciary

Relating to judicial branch administration, child custody and visitation matters, and making appropriations.

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 COMMERCE

Committee Bill (Formerly House Study Bill 524), providing notification to the department of workforce development by the secretary of state when certain business entities apply for reinstatement after dissolution to ensure certain tax obligations have been fulfilled.

Fiscal Note is not required.

Recommended **Do Pass** January 19, 2010.

Committee Bill (Formerly House Study Bill 530), requiring health benefit coverage for certain cancer treatment delivered pursuant to approved cancer clinical trials and providing an applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 19, 2010.

COMMITTEE ON LABOR

House File 701, a bill for an act providing for the licensure of elevator contractors and elevator mechanics and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** January 19, 2010.

House File 727, a bill for an act relating to safe walkways for railroad workers and making penalties applicable.

Fiscal Note is not required

Recommended **Do Pass** January 19, 2010.

COMMITTEE ON PUBLIC SAFETY

House File 657, a bill for an act making changes to the criminal offense of indecent exposure and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** January 19, 2010.

House File 674, a bill for an act relating to reporting the treatment of serious wounds received as the result of a crime to a law enforcement agency and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** January 19, 2010.

COMMITTEE ON VETERANS AFFAIRS

Committee Bill (Formerly House Study Bill 538), relating to unemployment insurance benefits for spouses who leave employment to accompany a spouse on military assignment.

Fiscal Note is not required.

Recommended **Do Pass** January 19, 2010.

On motion by McCarthy of Polk the House adjourned at 5:48 p.m., until 9:00 a.m., Wednesday, January 20, 2010.

JOURNAL OF THE HOUSE

Tenth Calendar Day - Seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 20, 2010

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

Prayer was offered by Reverend Terry Amman, pastor of the Walnut Creek Community Church, Windsor Heights. He was the guest of Representative Chris Hagenow of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chelsea Nicoletto, House Page from Des Moines.

The Journal of Tuesday, January 19, 2010 was approved.

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 January 19, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2030, a bill for an act relating to the school budget review committee by modifying its membership and by modifying the committee's duties related to school district unusual financial circumstances.

MICHAEL E. MARSHALL, Secretary

On motion by McCarthy of Polk, the House was recessed at 9:13 a.m., until 5:00 p.m.

EVENING SESSION

The House reconvened at 5:59 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILLS

House Joint Resolution 2002, by Paulsen, Lukan, Roberts, Sands, Dolecheck, S. Olson, Helland, Rants, Sweeney, Schulte, Struyk, Windschitl, Baudler, Huseman, Arnold, Horbach, May, Schultz, Sorenson, L. Miller, Forristall, Heaton, Tjepkes, Upmeyer, Raecker, Soderberg, Rayhons, Drake, Watts, De Boef, Alons, Tymeson, Grassley, Deyoe, Pettengill, Worthan, Wagner, Cownie, Van Engelenhoven, Kaufmann, Anderson, Hagenow, Koester and Chambers, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to labor union membership.

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

House Joint Resolution 2003, by Alons, Chambers, Tymeson, May, Koester, Windschitl, Schultz, De Boef, Sorenson, Sweeney, Huseman, Kaufmann, Rayhons, Hagenow, Mertz and Soderberg, a joint resolution proposing an amendment to the Constitution of the State of Iowa to specify that the right to life is the paramount and most fundamental right of every person, and that personhood applies to all human beings from the beginning of their biological development.

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

House File 2076, by committee on economic growth, a bill for an act establishing an Iowa innovation council in the department of economic development.

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

House File 2077, by Schulte, a bill for an act relating to submission of reimbursable claims under the Medicaid program.

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

House File 2078, by Isenhardt, a bill for an act relating to certification requirements related to services provided by an assisted living program, and including effective date and retroactive applicability provisions.

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

House File 2079, by Isenhardt, a bill for an act to require the department of inspections and appeals to certify and monitor the operations of health care of other agencies providing certain assisted living services and providing for a fee and a criminal penalty.

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

House File 2080, by Schulte, a bill for an act relating to the adjudication and payment of certain claims by health insurers.

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

House File 2081, by Schulte, a bill for an act requiring notification of preauthorization requirements pursuant to health insurance coverage.

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

House File 2082, by Jacoby and May, a bill for an act providing for a tax credit against the individual and corporate income taxes, the franchise tax, insurance premiums tax, and the moneys and credits tax for a charitable contribution to certain institutions engaged in regenerative medicine research and including a retroactive applicability date provision.

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

House File 2083, by Wendt and Whitead, a bill for an act relating to the authority of a certified law enforcement officer.

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

House File 2084, by Horbach, a bill for an act relating to exclusion of injuries incurred in certain voluntary recreational programs from workers' compensation.

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

House File 2085, by Tymeson, a bill for an act relating to charter schools and charter magnet schools, and including effective date provisions.

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

House File 2086, by Mascher, a bill for an act providing for and making an appropriation to the department of revenue for the elderly and disabled tax credit and reimbursement and providing an effective date.

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

House File 2087, by Jacoby and Wagner, a bill for an act exempting from the sales tax the services of certain executive search agencies and private employment agencies and including effective and retroactive applicability date provisions.

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

House File 2088, by T. Olson, Running-Marquardt, Willems, Taylor, Jacoby, Lensing, Kressig, Mascher, Kelley, Berry, Burt and H. Miller, a bill for an act providing for the waiver of tax penalties and interest under certain disaster loss circumstances and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

House File 2089, by Tymeson, a bill for an act extending the validity of an expired out-of-state driver's license of a veteran of the military service of the United States who becomes a resident of this state following separation from active duty.

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

House File 2090, by Tymeson, a bill for an act relating to the voting procedures of the joint board of an entity engaged in the joint exercise of governmental powers.

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

House File 2091, by Frevert, a bill for an act relating to the operation of off-road vehicles on highways, providing a registration fee, and making a penalty applicable.

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

House File 2092, by Gayman, a bill for an act modifying the definition of a hate crime, and providing penalties.

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

House File 2093, by Schulte, a bill for an act relating to increasing efficiencies in accountability measures for Medicaid program providers under the purview of the Iowa Medicaid enterprise.

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

House File 2094, by Schulte, a bill for an act relating to the level of care evaluations required under the medical assistance program home and community-based services waiver for persons with intellectual disabilities.

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

House File 2095, by Schulte, a bill for an act requiring the inclusion of certain transportation services under the medical assistance program home and community-based services waiver for persons with intellectual disabilities.

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

House File 2096, by Isenhardt and Koester, a bill for an act creating an Iowa institute for public policy.

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

House File 2097, by Hanson, a bill for an act requiring the use of safety helmets by certain young persons operating motorized bicycles, and making penalties applicable.

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

House File 2098, by Quirk, a bill for an act concerning driver education instruction by a teaching parent.

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

House File 2099, by Hanson, a bill for an act concerning text messaging and the use of cellular telephones by motor vehicle operators who are minors and providing a penalty.

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

House File 2100, by Quirk, a bill for an act modifying provisions applicable to electric generating and transmission facilities.

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

House File 2101, by Reasoner, a bill for an act relating to the establishment of fee schedules for certain noncovered dental services.

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

House File 2102, by Tymeson, a bill for an act relating to providing veteran services to inmates incarcerated in a jail or municipal holding facility.

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

House File 2103, by Quirk, a bill for an act relating to the composition of the building code advisory council.

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

House File 2104, by Quirk, a bill for an act relating to property assessment and property taxation by creating a recreational class of property.

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

HOUSE FILE 2059 REREFERRED

The Speaker announced that House File 2059, previously referred to committee on **economic growth** was rereferred to committee on **state government**.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 20th day of January, 2010: House File 2030.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on January 20, 2010, he approved and transmitted to the Secretary of State the following bills:

House File 2030, an Act relating to the school budget review committee by modifying its membership and by modifying the committee's duties related to school district unusual financial circumstances and including effective date provisions.

Senate File 2045, an Act delaying the establishment of the state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions.

Senate File 2046, an Act delaying the establishment of the categorical state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

BOARD OF REGENTS

Annual report of the Grow Iowa Values Funding, pursuant to Chapter 15G.111(2), Code of Iowa.

Annual usage costs for the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

DEPARTMENT OF EDUCATION

Annual report of the Iowa Learning Technology Commission, pursuant to Chapter 280A.3, Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

Annual report of the Healthy and Well Kids in Iowa (hawk-i), pursuant to Chapter 514.1(7)(g), Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

2010 Resource Enhancement and Protection report, pursuant to Chapter 455A.17, Code of Iowa.

DEPARTMENT OF REVENUE

Annual report of dependent health care coverage tax, pursuant to the 2008 Iowa Acts.

DEPARTMENT OF TRANSPORTATION

Annual report of highway construction program expenditures and obligations, pursuant to Chapter 307.12(15), Code of Iowa.

Fiscal year 2009 Biodiesel Fuel Revolving Fund Expenditures Report, pursuant to Chapter 307.20, Code of Iowa.

HOMELAND SECURITY AND EMERGENCY MANAGEMENT

Status report for 2009, pursuant to Chapter 34A.7A(3)(a), Code of Iowa.

IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT

Generation Iowa commission status update for 2009, pursuant to Chapter 400.3(1)(2)(3), Code of Iowa.

IOWA DEPARTMENT OF HUMAN RIGHTS
Division of Criminal and Juvenile Justice Planning

Update of twenty year plan for the criminal justice system in Iowa, pursuant to Chapters 216A.133 and 216A.137, Code of Iowa.

IOWA INSURANCE DIVISION

Consumer Advocate Bureau Report, pursuant to Chapter 505.8, Code of Iowa.

REBUILD IOWA OFFICE

Report of savings using the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

STATE COURT ADMINISTRATOR

Report on the Enhanced Court Collections Fund and the Court Technology Fund, pursuant to the 2009 Iowa Acts.

WORKFORCE DEVELOPMENT

Usage of videoconferencing with the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House File 72 Reassigned

Commerce: Kelley, Chair; Wagner and Zirkelbach.

House File 78 Reassigned

Commerce: Reichert, Chair; D. Olson and Soderberg.

House File 192 Reassigned

Commerce: Reichert, Chair; D. Olson, Petersen, Soderberg and Wagner.

House File 253 Reassigned

Commerce: Quirk, Chair; Helland, Jacoby, Wagner and Wenthe.

House File 288 Reassigned

Commerce: Kressig, Chair; Helland, Petersen, Sands and Zirkelbach.

House File 303 Reassigned

Commerce: Reasoner, Chair; Jacoby, Reichert, Sorenson and Struyk.

House File 691

Human Resources: Mascher, Chair; Baudler and Hunter.

House File 755

Veterans Affairs: Bailey, Chair; Chambers and Ficken.

House File 763

Agriculture: De Boef, Chair; Frevert and Mertz.

House File 2048

Natural Resources: Lykam, Chair; May and Palmer.

House File 2055

Veterans Affairs: Sweeney, Chair; Bukta and Gayman.

House File 2060

Veterans Affairs: Whitead, Chair; Ficken and Van Engelenhoven.

House File 2061

Veterans Affairs: Kearns, Chair; Chambers and Isenhart.

House File 2066

State Government: Cohoon, Chair; Schulte and Willems.

Senate File 404

Agriculture: Drake, Chair; Beard and Bukta.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 242 Reassigned**

Commerce: Reichert, Chair; D. Olson, Soderberg, Struyk and Wenthe.

House Study Bill 575

State Government: Lensing, Chair; Frevert and Struyk.

House Study Bill 577

Public Safety: Burt, Chair; Kressig and Lukan.

House Study Bill 578

State Government: Willems, Chair; Koester and Quirk.

House Study Bill 579

Agriculture: Beard, Chair; Dolecheck and Marek.

House Study Bill 580

Commerce: Oldson, Chair; Pettengill and Reasoner.

House Study Bill 582

Veterans Affairs: Bailey, Chair; Chambers and Isenhart.

House Study Bill 583

Veterans Affairs: Zirkelbach, Chair; Gayman and Watts.

House Study Bill 584

Veterans Affairs: Bailey, Chair; Kearns and Sweeney.

House Study Bill 585

Veterans Affairs: Bailey, Chair; Alons and Thomas.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 587 Environmental Protection

Regarding matters under the purview of the department of natural resources.

H.S.B. 588 Labor

Relating to choice of medical care by members of the municipal police and fire retirement system who are injured in the line of duty.

H.S.B. 589 Judiciary

Relating to mediation in domestic relations actions.

H.S.B. 590 Commerce

Requiring health insurance coverage for costs relating to mental health conditions, including alcohol or substance abuse treatment services costs, and requiring coordination of services to maximize access to mental health and substance abuse treatment for veterans, and including effective date provisions.

H.S.B. 591 Commerce

Requiring that certain health insurance policies provide coverage for preventive screenings and services for colorectal cancer.

H.S.B. 592 Rebuild Iowa and Disaster Recovery

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.

H.S.B. 593 Economic Growth

Relating to provisions authorizing sales and use tax exemptions and refunds for a data center business, and including effective date provisions.

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

Committee Bill (Formerly House Study Bill 502), amending the joint rules of the Senate and House of Representatives relating to compensation payable by the General Assembly.

Fiscal Note is not required.

Recommended **Do Pass** January 20, 2010.

Committee Bill (Formerly House Study Bill 503), amending the permanent rules of the House of Representatives relating to admittance to the floor of the house, the issuance of certificates of recognition or condolence, and the requirements for consideration of amendments.

Fiscal Note is not required.

Recommended **Do Pass** January 20, 2010.

COMMITTEE ON ETHICS

Committee Bill (Formerly House Study Bill 506), relating to ethics laws by establishing disclosure requirements, providing jurisdictional authority, and allowing certain procedures in resolving ethics complaints.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 20, 2010.

RESOLUTION FILED

HR 103, by Zirkelbach, a resolution honoring Iowa's military veterans.

Laid over under **Rule 25**.

On motion by Abdul-Samad of Polk the House adjourned at 6:06 p.m., until 9:00 a.m., Thursday, January 21, 2010.

JOURNAL OF THE HOUSE

Eleventh Calendar Day - Eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 21, 2010

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

Prayer was offered by Reverend Craig Nelson, Chaplain of the Iowa Veterans Home. He was the guest of Representative Mark Smith of Marshall County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Sam Kavalier, House Page from Toledo.

The Journal of Wednesday, January 20, 2010 was approved.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House Resolution 103.

ADOPTION OF HOUSE RESOLUTION 103

Chambers of O'Brien and Zirkelbach of Jones called up for immediate consideration **House Resolution 103**, a resolution honoring Iowa's military veterans, and moved its adoption.

The motion prevailed and the resolution was adopted.

McCarthy of Polk asked and received unanimous consent for immediate consideration of House Resolution 104.

ADOPTION OF HOUSE RESOLUTION 104

Sweeney of Hardin, Bukta of Clinton, Windschitl of Harrison, Chambers of O'Brien, Isenhart of Dubuque, Alons of Sioux, Beard of Winneshiek and Gayman of Scott called up for consideration **House Resolution 104**, a resolution to honor the Blue Star Mothers of America, Inc., and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by McCarthy of Polk, the House was recessed at 9:30 a.m., until 5:00 p.m.

EVENING SESSION

The House reconvened at 5:04 p.m., Speaker Murphy in the chair.

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 January 21, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2062, a bill for an act providing for a retirement incentive program for state employees and including effective date provisions.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House Joint Resolution 2004, by Hagenow, a joint resolution proposing an amendment to the Constitution of the State of Iowa providing for a state general fund expenditure limitation.

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

House Joint Resolution 2005, by Raecker, Alons, Anderson, Arnold, Baudler, Chambers, Cownie, De Boef, Deyoe, Dolecheck, Drake, Forristall, Grassley, Hagenow, Heaton, Helland, Horbach, Huseman, Kaufmann, Koester, Lukan, May, L. Miller, S. Olson, Paulsen, Pettengill, Rants, Rayhons, Roberts, Sands, Schulte, Schultz, Soderberg, Sorenson, Struyk, Sweeney, Tjepkes, Tymeson, Upmeyer, Van Engelenhoven, Wagner, Watts, Windschitl and Worthan, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to state budgeting by creating a state general fund expenditure limitation and requiring authorization for certain bonds.

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

House File 2105, by Kaufmann, Wagner and Schultz, a bill for an act to include a separate proposition relating to smoking prohibitions as part of any referendum to approve or disapprove a gambling game license applicant.

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

House File 2106, by Drake, a bill for an act relating to the use of a licensed engineer, landscape architect, or architect for public improvements.

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

House File 2107, by Kelley, a bill for an act providing for the severance and annexation of real property upon petition of the real property owners and approval of the city development board.

Read first time and referred to committee on **economic growth**.

House File 2108, by Quirk, a bill for an act relating to the installation of fire sprinklers or fire suppression systems in residential buildings.

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

House File 2109, by committee on ethics, a bill for an act relating to ethics laws by establishing disclosure requirements, providing jurisdictional authority, and allowing certain procedures in resolving ethics complaints, and including effective date provisions.

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

House File 2110, by committee on veterans affairs, a bill for an act relating to unemployment insurance benefits for spouses who leave employment to accompany a spouse on a military assignment.

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

House File 2111, by committee on commerce, a bill for an act providing notification to the department of workforce development by the secretary of state when certain business entities apply for

reinstatement after dissolution to ensure certain tax obligations have been fulfilled.

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

House File 2112, by Alons, Chambers, Quirk and Soderberg, a bill for an act concerning choice of automobile repair facilities under automobile liability insurance policies.

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

House File 2113, by Hanson, a bill for an act relating to the use of headlamps when a motor vehicle's windshield wipers are in use and making a penalty applicable.

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

House File 2114, by Pettengill, Schultz, Windschitl, S. Olson, Deyoe, De Boef, Upmeyer, Sands, Soderberg, Alons and Schulte, a bill for an act updating the Code references to the Internal Revenue Code and including effective date and retroactive applicability provisions.

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

House File 2115, by Roberts, a bill for an act eliminating the corporate income tax and including effective date and retroactive applicability provisions.

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

House File 2116, by Wenthe, Burt, Ficken, Beard, Kearns, Hunter, Willems and Mascher, a bill for an act relating to access to and security of employee personnel files.

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

House File 2117, by T. Olson, a bill for an act concerning payments for certain dental care services including fee schedules for dental services and assignment of dental care coverage benefits.

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

House File 2118, by Schulte, May, Windschitl, L. Miller, Rayhons, Drake, Hagenow, Wagner, Soderberg, Deyoe, Watts, Raecker, Sweeney, Chambers, Huseman, Alons, Koester, Forristall, S. Olson, Sands, Dolecheck, Upmeyer, Paulsen and Grassley, a bill for an act requiring state employees to pay a portion of health insurance premium costs and including applicability provisions.

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

House File 2119, by Raecker, Alons, Anderson, Arnold, Baudler, Chambers, Cownie, De Boef, Deyoe, Dolecheck, Drake, Forristall, Grassley, Hagenow, Heaton, Helland, Horbach, Huseman, Kaufmann, Koester, Lukan, May, L. Miller, S. Olson, Paulsen, Pettengill, Rants, Rayhons, Roberts, Sands, Schulte, Schultz, Soderberg, Sorenson, Struyk, Sweeney, Tjepkes, Tymeson, Upmeyer, Van Engelenhoven, Wagner, Watts, Windschitl and Worthan, a bill for an act establishing an organized system of reviews and ongoing repeal dates for programs and projects administered by executive branch departments.

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

House File 2120, by Abdul-Samad, a bill for an act relating to nuisances and providing remedies and making a penalty applicable.

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

House File 2121, by Frevert, a bill for an act relating to modification of a spousal support order based on duration of the order.

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

House File 2122, by Rants, a bill for an act relating to the residency restrictions for a sex offender, and making penalties applicable.

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

House File 2123, by Tymeson, a bill for an act relating to placement of a combat veteran in a mental health or substance abuse facility as part of a criminal sentence.

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

SENATE MESSAGE CONSIDERED

Senate File 2062, by committee on state government, a bill for an act providing for a retirement incentive program for state employees and including effective date provisions.

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

HOUSE FILE 783 REREFERRED

The Speaker announced that House File 783, previously referred to committee on **transportation** was rereferred to committee on **economic growth**.

HOUSE FILE 785 REREFERRED

The Speaker announced that House File 785, previously referred to committee on **transportation** was rereferred to committee on **environmental protection**.

HOUSE FILE 2053 REREFERRED

The Speaker announced that House File 2053, previously referred to committee on **transportation** was rereferred to committee on **public safety**.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2003

State Government: Lensing, Chair; Koester and Mascher.

House File 495

Education: Raecker, Chair; Ficken and Wendt.

House File 589

Education: Bukta, Chair; May and Wendt.

House File 770

Judiciary: Lensing, Chair; R. Olson and Schulte.

House File 2057

Judiciary: Huser, Chair; Baudler and Mertz.

House File 2059

State Government: Lensing, Chair; Isenhardt and Kaufmann.

House File 2065

Human Resources: Smith, Chair; Heaton and Heddens.

House File 2069

Human Resources: Mascher, Chair; Hunter and Koester.

House File 2070

Education: Cohoon, Chair; May and Wendt.

House File 2071

Education: Abdul-Samad, Chair; Cohoon and Tymeson.

House File 2072

Education: Steckman, Chair; May and Willems.

House File 2074

Transportation: Abdul-Samad, Chair; Quirk and Tjepkes.

House File 2077

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

House File 2078

Human Resources: Hunter, Chair; Abdul-Samad and Heaton.

House File 2079

Human Resources: Hunter, Chair; Abdul-Samad and Heaton.

House File 2093

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

House File 2094

Human Resources: Mascher, Chair; Hunter and Soderberg.

House File 2095

Human Resources: Mascher, Chair; Forristall and Hunter.

House File 2096

State Government: Isenhardt, Chair; Koester and Lensing.

House File 2103

State Government: Taylor, Chair; Quirk and Struyk.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 569 Reassigned

Human Resources: Heddens, Chair; Heaton and Wendt.

House Study Bill 586

Judiciary: Huser, Chair; Helland and Smith.

House Study Bill 587

Environmental Protection: Lensing, Chair; Hanson and Schultz.

House Study Bill 589

Judiciary: Huser, Chair; Schulte and Smith.

House Study Bill 590

Commerce: Peterson, Chair; D. Olson, Struyk, Windschitl and Zirkelbach.

House Study Bill 591

Commerce: T. Olson, Chair; Lukan and D. Olson.

House Study Bill 593

Economic Growth: Thomas, Chair; Forristall and Kelley.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 594 State Government**

Providing for a retirement incentive program for state employees and including effective date provisions.

H.S.B. 595 Transportation

Relating to annual motor vehicle registration fees for older-model multipurpose vehicles and certain vehicles equipped for a person with a disability or used by a person who relies on a wheelchair.

H.S.B. 596 Judiciary

Relating to conducting court hearings by video conference.

H.S.B. 597 Judiciary

Relating to judgment liens on homesteads.

H.S.B. 598 Judiciary

Relating to the rights of a donee created by an anatomical gift.

H.S.B. 599 Judiciary

Modifying the definition of assault.

H.S.B. 600 Education

Allowing special education pupils to qualify for supplementary weighting in the senior year plus program.

H.S.B. 601 Judiciary

Relating to the issuance of a protective order or approval of a consent agreement in a domestic abuse case and providing for a study.

H.S.B. 602 Commerce

Relating to the utilization of energy by authorizing the establishment of an energy finance program to finance certain energy improvements, and providing a penalty.

H.S.B. 603 Public Safety

Relating to eluding or attempting to elude a marked law enforcement vehicle, and providing a penalty.

H.S.B. 604 Public Safety

Providing for the treatment of animals other than agricultural animals, by providing for a regulation of commercial establishments, providing for fees, providing penalties, and including effective date provisions.

H.S.B. 605 Public Safety

Relating to the criminal offense of simulated public intoxication.

H.S.B. 606 Public Safety

Relating to the criminal offense of detention in a brothel.

H.S.B. 607 Public Safety

Repealing the simple misdemeanor offense relating to the use of cowl lamps on motor vehicles.

H.S.B. 608 Rebuild Iowa and Disaster Recovery

Relating to development in five hundred year floodplains.

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 COMMERCE

Committee Bill (Formerly House Study Bill 522), updating references to the federal Truth in Lending Act.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 21, 2010.

COMMITTEE ON HUMAN RESOURCES

House File 234, a bill for an act requiring health insurance coverage for costs relating to mental health conditions, including alcohol or substance abuse treatment services.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8024** January 20, 2010.

COMMITTEE ON VETERANS AFFAIRS

Committee Bill (Formerly House Study Bill 540), exempting from the computation of the state individual income tax certain amounts received from the veterans trust fund and including a retroactive applicability provision.

Fiscal Note is not required.

Recommended **Do Pass** January 21, 2010.

Committee Bill (Formerly House Study Bill 560), relating to the military division of the department of public defense concerning state military service and the Iowa code of military justice.

Fiscal Note is not required.

Recommended **Do Pass** January 21, 2010.

Committee Bill (Formerly House File 2055), relating to eligible lenders for the home ownership assistance program for military members.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 21, 2010.

AMENDMENTS FILED

H—8024	H.F.	234	Committee on Human Resources
H—8025	H.F.	2075	T. Olson of Linn Struyk of Pottawattamie

On motion by McCarthy of Polk the House adjourned at 5:09 p.m., until 9:00 a.m., Friday, January 22, 2010.

JOURNAL OF THE HOUSE

Twelfth Calendar Day - Ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, January 22, 2010

The House met pursuant to adjournment at 9:29 a.m., Reasoner of Union in the chair.

Prayer was offered by the Honorable Mark Brandsgard, Chief Clerk of the House.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mark Brandsgard, Chief Clerk of the House.

The Journal of Thursday, January 21, 2010 was approved.

INTRODUCTION OF BILLS

House File 2124, by Pettengill and Sands, a bill for an act repealing the Iowa plumber, mechanical professional, and contractor licensing Act.

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

House File 2125, by Helland, a bill for an act relating to development of a remedial continuing education program for certain insurance producers.

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

House File 2126, by Tjepkes, a bill for an act specifying those authorized to solemnize marriages in this state, and including effective date provisions.

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

SUBCOMMITTEE ASSIGNMENTS

House File 2091

Natural Resources: Ficken, Chair; Running-Marquardt and Sweeney.

House File 2097

Transportation: Quirk, Chair; Marek and Wagner.

House File 2099

Transportation: Quirk, Chair; Abdul-Samad and Tjepkes.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 516 Reassigned

Human Resources: Wessel-Kroeschell, Chair; L. Miller and Thede.

House Study Bill 581

Labor: Taylor, Chair; Kearns and Watts.

House Study Bill 588

Labor: Hunter, Chair; Cownie and Willems.

House Study Bill 594

State Government: Frevert, Chair; Beard and Raecker.

House Study Bill 596

Judiciary: Mertz, Chair; Schultz and Wessel-Kroeschell.

House Study Bill 597

Judiciary: Swaim, Chair; Anderson and Palmer.

House Study Bill 598

Judiciary: Swaim, Chair; Anderson and Mertz.

House Study Bill 599

Judiciary: T. Olson, Chair; Baudler and R. Olson.

House Study Bill 600

Education: Winckler, Chair; Ford and Sweeney.

House Study Bill 601

Judiciary: Smith, Chair; Schulte and Wessel-Kroeschell.

House Study Bill 602

Commerce: Reichert, Chair; Jacoby, D. Olson, Soderberg and Wagner.

House Study Bill 603

Public Safety: Berry, Chair; Baudler and Hanson.

House Study Bill 604

Public Safety: Lykam, Chair; Alons, Bukta, Kuhn and Sands.

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 LABOR

House File 681, a bill for an act requiring employers to provide notice of business closings and mass layoffs and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** January 21, 2010.

On motion by McCarthy of Polk the House adjourned at 9:30 a.m., until 1:00 p.m., Monday, January 25, 2010.

JOURNAL OF THE HOUSE

Fifteenth Calendar Day - Tenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 25, 2010

The House met pursuant to adjournment at 1:14 p.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Rich Adam, pastor of St. Mary's Church, Riverside. He was the guest of Representative Larry Marek of Washington County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Robert Grau, House Page from Des Moines.

The Journal of Friday, January 22, 2010 was approved.

INTRODUCTION OF BILL

House File 2127, by Petersen, Kressig, Taylor, Heddens, Mascher, Berry, Thede, Cohoon, Gayman, Hanson, Gaskill, D. Olson, Smith, Isenhardt, Burt, Wendt, Schueller, Ficken, Palmer, Abdul-Samad, Winckler, Running-Marquardt, Kearns, Kuhn, Steckman, Zirkelbach, Lensing, Beard, Wessel-Kroeschell, Hunter, Swaim, Oldson, Reichert and T. Olson, a bill for an act modifying provisions relating to the regulation of delayed deposit services businesses, making penalties applicable, and including effective date provisions.

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

SPECIAL PRESENTATION

R. Olson of Polk introduced to the House, the Sergeant-of-Arms, Maynard Boatwright, who was recently inducted into the Des Moines, East High School Hall of Fame for his many athletic accomplishments.

The House rose and expressed its congratulations.

On motion by McCarthy of Polk, the House was recessed at 1:27 p.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:40 p.m., H. Miller of Webster in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Rants of Woodbury on request of Roberts of Carroll.

INTRODUCTION OF BILLS

House File 2128, by Alons, Koester, De Boef and Chambers, a bill for an act relating to intentional distracted driving and providing a penalty.

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

House File 2129, by T. Olson, a bill for an act relating to measuring and improving the quality of care for stroke patients.

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

House File 2130, by Frevert, a bill for an act relating to the grounds for termination of parental rights.

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

House File 2131, by committee on commerce, a bill for an act updating references to the federal Truth in Lending Act.

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

House File 2132, by Windschitl, a bill for an act relating to the use of public moneys by nongovernmental entities for lobbying purposes and making a penalty applicable.

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

House File 2133, by Windschitl, a bill for an act relating to the definition and regulation of outpatient surgical facilities or ambulatory surgical centers and providing for fees.

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

House File 2134, by Windschitl, Baudler, De Boef, Huseman, Chambers, Alons, Schultz, Soderberg and Hagenow, a bill for an act relating to protocol for medically induced abortions, and providing penalties.

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

House File 2135, by Willems, a bill for an act relating to employee leave by providing for time off and sick leave, and including effective date and applicability provisions.

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

CONSIDERATION OF BILL Regular Calendar

House File 2075, a bill for an act requiring health benefit coverage for certain cancer treatment delivered pursuant to approved cancer clinical trails and providing an applicability date, was taken up for consideration.

T. Olson of Linn offered the following amendment H-8025 filed by him and Struyk of Pottawattamie and moved its adoption:

H-8025

- 1 Amend House File 2075 as follows:
- 2 1. Page 1, line 23, after <c.> by inserting <(1)>
- 3 2. Page 1, by striking lines 27 and 28 and
- 4 inserting <were receiving standard cancer treatment.>
- 5 3. Page 1, before line 29 by inserting:
- 6 <(2) "Routine patient care costs" does not include
- 7 any of the following:>
- 8 4. Page 1, line 29, by striking <(1)> and inserting
- 9 <(a)>
- 10 5. Page 1, line 33, by striking <(2)> and inserting
- 11 <(b)>
- 12 6. Page 2, line 1, by striking <(3)> and inserting

- 13 <(c)>
 14 7. Page 2, line 3, by striking <(4)> and inserting
 15 <(d)>
 16 8. Page 2, line 6, by striking <(5)> and inserting
 17 <(e)>
 18 9. Page 2, line 10, by striking <(6)> and inserting
 19 <(f)>
 20 10. Page 2, line 12, by striking <(7)> and
 21 inserting <(g)>
 22 11. Page 2, line 16, by striking <(8)> and
 23 inserting <(h)>
 24 12. Page 2, line 21, by striking <(9)> and
 25 inserting <(i)>
 26 13. Page 2, after line 23 by inserting:
 27 <(j) Costs of extras treatments, services,
 28 procedures, tests, or drugs that would not be performed
 29 or administered except for participation in the
 30 cancer clinical trial. Nothing in this subparagraph
 31 subdivision shall limit payment for treatments,
 32 services, procedures, tests, or drugs that are
 33 otherwise a covered benefit under subparagraph (1).>
 34 14. By striking page 3, line 34, through page 4,
 35 line 2.
 36 15. By renumbering as necessary.

Amendment H-8025 was adopted.

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?" (H.F. 2075)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhardt	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Paulsen	Petersen	Pettengill	Quirk

Raecker	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Miller, H., Presiding

The nays were, none.

Absent or not voting, 4:

Kressig	Palmer	Rants	Van Engelenhoven
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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 2075** be immediately messaged to the Senate.

REPORT OF THE CHIEF CLERK OF THE HOUSE

Mr. Speaker: Pursuant to House Rule 42, I report that in engrossing bills the following correction was made:

Amendment H-8025 to House File 2075

1. Page 1, Line 27-Change extras to extra.

MARK W. BRANDSGARD
Chief Clerk of the House

SUBCOMMITTEE ASSIGNMENTS

House File 97 Reassigned

Transportation: Gaskill, Chair; Koester and Quirk.

House File 151 Reassigned

Transportation: Wenthe, Chair; Quirk and Roberts.

House File 157 Reassigned

Transportation: D. Olson, Chair; Quirk and Tjepkes.

House File 533 Reassigned

Transportation: Wenthe, Chair; Quirk and Roberts.

House File 686

Transportation: Wenthe, Chair; Gaskill and Tjepkes.

House File 785

Environmental Protection: D. Olson, Chair; Deyoe and Kearns.

House File 823

Environmental Protection: Reichert, Chair; Hagenow and Hanson.

House File 2083

Public Safety: Whitead, Chair; Kuhn and Tjepkes.

House File 2092

Public Safety: Bukta, Chair; Kressig and Sands.

House File 2098

Transportation: Marek, Chair; Hagenow and Hanson.

House File 2106

State Government: Taylor, Chair; Koester and Willems.

House File 2113

Transportation: Quirk, Chair; Kelley and Wagner.

House File 2118

State Government: Lensing, Chair; Isenhardt and Pettengill.

House File 2119

State Government: Mascher, Chair; Beard and Koester.

House File 2124

State Government: Taylor, Chair; Quirk and Struyk.

Senate File 367 Reassigned

Environmental Protection: H. Miller, Chair; Lensing and Watts.

Senate File 2062

State Government: Frevert, Chair; Beard and Drake.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 512**

Rebuild Iowa and Disaster Recovery: T. Olson, Chair; Berry and Helland.

House Study Bill 513

Rebuild Iowa and Disaster Recovery: Berry, Chair; De Boef and Running-Marquardt.

House Study Bill 549

Rebuild Iowa and Disaster Recovery: Huser, Chair; Sorenson and Thomas.

House Study Bill 573

Rebuild Iowa and Disaster Recovery: Jacoby, Chair; Burt and Pettengill.

House Study Bill 576

Rebuild Iowa and Disaster Recovery: Running-Marquardt, Chair; Burt and De Boef.

House Study Bill 592

Rebuild Iowa and Disaster Recovery: Helland, Chair; Burt, Huser, Kaufmann and Pettengill.

House Study Bill 595

Transportation: Marek, Chair; Arnold, Kelley, Quirk and Worthan.

House Study Bill 605

Public Safety: Baudler, Chair; Bell and R. Olson.

House Study Bill 606

Public Safety: R. Olson, Chair; Baudler and Lykam.

House Study Bill 607

Public Safety: Hanson, Chair; Baudler and R. Olson.

House Study Bill 608

Rebuild Iowa and Disaster Recovery: Schueller, Chair; Grassley, Jacoby, Sands and Taylor.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 609 Human Resources**

Relating to the home modification requirements under the Medicaid home and community-based services waiver for the elderly.

H.S.B. 610 Human Resources

Relating to Alzheimer's disease and related disorders and the role of the department of public health in collecting data concerning Alzheimer's disease and providing resources and services to persons suffering from the disease.

H.S.B. 611 Human Resources

Relating to the renewal of the family planning network waiver under the medical assistance program.

H.S.B. 612 Human Resources

Relating to health care facilities and programs, including hospital inspector requirements, the hospital licensing board, and dependent adult abuse.

H.S.B. 613 Transportation

Relating to claims for warranty parts, repairs, or service performed by motor vehicle dealers.

H.S.B. 614 Transportation

Relating to the regulation of motor vehicle franchises.

H.S.B. 615 Transportation

Concerning advance notification to school districts affected by primary road construction or maintenance.

H.S.B. 616 Transportation

Relating to intermediate driver's licenses and special minor's licenses, making a penalty applicable, and including effective date provisions.

H.S.B. 617 Transportation

Relating to the operation of off-road utility vehicles on highways and making a penalty applicable.

H.S.B. 618 Commerce

Relating to the practice of mortuary science and to the preneed sale of cemetery and funeral merchandise and funeral services and providing a penalty.

H.S.B. 619 Commerce

Relating to choice of automobile repair facilities under automobile liability insurance policies.

H.S.B. 620 Commerce

Relating to certain employer-owned life insurance contracts on the lives of employees and making penalties applicable.

RESOLUTIONS FILED

HCR 104, by committee on administration and rules, a concurrent resolution amending the joint rules of the Senate and House of Representatives relating to compensation payable by the General Assembly.

Placed on the **calendar**.

HR 105, by committee on administration and rules, a resolution amending the permanent rules of the House of Representatives

relating to admittance to the floor of the house, the issuance of certificates of recognition or condolence, and the requirements for consideration of amendments.

Placed on the **calendar**.

AMENDMENTS FILED

H—8026	H.F.	2110	Horbach of Tama
H—8027	H.F.	2110	Tymeson of Madison
H—8028	H.F.	2110	Windschitl of Harrison

On motion by McCarthy of Polk the House adjourned at 4:54 p.m., until 9:00 a.m., Tuesday, January 26, 2010.

JOURNAL OF THE HOUSE

Sixteenth Calendar Day - Eleventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 26, 2010

The House met pursuant to adjournment at 9:04 a.m., Speaker Murphy in the chair.

Prayer was offered by the Honorable Marcella Frevert, state representative from Palo Alto County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ryan Fisher, House Page from Ellsworth.

The Journal of Monday, January 25, 2010 was approved.

RULE 57 SUSPENDED

McCarthy of Polk asked and received unanimous consent to suspend Rule 57, related to committee notice and agenda, for a meeting of the committee on veterans affairs at 1:00 p.m.

SPECIAL PRESENTATION

Isenhardt of Dubuque and May of Dickinson presented a check to the American Red Cross Lincoln Way Chapter Executive Director, Kirk Brocker, for five-thousand dollars, for the relief effort in Haiti. This was a fund raising project for the House secretaries.

The House rose and expressed its appreciation.

On motion by McCarthy of Polk, the House was recessed at 9:14 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:07 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILLS

House Joint Resolution 2006, by T. Olson, a joint resolution to nullify administrative rules of the board of nursing concerning advanced registered nurse practitioners and providing an effective date.

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

House Joint Resolution 2007, by Upmeyer, Deyoe, Drake, Schulte, Soderberg, Chambers, Sweeney, Huseman, Alons, Koester, Forristall, Sands, Dolecheck, L. Miller, Sorenson, Cownie, Grassley, May, Roberts, Mertz, Pettengill, Kelley and Windschitl, a joint resolution proposing an amendment to the Constitution of the State of Iowa preserving the freedom of Iowans to provide for their own health care.

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

House File 2136, by T. Olson, a bill for an act regulating the practice of chronic interventional pain medicine and providing penalties.

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

House File 2137, by committee on veterans affairs, a bill for an act relating to the military division of the department of public defense concerning state military service and the Iowa code of military justice.

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

House File 2138, by committee on veterans affairs, a bill for an act exempting from the computation of the state individual income tax certain amounts received from the veterans trust fund and including a retroactive applicability provision.

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

House File 2139, by Tymeson, a bill for an act prohibiting setting or maintaining traps within a public road right-of-way without prior

permission of the adjacent landowner or tenant and providing a penalty.

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

House File 2140, by Sweeney, Watts, Drake, Rayhons, De Boef, Huseman, Kaufmann and Baudler, a bill for an act relating to core curriculum plan and implementation dates established for school districts and accredited nonpublic schools and including effective date provisions.

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

House File 2141, by Pettengill, a bill for an act requiring state credit unions to make available loans subject to a gradually reduced rate of interest under specified circumstances.

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

House File 2142, by Frevert, a bill for an act relating to park user permits and fees, providing penalties, making an appropriation, and including repeal and effective date provisions.

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

House File 2143, by Wendt and Whitead, a bill for an act relating to prohibited contracts and activities for civil service commissioners.

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

House File 2144, by committee on human resources, a bill for an act relating to health-related activities and regulation by the department of public health, and making penalties applicable.

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

CONSIDERATION OF BILLS Regular Calendar

House File 2109, a bill for an act relating to ethics laws by establishing disclosure requirements, providing jurisdictional

authority, and allowing certain procedures in resolving ethics complaints, and including effective date provisions, 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?" (H.F. 2109)

The ayes were, 100:

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

The House stood at ease at 4:19 p.m., until the fall of the gavel.

The House resumed session at 5:52 p.m., Speaker Murphy in the chair.

House File 2110, a bill for an act relating to unemployment insurance benefits for spouses who leave employment to accompany a spouse on a military assignment, was taken up for consideration.

Tymeson of Madison asked and received unanimous consent that amendment H-8027 be deferred.

Windschitl of Harrison asked and received unanimous consent that amendment H-8028 be deferred.

Horbach of Tama asked and received unanimous consent to withdraw amendment H-8026 filed by him on January 25, 2010.

Tymeson of Madison asked and received unanimous consent to withdraw amendment H-8027, previously deferred, filed by her on January 25, 2010, placing out of order amendment H-8030 filed by Bailey of Hamilton from the floor.

Windschitl of Harrison asked and received unanimous consent to withdraw amendment H-8028, previously deferred, filed by him on January 25, 2010.

Zirkelbach of Jones 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. 2110)

The ayes were, 56:

Abdul-Samad	Anderson	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.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Running-Marquardt
Schueller	Shomshor	Smith	Steckman

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

The nays were, 44:

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

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 Files 2109 and 2110.**

HOUSE FILE 384 REREFERRED

The Speaker announced that House File 384, previously referred to committee on **transportation** was rereferred to committee on **environmental protection.**

HOUSE FILE 2082 REREFERRED

The Speaker announced that House File 2082, previously referred to committee on **ways and means** was rereferred to committee on **economic growth.**

HOUSE FILE 2087 REREFERRED

The Speaker announced that House File 2087, previously referred to committee on **ways and means** was rereferred to committee on **commerce.**

SUBCOMMITTEE ASSIGNMENTS

House File 2053

Public Safety: Whitead, Chair; Kuhn and Tjepkes.

House File 2063

Appropriations: Heddens, Chair; Gayman and Heaton.

House File 2068

Veterans Affairs: Zirkelbach, Chair; Bailey and Chambers.

House File 2073

Local Government: Whitead, Chair; Ford and Grassley.

House File 2080

Commerce: T. Olson, Chair; Helland and Wenthe.

House File 2081

Commerce: Kelley, Chair; Pettengill and Wenthe.

House File 2085

Education: Steckman, Chair; Abdul-Samad and Tymeson.

House File 2089

Veterans Affairs: Gayman, Chair; Bukta and Sweeney.

House File 2100

Commerce: Reichert, Chair; D. Olson, Quirk, Soderberg and Wagner.

House File 2101

Commerce: T. Olson, Chair; Reasoner and Sorenson.

House File 2102

Veterans Affairs: Zirkelbach, Chair; Bailey and Chambers.

House File 2105

Commerce: T. Olson, Chair; Petersen and Windschitl.

House File 2107

Economic Growth: Kelley, Chair; Cownie and Jacoby.

House File 2108

Public Safety: Reichert, Chair; Bell and Lukan.

House File 2112

Commerce: Quirk, Chair; Kelley and Wagner.

House File 2116

Labor: Kearns, Chair; Burt and Van Engelenhoven.

House File 2117

Commerce: T. Olson, Chair; Reasoner and Sorenson.

House File 2122

Public Safety: R. Olson, Chair; Baudler and Lykam.

House File 2123

Veterans Affairs: Zirkelbach, Chair; Chambers and Mascher.

House File 2125

Commerce: Oldson, Chair; Pettengill and Reasoner.

House File 2127

Commerce: Wenthe, Chair; Helland, Kressig, Reasoner and Sands.

House File 2128

Transportation: Hagenow, Chair; Hanson, Chair; Abdul-Samad and May.

House File 2129

Human Resources: T. Olson, Chair; L. Miller and Smith.

House File 2132

State Government: Cohoon, Chair; Schulte and Willems.

House File 2133

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

House File 2134

Human Resources: Mascher, Chair; Hunter and Soderberg.

Senate File 173

Appropriations: Winckler, Chair; Dolecheck and Wenthe.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 589 Reassigned**

Judiciary: Huser, Chair; Mertz and Struyk.

House Study Bill 609

Human Resources: Wendt, Chair; Abdul-Samad and Heaton.

House Study Bill 610

Human Resources: Thede, Chair; Alons and Hunter.

House Study Bill 611

Human Resources: T. Olson, Chair; Forristall and Petersen.

House Study Bill 612

Human Resources: Abdul-Samad, Chair; Alons and Petersen.

House Study Bill 613

Transportation: Quirk, Chair; Kelley and Tjepkes.

House Study Bill 614

Transportation: Quirk, Chair; Kelley and Tjepkes.

House Study Bill 615

Transportation: Quirk, Chair; Marek and Tjepkes.

House Study Bill 616

Transportation: Abdul-Samad, Chair; Hagenow and Quirk.

House Study Bill 617

Transportation: May, Chair; Quirk and Wenthe.

House Study Bill 618

Commerce: Kelley, Chair; Pettengill and Reichert.

House Study Bill 619

Commerce: Quirk, Chair; Kelley and Wagner.

House Study Bill 620

Commerce: Shomshor, Chair; Helland and Zirkelbach.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 621 Human Resources**

Relating to the office of the long-term care resident's advocate, and providing penalties.

H.S.B. 622 Education

Relating to private college preparatory schools exempted from the state's educational standards and accreditation process, and including effective date provisions.

H.S.B. 623 Education

Relating to the duties and operations of the department of education and local school boards.

H.S.B. 624 Education

Relating to special education rights and duties and to the related duties and operations of the department of education and local school boards.

H.S.B. 625 Education

Relating to deaccreditation of a school district by the state board of education.

H.S.B. 626 Human Resources

Making changes to the uniform controlled substances Act.

H.S.B. 627 Human Resources

Relating to community mental health centers.

H.S.B. 628 Commerce

Relating to the confidentiality of information disclosed pursuant to applications for broadband technology project grants, and projects undertaken pursuant thereto, and including effective date and applicability provisions.

H.S.B. 629 Commerce

Providing for the licensing and regulation of real estate closing agents, making penalties applicable, and including effective date provisions.

H.S.B. 630 Commerce

Relating to and making changes to matters under the purview of the division of banking of the department of commerce, making a penalty applicable, and including effective date provisions.

H.S.B. 631 Natural Resources

Relating to various conservation and recreation activities under the purview of the department of natural resources, and making penalties applicable.

H.S.B. 632 Local Government

Relating to the collection of the use tax on manufactured housing, the licensing of manufactured home retailers, and making penalties applicable.

H.S.B. 633 Veterans Affairs

Relating to assignment of visitation of a child to a family member when a parent is serving active duty in the military service of the United States.

H.S.B. 634 Human Resources

Relating to the nursing workforce and providing for an Iowa needs nurses now initiative.

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 ECONOMIC GROWTH

Committee Bill (Formerly House Study Bill 504), relating to economic development including changes to the administration of certain economic development programs and to the terms served by members of the economic development board and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 26, 2010.

Committee Bill (Formerly House Study Bill 550), concerning fine arts projects in state buildings.

Fiscal Note is not required.

Recommended **Do Pass** January 26, 2010.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House Study Bill 517), relating to health-related activities and regulation by the department of public health, and making penalties applicable.

Fiscal Note is not required.

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

Committee Bill (Formerly House Study Bill 518), creating the local public health governance Act, and providing penalties.

Fiscal Note is not required.

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

Committee Bill (Formerly House Study Bill 519), relating to the organization and duties of the state board of health.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 25, 2010.

Committee Bill (Formerly House Study Bill 520), relating to emergency medical care providers, emergency medical care service programs and emergency medical care services training programs, and providing penalties.

Fiscal Note is not required.

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

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 558), relating to Iowa's uniform disclaimer of property interest Act.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 26, 2010.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 434, a bill for an act relating to nuisance properties by requiring the indexing of certain municipal citations and petitions affecting real property.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8029** January 25, 2010.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House File 721), relating to the carrying of a gun in or on a vehicle on a public highway and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 26, 2010.

COMMITTEE ON VETERANS AFFAIRS

Committee Bill (Formerly House File 2060), providing an exemption from vehicle registration for trailers used in veterans parades.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 26, 2010.

Committee Bill (Formerly House File 2061), relating to a statement of professional recognition for persons qualified as instructors of the junior reserve officer training corps program curriculum.

Fiscal Note is not required.

Recommended **Do Pass** January 26, 2010.

AMENDMENT FILED

H—8029 S.F. 434 Committee on Local Government

On motion by McCarthy of Polk the House adjourned at 6:55 p.m., until 9:00 a.m., Wednesday, January 27, 2010.

JOURNAL OF THE HOUSE

Seventeenth Calendar Day - Twelfth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 27, 2010

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

Prayer was offered by the Honorable Rod Roberts, state representative from Carroll County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Caytlin Hentzel, House Page from Ft. Madison.

The Journal of Tuesday, January 26, 2010 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 2008, by Hunter, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the boundary lines of counties.

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

House File 2145, by Chambers, a bill for an act relating to assignment of visitation to the grandparent of a child when a parent is serving active duty in the military service of the United States.

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

House File 2146, by Chambers, a bill for an act concerning the operation of all-terrain vehicles on certain streets and highways.

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

House File 2147, by Frevert, a bill for an act requiring airport notification and a determination regarding the existence of an airport

hazard prior to the construction of a wind energy system within specified distances.

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

House File 2148, by committee on veterans affairs, a bill for an act relating to eligible lenders for the home ownership assistance program for military members.

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

On motion by McCarthy of Polk, the House was recessed at 9:16 a.m., until 3:30 p.m.

AFTERNOON SESSION

The House reconvened at 3:48 p.m., Abdul-Samad of Polk in the chair.

INTRODUCTION OF BILLS

House File 2149, by Windschitl and Upmeyer, a bill for an act relating to licensing board rules concerning the scope of practice of licensed professions.

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

House File 2150, by Heddens, a bill for an act relating to rights of persons with disabilities.

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

House File 2151, by Kelley, a bill for an act modifying provisions applicable to the formation and operation of electric power agencies.

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

House File 2152, by Wessel-Kroeschell, a bill for an act relating to the property tax exemption for dwelling units owned by certain nonprofit organizations and including applicability provisions.

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

House File 2153, by Helland, a bill for an act exempting from sales tax charges paid for membership in a physical exercise club.

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

House File 2154, by Helland, a bill for an act providing individual and corporate income tax deductions for a portion of the costs associated with conducting wellness programs and providing fitness facility memberships to employees and including retroactive applicability provisions.

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

House File 2155, by Helland, a bill for an act providing a deduction from the computation of net income for purposes of the individual income tax for the cost of personal wellness services and including retroactive applicability provisions.

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

House File 2156, by D. Olson, a bill for an act relating to an exemption from the fee for new registration of a vehicle for vehicles used substantially in interstate commerce.

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

House File 2157, by Hanson, a bill for an act providing for signs or decals identifying the motor vehicles of certain novice drivers and making a penalty applicable.

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

House File 2158, by Wessel-Kroeschell, a bill for an act relating to eligibility for the preparation for adult living program administered by the department of human services.

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

House File 2159, by Helland, a bill for an act repealing the prohibition on entering into agreements with private sector entities to

house inmates committed to the custody of the director of the department of corrections.

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

House File 2160, by Running-Marquardt, a bill for an act relating to loan forgiveness under the residential landlord business support program and including effective date and applicability provisions.

Read first time and referred to committee on **economic growth**.

CONSIDERATION OF BILL Regular Calendar

House File 681, a bill for an act requiring employers to provide notice of business closings and mass layoffs and providing penalties, was taken up for consideration.

Hunter 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. 681)

The ayes were, 81:

Anderson	Arnold	Bailey	Beard
Bell	Berry	Bukta	Burt
Chambers	Cohoon	Cownie	Dolecheck
Ficken	Ford	Frevort	Gaskill
Gayman	Grassley	Hagenow	Hanson
Heaton	Heddens	Horbach	Hunter
Huseman	Huser	Isenhardt	Jacoby
Kaufmann	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Reasoner	Reichert	Roberts	Running-Marquardt
Schuessler	Schulte	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Taylor	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wendt	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Worthan	Zirkelbach
Abdul-Samad, Presiding			

The nays were, 18:

Alons	Baudler	De Boef	Deyoe
Drake	Forristall	Helland	Koester
Lukan	May	Raecker	Rayhons
Sands	Schultz	Sweeney	Wagner
Watts	Windschitl		

Absent or not voting, 1:

Rants

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 681** be immediately messaged to the Senate.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

BOARD OF REGENTS

Annual diversity report, pursuant to Chapters 19B.5(3) and 262.93, Code of Iowa.

Annual report on the Beginning Farmer Center at Iowa State University, pursuant to Chapter 266.39E, Code of Iowa.

Annual report on transfer students, pursuant to Chapter 262.24, Code of Iowa.

DEPARTMENT OF ADMINISTRATIVE SERVICES

Annual report on recycled products, pursuant to Chapter 8A.315, Code of Iowa.

DEPARTMENT OF EDUCATION

Annual report of Community College Accreditation and Accountability, pursuant to the 2008 Iowa Acts.

Report on the research and development infrastructure, pursuant to Chapter 256, Code of Iowa.

DEPARTMENT OF HUMAN RIGHTS

Annual report, pursuant to Chapter 216A, Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

Annual report of the food assistance program, pursuant to Chapters 234.6 and 234.12, Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

Annual report of the Comprehensive Recycling Planning Task Force, pursuant to Chapter 455B.480, Code of Iowa.

Report of the sustainable natural resource funding, pursuant to Chapter 455A.5, Code of Iowa.

Report on Household Hazardous Materials for 2009, pursuant to Chapter 455A, Code of Iowa.

DEPARTMENT OF PUBLIC SAFETY

Annual report of the Uniform Crime Report, pursuant to Chapter 80.17, Code of Iowa.

DEPARTMENT OF REVENUE

Annual report of the Industrial Processing Exemption Study Committee, pursuant to Chapter 421, Code of Iowa.

Annual report of the Iowa Capital Investment Board, pursuant to Chapter 15E.46, Code of Iowa.

DEPARTMENT OF TRANSPORTATION

Annual report of the Iowa Highway Research Board, pursuant to Chapters 310.36 and 312.3A, Code of Iowa.

Fiscal year 2009 Recycled Content Plastic Bag and Soy Inks report, pursuant to Chapter 307.21, Code of Iowa.

ENVIRONMENTAL PROTECTION COMMISSION

Annual report and recommendations, pursuant to Chapter 455B.105(5), Code of Iowa.

IOWA INSURANCE DIVISION

Annual report, pursuant to Chapter 505.8, Code of Iowa.

Annual medical malpractice report, pursuant to Chapter 505.27, Code of Iowa.

IOWA STUDENT LOAN

2009 year in review, pursuant to Chapter 97B.1A, Code of Iowa.

IOWA UTILITIES BOARD

Annual report of energy efficient plans, pursuant to Chapter 476, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2007

Human Resources: Mascher, Chair; Hunter and Upmeyer.

House File 384

Environmental Protection: D. Olson, Chair; Deyoe and Kearns.

House File 2082

Economic Growth: Jacoby, Chair; Marek and May.

House File 2088

Rebuild Iowa and Disaster Recovery: Running-Marquardt, Chair; Burt and Pettengill.

House File 2090

Local Government: Huser, Chair; Isenhart and Sorenson.

House File 2113 Reassigned

Transportation: Gaskill, Chair; Kelley and Wagner.

House File 2120

Judiciary: Lensing, Chair; Heaton and Willems.

House File 2121

Judiciary: Smith, Chair; Palmer and Schulte.

House File 2126

Judiciary: Wessel-Kroeschell, Chair; Kaufmann and Lensing.

House File 2130

Judiciary: T. Olson, Chair; Kaufmann and Lensing.

House File 2139

Natural Resources: Steckman, Chair; Hanson and Huseman.

House File 2140

Education: Cohoon, Chair; Sweeney and Wendt.

House File 2142

Natural Resources: Beard, Chair; May and Thede.

House File 2143

Local Government: Whitead, Chair; Schueller and Sorenson.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 616 Reassigned

Transportation: Abdul-Samad, Chair; Hagenow and Hanson.

House Study Bill 621

Human Resources: Wendt, Chair; Alons and Steckman.

House Study Bill 622

Education: Wendt, Chair; Koester and Thede.

House Study Bill 623

Education: Kelley, Chair; Forristall and Palmer.

House Study Bill 624

Education: Winckler, Chair; Ford and Sweeney.

House Study Bill 625

Education: Wendt, Chair; Dolecheck and Ficken.

House Study Bill 626

Human Resources: Thede, Chair; Baudler and Hunter.

House Study Bill 627

Human Resources: Abdul-Samad, Chair; Heaton and Steckman.

House Study Bill 628

Commerce: Kelley, Chair; Lukan and Reichert.

House Study Bill 629

Commerce: Jacoby, Chair; Helland and Reichert.

House Study Bill 630

Commerce: Kressig, Chair; Sands and Shomshor.

House Study Bill 631

Natural Resources: Bell, Chair; Arnold, Beard, Palmer and Rayhons.

House Study Bill 632

Local Government: Huser, Chair; Cohoon and Deyoe.

House Study Bill 634

Human Resources: T. Olson, Chair; Berry and L. Miller.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 635 Local Government**

Relating to the determination of city population for purposes of civil service commissions.

H.S.B. 636 Local Government

Establishing certain definitions relating to instruments affecting real estate and specifying information to be contained in index records.

H.S.B. 637 Judiciary

Relating to adjudications of persons with mental illness and providing an effective date.

H.S.B. 638 Judiciary

Relating to the criminal offense of intimidation with a dangerous weapon or motor vehicle, and providing penalties.

H.S.B. 639 Judiciary

Relating to the status of posthumously conceived and born children in the context of legitimacy, inheritance, rights to claim an after-born child's share, and other rights.

H.S.B. 640 Judiciary

Relating to the appointment of judicial officers, senior judges, court reporters, and clerks of the district court, and creating a full-time magistrate office.

H.S.B. 641 Judiciary

Relating to an assault causing serious injury.

H.S.B. 642 Judiciary

Relating to escapes or attempted escapes from custody due to the commission of a criminal offense and providing a penalty.

H.S.B. 643 Judiciary

Relating to expunging convictions of certain criminal offenses.

H.S.B. 644 Judiciary

Relating to extending a period of probation and including applicability provisions.

H.S.B. 645 Judiciary

Relating to the definition of serious injury for purposes of criminal offenses.

H.S.B. 646 Judiciary

Relating to the abuse of a corpse and providing penalties.

H.S.B. 647 Judiciary

Relating to the criminal offense of intimidation with a dangerous weapon.

H.S.B. 648 Judiciary

Creating the criminal offense of robbery in the third degree, and providing a penalty.

H.S.B. 649 Judiciary

Relating to the criminal and juvenile justice planning advisory council, establishing a public safety advisory board, and providing for implementation.

H.S.B. 650 Judiciary

Relating to driver's license sanctions, including the issuance of temporary restricted licenses and certain requirements relating to ignition interlock devices, and providing penalties.

H.S.B. 651 Ways and Means

Relating to the technical administration of the tax and related laws by the department of revenue, including administration of income taxes, moneys and credits tax, insurance premiums tax, sales and use taxes, fees for new vehicle registration, franchise fees, and the environmental protection charge, making penalties applicable, and including retroactive applicability provisions.

H.S.B. 652 Ways and Means

Updating the Code references to the Internal Revenue Code, providing for decoupling from certain bonus depreciation provisions, and including effective date and retroactive applicability provisions.

H.S.B. 653 Judiciary

Prohibiting magistrates from acting as counsel in certain cases.

H.S.B. 654 Judiciary

Amending provisions of the uniform residential landlord and tenant Act relating to certain definitions, attorney fees, remedies, and late fees, and including applicability provisions.

H.S.B. 655 Judiciary

Relating to the responsibilities of the county central point of coordination process when a civil commitment order has been entered.

H.S.B. 656 Environmental Protection

Relating to the Iowa comprehensive petroleum underground storage tank fund.

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 VETERANS AFFAIRS

House File 755, a bill for an act concerning eligibility for the injured veterans grant program.

Fiscal Note is not required.

Recommended **Do Pass** January 26, 2010.

AMENDMENT FILED

H—8031 H.R. 105 Cownie of Polk
Raecker of Polk

On motion by McCarthy of Polk the House adjourned at 4:16 p.m., until 9:00 a.m., Thursday, January 28, 2010.

JOURNAL OF THE HOUSE

Eighteenth Calendar Day - Thirteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 28, 2010

The House met pursuant to adjournment at 9:08 a.m., Speaker Murphy in the chair.

Prayer was offered by the Honorable Phyllis Thede, state representative from Scott County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by John Johnson, House Page from Stratford.

The Journal of Wednesday, January 27, 2010 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Rants of Woodbury on request of Roberts of Carroll.

INTRODUCTION OF BILLS

House File 2161, by committee on veterans affairs, a bill for an act relating to a statement of professional recognition for persons qualified as instructors of the junior reserve officer training corps program curriculum.

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

House File 2162, by Zirkelbach, a bill for an act relating to the encouragement and assistance of businesses owned by disabled veterans.

Read first time and referred to committee on **economic growth**.

House File 2163, by Ford, a bill for an act relating to a consumer guide for long-term care insurance policies and including applicability provisions.

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

House File 2164, by Ford, a bill for an act relating to the consumption of alcohol or intoxication in public places and making penalties applicable.

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

House File 2165, by Ford, a bill for an act relating to the use of a preliminary screening test in certain alcohol-related offenses.

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

House File 2166, by Reichert, a bill for an act requiring provision of deliverable fuels to customers under specified circumstances, and including effective date provisions.

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

House File 2167, by Zirkelbach, a bill for an act relating to the designation of names for state buildings or property.

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

ADOPTION OF HOUSE CONCURRENT RESOLUTION 104

Wessel-Kroeschell of Story called up for consideration **House Concurrent Resolution 104**, as follows:

House Concurrent Resolution 104

By Committee on Administration and Rules

- 1 A concurrent resolution amending the joint rules of
- 2 the Senate and House of Representatives relating to
- 3 compensation payable by the General Assembly.
- 4 *Be It Resolved By The House Of Representatives,*
- 5 *The Senate Concurring,* That paragraph 5 of the first
- 6 resolving clause of the joint rules of the Senate and
- 7 House of Representatives relating to compensation
- 8 payable by the General Assembly, as adopted by the
- 9 Senate and House of Representatives during the 2009

10 Session in Senate Concurrent Resolution 2, is amended
11 to read as follows:

12 All employees, other than those designated
13 "part-time", shall be compensated for 40 hours of work
14 in a one-week pay period. Secretaries to senators
15 and representatives are presumed to have ~~40~~ 32 hours
16 of work each week the legislature is in session and
17 shall be paid only on that basis. Full-time employees
18 who are required to work in excess of 80 hours in a
19 two-week pay period shall be allowed compensatory time
20 off at a rate of one hour for each hour of overtime
21 up to a maximum of 120 hours of compensatory time.
22 Joint security employees of the senate and house of
23 representatives may be compensated for each hour of
24 overtime at a rate of pay equal to one-and-one-half
25 times the hourly pay provided.
26 *Be It Further Resolved*, That the second resolving

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1 clause of the joint rules of the Senate and House of
2 Representatives relating to compensation payable by the
3 General Assembly, as adopted by the Senate and House
4 of Representatives during the 2009 Session in Senate
5 Concurrent Resolution 2, is amended to read as follows:
6 *Be It Further Resolved*, That part-time employees
7 shall be compensated at the scheduled hourly rate for
8 their pay grade and step. Session-only employees,
9 other than pages, are presumed to have 32 hours of work
10 each week the legislature is in session and shall be
11 paid only on that basis, unless required to work in
12 excess of 32 hours for a week. Pages are presumed to
13 have 40 hours of work each week the legislature is in
14 session and shall be paid only on that basis.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 105

Wessel-Kroeschell of Story called up for consideration **House Resolution 105**, as follows and moved its adoption:

House Resolution 105

By Committee on Administration and Rules

1 A resolution amending the permanent rules of the House
2 of Representatives relating to admittance to the
3 floor of the house, the issuance of certificates of
4 recognition or condolence, and the requirements for
5 consideration of amendments.
6 *Be It Resolved By The House Of Representatives*,

7 That Rule 20, unnumbered paragraph 7, of the Rules of
8 the House, as adopted by the House of Representatives
9 during the 2009 Session in House Resolution 8, is
10 amended to read as follows:

11 A registered lobbyist shall not be admitted to
12 the floor of the house on any legislative day except
13 for ceremonial purposes or for attendance at public
14 hearings.

15 *Be It Further Resolved By The House Of*
16 *Representatives, That Rule 23 of the Rules of*
17 *the House, as adopted by the House of Representatives*
18 *during the 2009 Session in House Resolution 8, is*
19 *amended to read as follows:*

20 Rule 23

21 Documents Signed by the Speaker

22 All acts and joint resolutions shall be signed by
23 the speaker, and all writs, warrants, and subpoenas
24 issued by order of the house, shall be signed by the
25 speaker and attested by the chief clerk. The speaker
26 shall cause certificates of recognition or condolence

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1 to be issued by the house which shall be signed by
2 the speaker and the chief clerk. The chief clerk
3 shall maintain a list of certificates issued including
4 the name of the requesting member of the house, the
5 name of the recipient, the reason for recognition or
6 condolence, and the date of issuance.

7 *Be It Further Resolved By The House Of*
8 *Representatives, That Rule 31, subsection 8, of*
9 *the Rules of the House, as adopted by the House of*
10 *Representatives during the 2009 Session in House*
11 *Resolution 8, is amended to read as follows:*
12 8. No amendment to the rules of the house, to any
13 resolution or bill, except technical amendments and
14 amendments to bills substituted for by senate files
15 containing substantially identical title, language,
16 subject matter, purpose and intrasectional arrangement,
17 shall be considered by the membership of the house
18 without a copy of the amendment having been filed
19 with the chief clerk by 4:00 p.m. or within one-half
20 hour of adjournment, whichever is later, on the day
21 preceding floor debate on the amendment. If the
22 house adjourns prior to 2:00 p.m. on Friday, the final
23 deadline is two hours after adjournment. However,
24 committee amendments filed pursuant to the submission
25 of the committee report may be accepted after this
26 deadline. This provision shall not apply to any
27 proposal debated on the floor of the house after
28 the fourteenth week of the first session and the
29 twelfth week of the second session. No amendment or

30 amendment to an amendment to a bill, rule of the house,

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1 or resolution shall be considered by the membership of
2 the house without a copy of the amendment being on the
3 desks of the entire membership of the house prior to
4 consideration. However, ~~after the fourteenth week of~~
5 ~~the first session and the twelfth week of the second~~
6 ~~session,~~ the membership of the house may consider an
7 amendment or an amendment to an amendment to a bill,
8 rule of the house, or resolution without a copy of the
9 amendment being on the desks of the entire membership
10 of the house prior to consideration if a copy of the
11 amendment is made available to the entire membership of
12 the house electronically.

Cownie of Polk offered the following amendment H-8031 filed by
him and Raecker of Polk and moved its adoption:

H-8031

1 Amend House Resolution 105 as follows:
2 1. Page 1, line 5, after <amendments> by inserting
3 <and for voting>
4 2. Page 3, after line 12 by inserting:
5 <BE IT FURTHER RESOLVED BY THE HOUSE OF
6 REPRESENTATIVES, That Rule 75 of the Rules of
7 the House, as adopted by the House of Representatives
8 during the 2009 Session in House Resolution 8, is
9 amended to read as follows:
10 Rule 75
11 Voting in the House and Duty of Voting
12 Voting in the house shall not occur between midnight
13 and 8 a.m. on any legislative day except for voting on
14 a motion to adjourn. Except as limited in Rule 76,
15 every member who is in the house when a question is put
16 shall vote unless the house has excused that member
17 from voting for special reasons; however, such member
18 must have asked to be excused from voting prior to the
19 time the speaker puts the question.>

Roll call was requested by Cownie of Polk and Paulsen of Linn.

On the question "Shall amendment H-8031 be adopted?" (H.R.
105)

The ayes were, 46:

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

The nays were, 49:

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

Absent or not voting, 5:

Bailey	Miller, H.	Olson, R.	Rants
Swaim			

Amendment H-8031 lost.

On motion by Wessel-Kroeschell of Story, the resolution was adopted.

CONSIDERATION OF BILLS

Regular Calendar

House File 2111, a bill for an act providing notification to the department of workforce development by the secretary of state when certain business entities apply for reinstatement after dissolution to

ensure certain tax obligations have been fulfilled, was taken up for consideration.

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?" (H.F. 2111)

The ayes were, 95:

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

The nays were, none.

Absent or not voting, 5:

Bailey	Miller, H.	Olson, R.	Rants
Swaim			

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

House File 2131, a bill for an act updating references to the federal Truth in Lending Act, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2131)

The ayes were, 95:

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

The nays were, none.

Absent or not voting, 5:

Bailey	Miller, H.	Olson, R.	Rants
Swaim			

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2111, 2131** and **House Concurrent Resolution 104**.

On motion by McCarthy of Polk, the House was recessed at 9:51 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:35 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILLS

House Joint Resolution 2009, by Roberts, a joint resolution proposing an amendment to the Constitution of the State of Iowa instituting a state general fund expenditure limitation.

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

House File 2168, by Worthan and Reichert, a bill for an act relating to the classification of certain residential property for property assessment and taxation purposes.

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

House File 2169, by Lykam, a bill for an act relating to the definition of recycling property for purposes of the property tax exemption for pollution-control or recycling property and including applicability provisions.

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

House File 2170, by Zirkelbach, a bill for an act making a supplemental appropriation to the college student aid commission for the national guard educational assistance program and including effective date provisions.

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

House File 2171, by D. Olson, a bill for an act providing for a plan to integrate services and relocate workforce centers and including effective date provisions.

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

House File 2172, by Reichert, a bill for an act designating the second Sunday in October as Iowa Fallen Firefighter Day.

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

House File 2173, by Running-Marquardt, a bill for an act relating to purchasing preferences for disaster recovery products.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

House File 2174, by Running-Marquardt, a bill for an act relating to the purchase and sale of disaster-affected property by local governments.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

House File 2175, by Tymeson, a bill for an act to prohibit city annexations containing territory not voluntarily included by a landowner.

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

House File 2176, by Mertz, a bill for an act relating to the maximum duration of a spousal support order.

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

House File 2177, by Sorenson, a bill for an act establishing the right to choose health care.

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

House File 2178, by Windschitl, a bill for an act relating to the duties of employees of the department of human services assigned to cases of children in a foster care placement.

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

House File 2179, by Mascher, a bill for an act relating to the creation of a medical marijuana Act including the creation of compassion centers, and providing for civil and criminal penalties and fees.

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

House File 2180, by Kaufman, Heaton, Struyk, Baudler, Upmeyer, Watts, Deyoe, Roberts, S. Olson, Tjepkes, Sands, Dolecheck, Forristall, Huseman, Worthan, Schultz, Anderson, Schulte, De Boef, Koester, Sweeney, Hagenow, Rayhons, Drake, Grassley, Arnold, Van Engelenhoven, Horbach, Soderberg, Alons, L. Miller and Raecker, a bill for an act prohibiting fee schedules for the provision of dental services that are not covered by a dental plan.

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

House File 2181, by Ford, a bill for an act establishing a targeted personal savings program and task force within the office of the treasurer of state.

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

House File 2182, by Reasoner, Mertz, Schueller, S. Olson, Reichert, Sands, Hagenow and Helland, a bill for an act relating to on-farm electrical installations from licensing and inspections, and including effective date provisions.

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

House File 2183, by committee on human resources, a bill for an act relating to the organization and duties of the state board of health.

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

House File 2184, by Heddens and Heaton, a bill for an act amending the duties of the mental health, mental retardation, developmental disabilities, and brain injury commission and related provisions.

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

House File 2185, by Murphy, Berry, Ford, Abdul-Samad and Burt, a bill for an act relating to the interviewing of racial and ethnic minority applicants by public school districts and accredited nonpublic schools and including effective date and applicability provisions.

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

House File 2186, by Shomshor, a bill for an act relating to the instructor workload limits at community colleges.

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

House File 2187, by Shomshor, a bill for an act relating to the accreditation of community colleges.

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

House File 2188, by Raecker, a bill for an act relating to requirements for certain school districts implementing interventions for attendance centers identified as persistently lowest-achieving schools.

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

House File 2189, by Mascher, a bill for an act directing school districts to prioritize resources in order to meet the goal of increasing the minimum days or hours of instructional time offered in a school year.

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

House File 2190, by Zirkelbach, Lukan, Cownie, May, Dolecheck, Isenhardt and Reasoner, a bill for an act relating to textbooks and

applicable instructional technology adopted for use by school districts and provided to public and accredited nonpublic school students.

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

House File 2191, by Mascher, a bill for an act providing an individual income tax credit for the installation of certain farm machinery safety equipment, providing for the Act's future repeal, and including retroactive applicability provisions.

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

House File 2192, by Huser, a bill for an act relating to the qualifications of a resident fiduciary under the Iowa probate code.

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

House File 2193, by committee on human resources, a bill for an act relating to emergency medical care providers, emergency medical care service programs and emergency medical care services training programs, and providing penalties.

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

House File 2194, by committee on human resources, a bill for an act creating the local public health governance Act, and providing penalties.

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

House File 2195, by committee on economic growth, a bill for an act concerning fine arts projects in state buildings.

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

House File 2196, by committee on economic growth, a bill for an act relating to economic development including changes to the administration of certain economic development programs and to the terms served by members of the economic development board and including effective date provisions.

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

House File 2197, by committee on veterans affairs, a bill for an act providing veterans a holiday for veterans day and making penalties applicable.

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

HOUSE FILE 2160 REREFERRED

The Speaker announced that House File 2160, previously referred to committee on **economic growth** was rereferred to committee on **rebuild Iowa and disaster recovery**.

SUBCOMMITTEE ASSIGNMENTS

House File 816

Ways and Means: Petersen, Chair; Frevert and L. Miller.

House File 2087

Commerce: Petersen, Chair; D. Olson and Windschitl.

House File 2141

Commerce: Kressig, Chair; Petersen and Pettengill.

House File 2145

Veterans Affairs: Gayman, Chair; Bukta and Chambers.

House File 2146

Transportation: May, Chair; Quirk and Wenthe.

House File 2147

Transportation: May, Chair; Quirk and Wenthe.

House File 2159

Public Safety: Bell, Chair; Bukta and Tjepkes.

House File 2161

Education: Ficken, Chair; May and Willems.

House File 2162

Economic Growth: Bailey, Chair; Chambers and Marek.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 633

Veterans Affairs: Gayman, Chair; Bukta and Chambers.

House Study Bill 635

Local Government: Burt, Chair; Schueller and Windschitl.

House Study Bill 636

Local Government: Kuhn, Chair; Kressig and Tjepkes.

House Study Bill 637

Judiciary: Smith, Chair; Schulte and Wessel-Kroeschell.

House Study Bill 638

Judiciary: R. Olson, Chair; Baudler and Mertz.

House Study Bill 639

Judiciary: Kaufmann, Chair; Huser and Swaim.

House Study Bill 640

Judiciary: Palmer, Chair; Helland and T. Olson.

House Study Bill 641

Judiciary: R. Olson, Chair; Baudler and Mertz.

House Study Bill 642

Judiciary: R. Olson, Chair; Baudler and Mertz.

House Study Bill 643

Judiciary: R. Olson, Chair; Baudler and Mertz.

House Study Bill 644

Judiciary: R. Olson, Chair; Horbach and Mertz.

House Study Bill 645

Judiciary: R. Olson, Chair; Baudler and Mertz.

House Study Bill 646

Judiciary: R. Olson, Chair; Kaufmann and Mertz.

House Study Bill 647

Judiciary: R. Olson, Chair; Baudler and Mertz.

House Study Bill 648

Judiciary: R. Olson, Chair; Baudler and Mertz.

House Study Bill 649

Judiciary: Swaim, Chair; Ford and Heaton.

House Study Bill 650

Judiciary: T. Olson, Chair; R. Olson and Struyk.

House Study Bill 653

Judiciary: Palmer, Chair; Helland and T. Olson.

House Study Bill 654

Judiciary: Palmer, Chair; T. Olson and Schultz.

House Study Bill 655

Judiciary: Palmer, Chair; Schulte and Smith.

House Study Bill 656

Environmental Protection: S. Olson, Chair; Frevert and H. Miller.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 657 State Government

Relating to vision screenings for students, and including applicability provisions.

H.S.B. 658 Education

Establishing a task force to review the present mission, structure, governance, and funding of the area education agencies.

H.S.B. 659 Environmental Protection

Relating to policy options for reducing greenhouse gas emissions developed by the Iowa climate change advisory council.

H.S.B. 660 Environmental Protection

Establishing a watershed quality planning advisory council.

H.S.B. 661 Environmental Protection

Relating to recycling initiatives.

H.S.B. 662 Environmental Protection

Relating to financial assurance for sanitary disposal projects.

H.S.B. 663 Environmental Protection

Relating to private sewage disposal system inspections and groundwater hazard statements as part of certain property transfers.

H.S.B. 664 Environmental Protection

Relating to periodic evaluations of certain air quality standards.

H.S.B. 665 Economic Growth

Relating to the appointment of young adults to appointive boards, commissions, committees, and councils and including applicability date provisions.

H.S.B. 666 Economic Growth

Relating to the Iowa finance authority by modifying certain duties and programs of the authority and establishing a workforce housing assistance grant fund administered by the authority.

H.S.B. 667 State Government

Relating to the administration of the election laws by the secretary of state and including effective date provisions.

H.S.B. 668 State Government

Making technical changes to the laws relating to elections and voter registration and including effective date and applicability provisions.

H.S.B. 669 Judiciary

Relating to the consumption of alcohol or intoxication in public places and making penalties applicable.

H.S.B. 670 Economic Growth

Concerning allowable locations for holders of a class "E" liquor control license.

H.S.B. 671 Education

Relating to school business official training and authorization.

H.S.B. 672 Rebuild Iowa and Disaster Recovery

Relating to emergency management by creating an emergency management trust fund, creating certain insurance policy surcharges, and making appropriations.

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 COMMERCE

Committee Bill (House File 2034), prohibiting the imposition by a dental plan of fee schedules for the provision of dental services that are not covered by the plan.

Fiscal Note is not required.

Recommended **Do Pass** January 28, 2010.

Committee Bill (Formerly House Study 525), relating to artisan's liens and Iowa's consumer frauds Act and private right of action for consumer frauds Act and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 28, 2010.

COMMITTEE ON EDUCATION

House File 495, a bill for an act relating to participation in varsity extracurricular interscholastic contests and competitions by students.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8032** January 27, 2010.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House Study Bill 507), to allow therapeutically certified optometrists to supply therapeutic contact lenses.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 27, 2010.

Committee Bill (Formerly House Study Bill 516), authorizing the continuing expenditure of repayment receipts for lead training and certification collected by the department of public health and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** January 27, 2010.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 553), relating to expunging the conviction for certain alcohol-related offenses committed by persons under legal age.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 28, 2010.

Committee Bill (Formerly House Study Bill 557), relating to marital agreements, and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 28, 2010.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House Study Bill 604), providing for the treatment of animals other than agricultural animals, by providing for a regulation of commercial establishments, providing for fees, providing penalties, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 28, 2010.

COMMITTEE ON STATE GOVERNMENT

Senate File 2062, a bill for an act providing for a retirement incentive program for state employees and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8033** January 28, 2010.

COMMITTEE ON VETERANS AFFAIRS

Committee Bill (Formerly House Study Bill 583), providing veterans a paid holiday for veterans day and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 28, 2010.

AMENDMENTS FILED

H—8032	H.F.	495	Committee on Education
H—8033	S.F.	2062	Committee on State Government

On motion by McCarthy of Polk the House adjourned at 4:43 p.m., until 9:00 a.m., Friday, January 29, 2010.

JOURNAL OF THE HOUSE

Nineteenth Calendar Day - Fourteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, January 29, 2010

The House met pursuant to adjournment at 9:38 a.m., Winckler of Scott in the chair.

Prayer was offered by the Honorable Mark Brandsgard, Chief Clerk of the House.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mark Brandsgard, Chief Clerk of the House.

The Journal of Thursday, January 28, 2010 was approved.

INTRODUCTION OF BILLS

House File 2198, by committee on veterans affairs, a bill for an act providing an exemption from vehicle registration for trailers used exclusively in veterans flag ceremonies and parades.

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

House File 2199, by committee on human resources, a bill for an act to allow therapeutically certified optometrists to supply pharmaceutical-delivering contact lenses.

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

House File 2200, by committee on natural resources, a bill for an act relating to the carrying of a gun in or on a vehicle on a public highway and making penalties applicable.

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

House File 2201, by committee on human resources, a bill for an act authorizing the continuing expenditure of repayment receipts for

lead training and certification collected by the department of public health and including effective date and applicability provisions.

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

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 673 Human Resources

Providing for vision screenings for certain students, and including applicability provisions.

H.S.B. 674 Commerce

Eliminating specified mortgage loan disclosure statement filing requirements applicable to financial institutions.

H.S.B. 675 Commerce

Concerning discontinuing investment options in certain qualified retirement plans offered by an employer.

On motion by McCarthy of Polk the House adjourned at 9:41 a.m., until 1:00 p.m., Monday, February 1, 2010.

JOURNAL OF THE HOUSE

Twenty-second Calendar Day - Fifteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 1, 2010

The House met pursuant to adjournment at 1:09 p.m., Speaker Murphy in the chair.

Prayer was offered by the Honorable Rich Anderson, state representative from Page County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Sam Jurgena, House Page from Davenport.

The Journal of Friday, January 29, 2010 was approved.

INTRODUCTION OF BILLS

House File 2202, by Chambers, Zirkelbach, Bailey, Kearns, Ficken, Mascher, Bukta, Sweeney, Watts, Alons, Isenhardt, Whitead, Windschitl and Gayman, a bill for an act providing for the development of programs to attract qualified disabled veterans for job opportunities in state government.

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

House File 2203, by Upmeyer, a bill for an act providing for the sales and use tax imposed on the operation of bingo games.

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

House File 2204, by Upmeyer, Alons, Rayhons, Heaton, Worthan, May, Cownie, Kaufmann, Grassley, Horbach and Paulsen, a bill for an act authorizing the commissioner of insurance to develop individual and small employer basic benefit health care plans for certain young adults and their dependents.

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

House File 2205, by Upmeyer, Deyoe, Drake, Watts, Soderberg, Chambers, Sweeney, Huseman, Alons, Koester, Forristall, Sands, Dolecheck, L. Miller, Sorenson, Grassley, May, Roberts, Windschitl and De Boef, a bill for an act relating to awards of noneconomic damages against health care providers.

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

House File 2206, by Mertz, a bill for an act relating to agricultural drainage wells, by extending the date for complying with certain requirements, and including effective date provisions.

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

House File 2207, by Lensing and Kaufmann, a bill for an act relating to an assault that occurs between persons in an intimate relationship and the crime of domestic abuse assault and making penalties applicable.

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

House File 2208, by Baudler, a bill for an act creating short-term hunting licenses for purchase by nonresidents.

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

House File 2209, by Pettengill, a bill for an act prohibiting the departments of human services and public health from requiring or urging child care providers to become members of a professional organization representing such providers or urging child care home providers to become registered or licensed.

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

House File 2210, by Beard, Murphy, Schueller, Wendt, Bell, Lykam, Whitead, Running-Marquardt, Steckman, Thede, Ficken, Hanson, Marek, Baudler and Zirkelbach, a bill for an act relating to restrictions on mowing within the right-of-way of interstates, primary highways, and secondary roads.

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

House File 2211, by Rants, a bill for an act providing certain authority to certified law enforcement officers.

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

House File 2212, by Rants, a bill for an act relating to state government reorganization and including effective date provisions.

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

House File 2213, by Pettengill, a bill for an act allowing the issuance of basic health care coverage that does not meet certain special health and accident insurance requirements, and including applicability provisions.

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

House File 2214, by Upmeyer, Deyoe, Drake, Watts, Heaton, Schulte, Soderberg, Tymeson, Raecker, Chambers, Sweeney, Huseman, Alons, Koester, Forristall, Tjepkes, S. Olson, Sands, Dolecheck, L. Miller, Sorenson, Cownie, Huser, Grassley, May, Roberts, Windschitl, Mertz, Pettengill, Kelley, Anderson, De Boef and Quirk, a bill for an act establishing the right to choose whether to purchase health care services and health care coverage.

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

House File 2215, by Running-Marquardt, a bill for an act enhancing criminal fines and penalties in disaster areas, providing penalties, and including effective date provisions.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

House File 2216, by Rants, a bill for an act repealing provisions establishing the office of energy independence and the Iowa power fund, transferring specified functions to the department of natural resources, making conforming changes, providing transition provisions, and including effective date provisions.

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

On motion by McCarthy of Polk, the House was recessed at 1:17 p.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:34 p.m., H. Miller of Webster in the chair.

INTRODUCTION OF BILLS

House Joint Resolution 2010, by Rants, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the right to keep and bear arms.

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

House File 2217, by Mertz, a bill for an act relating to bidding procedures for drainage and levee districts, and including provisions for effective dates.

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

House File 2218, by Upmeyer, Heaton and R. Olson, a bill for an act relating to the scope of rulemaking authority for state agencies.

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

House File 2219, by Upmeyer, a bill for an act relating to requests for regulatory analysis of administrative rules.

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

House File 2220, by Upmeyer, a bill for an act relating to the legislative review of administrative rules, and rescinding all rules every five years.

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

House File 2221, by Upmeyer, a bill for an act relating to the use of public funds for certain lobbying purposes and making penalties applicable.

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

House File 2222, by Upmeyer, a bill for an act requiring the department of education, community colleges, the state board of regents, and the regents universities to collaboratively develop and implement common course numbering.

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

House File 2223, by Upmeyer, a bill for an act relating to the scheduling of a contested case hearing for child abuse or dependent adult abuse.

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

House File 2224, by Upmeyer, Watts, Tymeson, Sweeney, Rayhons, Heaton, Worthan, Huseman, Kaufmann and Chambers, a bill for an act relating to health care cost and quality transparency.

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

House File 2225, by Upmeyer, a bill for an act relating to expanding the purposes for receiving an automatic excuse from jury service.

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

House File 2226, by Upmeyer, Deyoe, Drake, Rayhons, Watts, Schulte, Heaton, Soderberg, Wagner, Sweeney, Chambers, Huseman, Alons, Koester, L. Miller, Forristall, Tjepkes, S. Olson, Sands, Dolecheck, May, Roberts, Windschitl, Mertz, Pettengill, Kelley and De Boef, a bill for an act relating to grandparent and great-grandparent visitation.

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

House File 2227, by Chambers, Zirkelbach, Windschitl and Bailey, a bill for an act relating to application of the smokefree air Act to specified veterans organizations.

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

House File 2228, by Rants, a bill for an act providing for the establishment of a home ownership savings plan trust, providing an exemption from state individual income tax and state inheritance tax, and including a retroactive applicability date provision.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Roberts of Carroll on request of Paulsen of Linn.

CONSIDERATION OF BILLS Regular Calendar

House File 2137, a bill for an act relating to the military division of the department of public defense concerning state military service and the Iowa code of military justice, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2137)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhardt	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Running-Marquardt	Sands
Schueller	Schulte	Schultz	Shomshor

Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Miller, H., Presiding		

The nays were, none.

Absent or not voting, 2:

Olson, R. Roberts

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

House File 674, a bill for an act relating to reporting the treatment of serious wounds received as the result of a crime to a law enforcement agency and making penalties applicable, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 674)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Running-Marquardt	Sands

Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Miller, H., Presiding		

The nays were, none.

Absent or not voting, 2:

Olson, R. Roberts

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

Senate File 434, a bill for an act relating to nuisance properties by requiring the indexing of certain municipal citations and petitions affecting real property, with report of committee recommending passage, was taken up for consideration.

Huser of Polk offered the following amendment H-8029 filed by the committee on local government and moved its adoption:

H-8029

1 Amend Senate File 434, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking everything after the enacting clause
4 and inserting:
5 <Section 1. Section 364.22, subsection 4, Code
6 Supplement 2009, is amended by adding the following new
7 paragraph:
8 NEW PARAGRAPH. h. The legal description of the
9 affected real property, if applicable.
10 Sec. 2. Section 364.22, Code Supplement 2009, is
11 amended by adding the following new subsection:
12 NEW SUBSECTION. 4A. a. Upon receiving a citation
13 under subsection 4 that affects real property and that
14 charges a violation relating to the condition of the
15 property, including a building code violation, a local
16 housing regulation violation, a housing code violation,
17 or a public health or safety violation, the clerk of
18 the district court shall index the citation pursuant
19 to section 617.10, if the legal description of the
20 affected property is included in or attached to the

21 citation.

22 b. After filing the citation with the clerk of the
23 district court, the city shall also file the citation
24 in the office of the county treasurer. The county
25 treasurer shall include a notation of the pendency of
26 the action in the county system, as defined in section
27 445.1, until the judgment of the court is satisfied or
28 until the action is dismissed. Pursuant to section
29 446.7, an affected property that is subject to a
30 pending action shall not be offered for sale by the
31 county treasurer at tax sale.

32 Sec. 3. Section 446.7, subsection 1, Code 2009, is
33 amended to read as follows:

34 1. Annually, on the third Monday in June the county
35 treasurer shall offer at public sale all parcels on
36 which taxes are delinquent. The treasurer shall not,
37 however, offer for sale any parcel that is subject to a
38 pending action as the result of a municipal infraction
39 citation under section 364.22, a petition filed under
40 chapter 657, or a petition filed under chapter 657A,
41 if such municipal infraction citation or petition is
42 indexed under section 617.10 and noted in the county
43 system as defined in section 445.1. The sale shall be
44 made for the total amount of taxes, interest, fees, and
45 costs due. If for good cause the treasurer cannot hold
46 the annual tax sale on the third Monday of June, the
47 treasurer may designate a different date in June for
48 the sale.

49 Sec. 4. NEW SECTION. 448.13 Cancellation of tax
50 sale and certificate of purchase – refund of purchase

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1 money.

2 If the county treasurer receives a verified
3 statement from a city stating that a parcel sold at
4 tax sale contains a building which is abandoned, as
5 those terms are defined in section 657A.1, prior to
6 redemption of the parcel under chapter 447 or the
7 issuance of a tax deed for the parcel, and the verified
8 statement is accompanied by a petition filed by the
9 city under section 657A.10A for title to the parcel,
10 the county treasurer shall make an entry in the county
11 system canceling the sale of the parcel and shall
12 refund the purchase money to the tax sale certificate
13 holder.

14 Sec. 5. Section 602.8102, subsection 94, Code 2009,
15 is amended to read as follows:

16 94. File and index petitions and municipal
17 infraction citations affecting real estate as provided
18 in sections 617.10 through 617.15.

19 Sec. 6. Section 617.10, subsection 1, Code 2009, is

20 amended to read as follows:

21 1. When a petition or municipal infraction
22 citation affecting real estate is filed, the clerk of
23 the district court where the petition or municipal
24 infraction citation is filed shall index the petition
25 or municipal infraction citation in an index book
26 under the tract number which describes the property,
27 entering in each instance the case number as a guide
28 to the record of court proceedings which affect the
29 real estate. If the petition or municipal infraction
30 citation is amended to include other parties or other
31 lands, the amended petition or municipal infraction
32 citation shall be similarly indexed. When a final
33 result is determined in the case, the result shall be
34 indicated in the index book wherever indexed.

35 Sec. 7. Section 617.12, Code 2009, is amended to
36 read as follows:

37 617.12 Exceptions.

38 If the real property affected ~~be~~ is situated in
39 the county where the petition or municipal infraction
40 citation is filed it shall be unnecessary to show in
41 said index lands not situated in said county.

42 Sec. 8. Section 657.1, subsection 1, Code 2009, is
43 amended to read as follows:

44 1. Whatever is injurious to health, indecent, or
45 unreasonably offensive to the senses, or an obstruction
46 to the free use of property, so as essentially to
47 interfere unreasonably with the comfortable enjoyment
48 of life or property, is a nuisance, and a civil action
49 by ordinary proceedings may be brought to enjoin and
50 abate the nuisance and to recover damages sustained on

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1 account of the nuisance. A petition filed under this
2 subsection shall include the legal description of the
3 real property upon which the nuisance is located unless
4 the nuisance is not situated on or confined to a parcel
5 of real property or is portable or capable of being
6 removed from the real property.

7 Sec. 9. NEW SECTION. 657.2A Indexing of petition.

8 1. When a petition affecting real property is filed
9 by a governmental entity under this chapter, the clerk
10 of the district court shall index the petition pursuant
11 to section 617.10, if the legal description of the
12 affected property is included in or attached to the
13 petition.

14 2. After filing the petition with the clerk of the
15 district court, the governmental entity shall also file
16 the petition in the office of the county treasurer.
17 The county treasurer shall include a notation of the
18 pendency of the action in the county system, as defined

19 in section 445.1, until the judgment of the court is
 20 satisfied or until the action is dismissed. Pursuant
 21 to section 446.7, an affected property that is subject
 22 to a pending action shall not be offered for sale by
 23 the county treasurer at tax sale.

24 Sec. 10. Section 657A.2, subsection 1, Code 2009,
 25 is amended to read as follows:

26 1. A petition for abatement under this chapter
 27 may be filed in the district court of the county in
 28 which the property is located, by the city in which the
 29 property is located, by the county if the property is
 30 located outside the limits of a city, by a neighboring
 31 landowner, or by a duly organized nonprofit corporation
 32 which has as one of its goals the improvement of
 33 housing conditions in the county or city in which
 34 the property in question is located. A petition for
 35 abatement filed under this chapter shall include the
 36 legal description of the real property upon which the
 37 nuisance or dangerous or unsafe condition is located
 38 unless the nuisance or dangerous or unsafe condition
 39 is not situated on or confined to a parcel of real
 40 property or is portable or capable of being removed
 41 from the real property. Service on the owner shall
 42 be by personal service or by certified mail, or if
 43 service cannot be made by either method, by posting the
 44 notice in a conspicuous place on the building and by
 45 publication.

46 Sec. 11. Section 657A.10A, subsection 1, unnumbered
 47 paragraph 1, Code 2009, is amended to read as follows:

48 In lieu of the procedures in sections 657A.2 through
 49 657A.10, a city in which an abandoned building is
 50 located may petition the court to enter judgment

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1 awarding title to the abandoned property to the city.
 2 A petition filed under this section shall include the
 3 legal description of the abandoned property. If more
 4 than one abandoned building is located on a parcel of
 5 real estate, the city may combine the actions into
 6 one petition. The owner of the building and grounds,
 7 mortgagees of record, lien holders of record, or other
 8 known persons who hold an interest in the property
 9 shall be named as respondents on the petition.

10 Sec. 12. Section 657A.10A, Code 2009, is amended by
 11 adding the following new subsection:

12 **NEW SUBSECTION.** 6. If a city files a petition
 13 under subsection 1, naming the holder of a tax
 14 sale certificate of purchase for the property as a
 15 respondent, the city shall also file the petition,
 16 along with a verified statement declaring that the
 17 property identified in the petition contains an

18 abandoned building, with the county treasurer. Upon
 19 receiving the petition and verified statement, the
 20 county treasurer shall make an entry in the county
 21 system canceling the sale of the property and shall
 22 refund the purchase money to the tax sale certificate
 23 holder.

24 Sec. 13. NEW SECTION. 657A.12 Indexing of
 25 petition.

26 1. When a petition affecting real property is filed
 27 by a governmental entity under this chapter, the clerk
 28 of the district court shall index the petition pursuant
 29 to section 617.10, if the legal description of the
 30 affected property is included in or attached to the
 31 petition.

32 2. After filing the petition with the clerk of the
 33 district court, the governmental entity shall also file
 34 the petition in the office of the county treasurer.
 35 The county treasurer shall include a notation of the
 36 pendency of the action in the county system, as defined
 37 in section 445.1, until the judgment of the court is
 38 satisfied or until the action is dismissed. Pursuant
 39 to section 446.7, an affected property that is subject
 40 to a pending action shall not be offered for sale by
 41 the county treasurer at tax sale.>

42 2. Title page, line 3, after <property> by
 43 inserting <and requiring the county treasurer to
 44 withhold certain real property from tax sale>

The committee amendment H-8029 was adopted, placing out of order amendment H-1303 filed by the committee on local government on March 25, 2009 and amendment H-1485 filed by Huser of Polk on April 8, 2009.

Huser 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. 434)

The ayes were, 98:

- | | | | |
|-------------|---------|----------|----------|
| Abdul-Samad | Alons | Anderson | Arnold |
| Bailey | Baudler | Beard | Bell |
| Berry | Bukta | Burt | Chambers |
| Cohoon | Cownie | De Boef | Deyoe |
| Dolecheck | Drake | Ficken | Ford |
| Forristall | Frevert | Gaskill | Gayman |
| Grassley | Hagenow | Hanson | Heaton |
| Heddens | Helland | Horbach | Hunter |

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

The nays were, none.

Absent or not voting, 2:

Olson, R. Roberts

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 674 and 2137** and **Senate File 434**.

COMMITTEE REVISIONS

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

Shomshor of Pottawattamie replaced Frevert of Palo Alto on the committee on **agriculture**.

Huser of Polk replaced Kelley of Black Hawk on the committee on **ways and means**.

Kelley of Black Hawk replaced Reasoner of Union as vice-chair of the committee on **administration and regulation appropriations subcommittee**.

HOUSE FILE 657 REREFERRED

The Speaker announced that House File 657, previously referred to committee on **public safety** was rereferred to committee on **judiciary**.

SUBCOMMITTEE ASSIGNMENTS

House File 426

Public Safety: Kressig, Chair; Kuhn and Tjepkes.

House File 653

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

House File 2149

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

House File 2150

Human Resources: Heddens, Chair; Heaton and Wendt.

House File 2158

Human Resources: Wessel-Kroeschell, Chair; Soderberg and Steckman.

House File 2167

State Government: Lensing, Chair; Kaufmann and Taylor.

House File 2171

State Government: Lensing, Chair; Isenhardt and Koester.

House File 2172

State Government: Lensing, Chair; Isenhardt and Kaufmann.

House File 2182

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

House File 2208

Natural Resources: Baudler, Chair; Hanson and Running-Marquardt.

House File 2210

Natural Resources: Beard, Chair; Baudler and Mertz.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 657

State Government: Taylor, Chair; Pettengill and Willems.

House Study Bill 658

Education: Wendt, Chair; Chambers and Ficken.

House Study Bill 659

Environmental Protection: D. Olson, Chair; Lensing and Watts.

House Study Bill 660

Environmental Protection: D. Olson, Chair; Drake and Frevert.

House Study Bill 661

Environmental Protection: D. Olson, Chair; Hanson and Soderberg.

House Study Bill 662

Environmental Protection: Kearns, Chair; Anderson and Hanson.

House Study Bill 663

Environmental Protection: Kressig, Chair; Gaskill and Schultz.

House Study Bill 664

Environmental Protection: Reichert, Chair; Drake and Gayman.

House Study Bill 665

Economic Growth: Wenthe, Chair; Bailey and Sorenson.

House Study Bill 666

Economic Growth: Schueller, Chair; Horbach and Wenthe.

House Study Bill 667

State Government: Willems, Chair; Gaskill and Koester.

House Study Bill 668

State Government: Beard, Chair; Gaskill and Koester.

House Study Bill 669

Judiciary: R. Olson, Chair; Mertz and Schultz.

House Study Bill 670

Economic Growth: Bailey, Chair; Cownie and Schueller.

House Study Bill 671

Education: Palmer, Chair; Cownie and Ficken.

House Study Bill 673

Human Resources: Berry, Chair; Koester and Petersen.

House Study Bill 674

Commerce: Reichert, Chair; Helland and Jacoby.

House Study Bill 675

Commerce: Reasoner, Chair; Kressig and Sorenson.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 676 Veterans Affairs

Relating to the military service property tax exemption and credit by increasing the exemption amount, and including applicability provisions.

H.S.B. 677 Veterans Affairs

Relating to the collection of delinquent taxes from taxpayers on active duty military service and including retroactive applicability provisions.

H.S.B. 678 Transportation

Relating to the contents of certain motor carrier transportation contracts by declaring certain indemnity provisions to be unlawful and void.

H.S.B. 679 Agriculture

Relating to permits issued under the national pollutant discharge elimination system, and making penalties applicable.

RESOLUTION FILED

HR 106, by Reichert, Murphy and Kressig, a resolution to recognize the Iowa Small Business Development Centers and honor 2009 award winners Sarah Gall, Gina Blean, and Kelly Heysinger.

Laid over under **Rule 25**.

AMENDMENT FILED

H—8034 S.F. 2062 Heaton of Henry

On motion by McCarthy of Polk the House adjourned at 5:00 p.m. until 9:00 a.m., Tuesday, February 2, 2010.

JOURNAL OF THE HOUSE

Twenty-third Calendar Day - Sixteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 2, 2010

The House met pursuant to adjournment at 9:21 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Jerome Hanus, the Archbishop of Dubuque. He was the guest of Speaker Murphy and Representative Dolores Mertz of Kossuth County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Tessa Reynolds, House Page from Anamosa.

The Journal of Monday, February 1, 2010 was approved.

PETITION FILED

The following petition was received and placed on file:

By Frevert of Palo Alto, from ninety-eight citizens favoring an Iowa marriage amendment.

INTRODUCTION OF BILLS

House Joint Resolution 2011, by Upmeyer, Deyoe, Drake, Watts, Heaton, Schulte, Soderberg, Raecker, Chambers, Sweeney, Huseman, Alons, Koester, L. Miller, Forristall, Tjepkes, S. Olson, Sands, Dolecheck, Sorenson, Cownie, Grassley, May, Roberts, Windschitl, Mertz, Pettengill, Kelley, Anderson and De Boef, a joint resolution urging Congress not to institute new federal review, oversight, or preemption of state health insurance laws as Congress considers health care reform.

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

House File 2229, by committee on commerce, a bill for an act prohibiting the imposition by a dental plan of fee schedules for the provision of dental services that are not covered by the plan.

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

House File 2230, by Quirk, a bill for an act relating to licensure of persons for the installation and maintenance of geothermal heat pump systems and making penalties applicable.

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

House File 2231, by Pettengill and Sands, a bill for an act repealing statewide licensure requirements for electricians and electrical contractors, and including transition provisions.

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

House File 2232, by Pettengill, a bill for an act relating to hunting by certain nonresident landowners on land owned by them.

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

On motion by McCarthy of Polk, the House was recessed at 9:31 a.m., until 11:50 a.m.

AFTERNOON SESSION

The House reconvened at 4:30 p.m., Zirkelbach of Jones in the chair.

INTRODUCTION OF BILLS

House File 2233, by committee on judiciary, a bill for an act relating to expunging the conviction for certain alcohol-related offenses.

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

House File 2234, by committee on judiciary, a bill for an act relating to marital agreements, and including effective date and applicability provisions.

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

House File 2235, by Windschitl, Schultz, Hagenow, Soderberg, De Boef, Dolecheck, Sorenson, Huseman, Alons, Rayhons, L. Miller, Roberts and Chambers, a bill for an act relating to the use of federal health care reform funding for abortions, and including effective date provisions.

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

House File 2236, by Worthan, a bill for an act relating to the enforcement of weight limitations for vehicles with retractable axles.

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

House File 2237, by Windschitl, Zirkelbach and Chambers, a bill for an act relating to an additional homestead credit available to disabled veterans and including effective date and applicability provisions.

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

House File 2238, by Windschitl, a bill for an act requiring the issuance of a special any sex deer hunting license to certain nonresident minors who are relatives of residents.

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

House File 2239, by Alons and Watts, a bill for an act requiring shooting hours for pheasant and quail hunting to commence and end later when daylight savings time is in effect.

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

House File 2240, by T. Olson, a bill for an act relating to the manufacture and sale of native distilled spirits, and establishing a related permit fee and excise tax.

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

House File 2241, by Sorenson, a bill for an act relating to the carrying of weapons.

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

House File 2242, by May, Alons, Watts and Quirk, a bill for an act relating to the operation of all-terrain vehicles on highways, providing a registration fee, and making a penalty applicable.

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

House File 2243, by Mascher, a bill for an act restricting the use of wireless communication devices while operating a motor vehicle on a highway and providing a penalty.

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

House File 2244, by Sorenson, a bill for an act relating to inspection of certain school district coursework materials by students, parents, and guardians.

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

House File 2245, by Petersen, a bill for an act requiring the commissioner of insurance to apply any minimum health care benefits required by federal law to health care coverage regulated by the state.

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

House File 2246, by Mertz, a bill for an act providing for restorations and repairs of damages to drainage or levee district improvements.

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

House File 2247, by Mascher, a bill for an act providing for the foreign-language instruction of students in kindergarten through grade twelve, providing a funding option for such instruction, and including applicability provisions.

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

House File 2248, by Ford, a bill for an act relating to electronic supervision for a person charged with or convicted of domestic abuse assault or stalking including a notification procedure for registered victims.

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

House File 2249, by Bell, a bill for an act relating to the powers and duties of county treasurers to assess certain property associated with fence disputes and water districts.

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

House File 2250, by Schueller, De Boef, Struyk, Windschitl, Dolecheck, Lukan, Sorenson, Koester, Schultz, Soderberg, Pettengill, Kaufmann, Alons, May, Sands and Roberts, a bill for an act requiring random drug testing for recipients of certain public benefits.

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

House File 2251, by Petersen, a bill for an act relating to urban revitalization areas by authorizing a property tax exemption for certain vacant commercial property, providing a sales tax refund for purchase of certain building materials, supplies, and equipment, and including effective date and applicability provisions.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Sands of Louisa on request of Paulsen of Linn.

CONSIDERATION OF BILLS Regular Calendar

House File 2195, a bill for an act concerning fine arts projects in state buildings, was taken up for consideration.

H. Miller of Webster 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. 2195)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
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	Wendt	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach, Presiding	

The nays were, none.

Absent or not voting, 1:

Sands

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

Senate File 2062, a bill for an act providing for a retirement incentive program for state employees and including effective date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Frevert of Palo Alto offered the following amendment H-8033 filed by the committee on state government and moved its adoption:

H-8033

- 1 Amend Senate File 2062, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 27, by striking <May 28> and
- 4 inserting <June 24>
- 5 2. Page 2, line 34, by striking <May 28> and
- 6 inserting <June 24>

The committee amendment H-8033 was adopted.

Heaton of Henry offered the following amendment H-8034 filed by him and moved its adoption:

H-8034

- 1 Amend Senate File 2062, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, after line 13 by inserting:
- 4 <8. Department of human services – critical needs
- 5 employees. Notwithstanding any provision of this
- 6 section to the contrary, participants who are employees
- 7 of the department of human services in critical needs
- 8 positions at a facility operated by the department but
- 9 subject to closure by November 1, 2010, may be rehired
- 10 by the department to fill critical needs positions
- 11 at the applicable facility until November 1, 2010.
- 12 Participants rehired by the department pursuant to
- 13 this subsection shall be deemed to have a bona fide
- 14 retirement under section 97B.52A.>
- 15 2. By renumbering as necessary.

Baudler of Adair asked and received unanimous consent to withdraw amendment H-8037, to amendment H-8034, filed by him from the floor.

Heaton of Henry offered the following amendment H-8040, to amendment H-8034, filed by him from the floor and moved its adoption:

H-8040

- 1 Amend the amendment, H-8034, to Senate File 2062,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:

4 1. Page 1, by striking lines 6 through 14 and
 5 inserting <section to the contrary, an employee of
 6 the department of human services in a critical needs
 7 position at a facility operated by the department that
 8 is subject to closure by the end of calendar year 2010,
 9 may maintain employment until the effective date of the
 10 closure, agree to leave employment upon the effective
 11 date of the closure, and have a first month of
 12 entitlement as defined in section 97B.1A no later than
 13 the first month after the employee leaves employment,
 14 and still elect to participate in the program as an
 15 eligible employee without penalty.>>

Amendment H-8040 was adopted.

On motion by Heaton of Henry amendment H-8034, as amended,
 lost.

Under the provision of Rule 31.8, related to the timely filing of
 amendments, amendment H-8038 filed by Baudler of Adair from the
 floor, was placed out of order.

Frevert of Palo Alto 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. 2062)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Schueller	Schulte

Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Sweeney
Taylor	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach, Presiding		

The nays were, 1.

Rants

Absent or not voting, 1:

Sands

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 2195** and **Senate File 2062** be immediately messaged to the Senate.

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 February 1, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2088, a bill for an act concerning state government reorganization and efficiency, making appropriations, establishing fees, establishing fees and penalties, and providing effective and applicability provisions.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

Senate File 2088, by committee on state government, a bill for an act concerning state government reorganization and efficiency, making appropriations, establishing fees and penalties, and providing effective and applicability provisions.

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

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2010

Public Safety: R. Olson, Chair; Lukan and Lykam.

House File 657

Judiciary: Baudler, Chair; R. Olson and Swaim.

House File 2136

Judiciary: Swaim, Chair; Kaufmann and T. Olson.

House File 2156

Transportation: Kelley, Chair; Quirk and Tjepkes.

House File 2157

Transportation: Hanson, Chair; Hagenow and Quirk.

House File 2160

Rebuild Iowa and Disaster Recovery: Running-Marquardt, Chair; Helland and Jacoby.

House File 2173

Rebuild Iowa and Disaster Recovery: Taylor, Chair; Berry and Sands.

House File 2174

Rebuild Iowa and Disaster Recovery: Thomas, Chair; Grassley and Running-Marquardt.

House File 2177

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

House File 2178

Human Resources: Mascher, Chair; Hunter and Schulte.

House File 2179

Human Resources: Smith, Chair; Baudler and Wendt.

House File 2184

Human Resources: Heddens, Chair; Heaton and Wendt.

House File 2185

Education: Ford, Chair; Abdul-Samad and Cownie.

House File 2186

Education: Kelley, Chair; Ficken and Forristall.

House File 2187

Education: Winckler, Chair; Forristall and Palmer.

House File 2188

Education: Steckman, Chair; Raecker and Wendt.

House File 2189

Education: Mascher, Chair; Bukta and Sweeney.

House File 2190

Education: Cohoon, Chair; Dolecheck and Wendt.

House File 2206

Agriculture: Mertz, Chair; Bailey and Rayhons.

House File 2209

Human Resources: Mascher, Chair; Forristall and Hunter.

House File 2211

Public Safety: Whitead, Chair; R. Olson and Tjepkes.

House File 2212

State Government: Lensing, Chair; Isenhart and Rants.

House File 2215

Rebuild Iowa and Disaster Recovery: T. Olson, Chair; Huser and Kaufmann.

House File 2216

State Government: Lensing, Chair; Isenhart and Rants.

House File 2217

Agriculture: Mertz, Chair; Bailey and Rayhons.

House File 2218

State Government: Lensing, Chair; Frevert and Kaufmann.

House File 2219

State Government: Lensing, Chair; Frevert and Kaufmann.

House File 2220

State Government: Lensing, Chair; Frevert and Kaufmann.

House File 2221

State Government: Lensing, Chair; Frevert and Schulte.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 650 Reassigned**

Judiciary: T. Olson, Chair; Kaufmann and R. Olson.

House Study Bill 672

Rebuild Iowa and Disaster Recovery: Kuhn, Chair; Burt and Sorenson.

House Study Bill 676

Veterans Affairs: Windschitl, Chair; Isenhardt and Whitead.

House Study Bill 677

Veterans Affairs: Bukta, Chair; Sweeney and Whitead.

House Study Bill 678

Transportation: Worthan, Chair; Marek and Wenthe.

House Study Bill 679

Agriculture: Reasoner, Chair; Bell and Drake.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 680 Economic Growth**

Authorizing creation of consumption tax bonding districts and providing for the issuance of bonds secured by certain tax revenues collected within a district.

H.S.B. 681 Human Resources

Authorizing implementation of county mental health, mental retardation, and developmental disabilities services pilot projects involving such services and levy rates.

H.S.B. 682 Human Resources

Requiring certain health insurance contracts, policies, or plans to provide coverage for audiological services and hearing aids for children.

H.S.B. 683 State Government

Relating to election laws by making changes to voter registration, absentee voting, and election day procedures, providing a penalty, and including effective date and applicability provisions.

H.S.B. 684 Appropriations

Relating to public funding and regulatory matters by making and revising appropriations made for purposes of health and human services and providing effective dates.

H.S.B. 685 Agriculture

Providing an exemption for electrical installations on farms from licensing and inspections, and including effective date provisions.

H.S.B. 686 Labor

Requiring certain weekly workers' compensation benefits to be calculated by including an employee's overtime and premium pay, and to include an annual cost-of-living adjustment.

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 AGRICULTURE

House File 763, a bill for an act relating to administrative costs to support the watershed improvement review board.

Fiscal Note is not required.

Recommended **Do Pass** February 1, 2010.

COMMITTEE ON ECONOMIC GROWTH

Committee Bill (Formerly House Study Bill 552), providing for a sales tax exemption for purchases made by a nonprofit blood bank licensed by the federal food and drug administration.

Fiscal Note is not required.

Recommended **Do Pass** February 2, 2010.

Committee Bill (Formerly House Study Bill 593), relating to provisions authorizing sales and use tax exemptions and refunds for a data center business, and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 2, 2010.

Committee Bill (Formerly House Study Bill 666), relating to the Iowa finance authority by modifying certain duties and programs of the authority and establishing a workforce housing assistance grant fund administered by the authority.

Fiscal Note is not required.

Recommended **Do Pass** February 2, 2010.

COMMITTEE ON HUMAN RESOURCES

Senate File 153, a bill for an act to allow medical or osteopathic physicians, physician assistants, and advanced registered nurse practitioners to form limited liability companies or professional corporations.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8036** February 1, 2010.

Senate File 393, a bill for an act relating to access to obscene materials and child in need of assistance proceedings and child abuse reporting.

Fiscal Note is not required.

Recommended **Do Pass** February 1, 2010.

Committee Bill (Formerly House Study Bill 571), relating to various activities regulated and programs administered by the department of public health, including the Iowa collaborative safety net provider network, fetal death certification, and optometry, cosmetology, and barbering licensure, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 1, 2010.

Committee Bill (Formerly House Study Bill 611), relating to the renewal of the family planning network waiver under the medical assistance program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 1, 2010.

Committee Bill (Formerly House File 2056), relating to the requirements for national criminal history record checks for child care providers.

Fiscal Note is not required.

Recommended **Do Pass** February 1, 2010.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 597), relating to judgment liens on homesteads.

Fiscal Note is not required.

Recommended **Do Pass** February 2, 2010.

Committee Bill (Formerly House Study Bill 598), relating to the rights of a donee created by an anatomical gift.

Fiscal Note is not required.

Recommended **Do Pass** February 2, 2010.

Committee Bill (Formerly House File 770), relating to judicial branch records and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 2, 2010.

Committee Bill (Formerly House File 2024), providing for restitution for Medicaid expenditures.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 2, 2010.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House Study Bill 605), relating to the criminal offense of simulated public intoxication.

Fiscal Note is not required.

Recommended **Do Pass** February 2, 2010.

Committee Bill (Formerly House Study Bill 606), relating to the criminal offense of detention in a brothel.

Fiscal Note is not required.

Recommended **Do Pass** February 2, 2010.

Committee Bill (Formerly House Study Bill 607), repealing the simple misdemeanor offense relating to the use of cowl lamps on motor vehicles.

Fiscal Note is not required.

Recommended **Do Pass** February 2, 2010.

COMMITTEE ON REBUILD IOWA AND DISASTER RECOVERY

Committee Bill (Formerly House Study Bill 513), relating to the distribution of moneys from the disaster aid individual assistance grant fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 1, 2010.

COMMITTEE ON VETERANS AFFAIRS

Committee Bill (Formerly House File 2102), relating to providing veteran services to inmates incarcerated in a jail or municipal holding facility.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 2, 2010.

RESOLUTIONS FILED

HR 107, by Ford, a resolution honoring those family caregivers who provide services and financial support to dependent adult loved ones.

Laid over under **Rule 25**.

HR 108, by Heddens, Schulte, Whitead, Palmer, Kearns, Ficken, Reasoner, Lensing, Kressig, Frevert, Gayman, Kuhn, Kelley, Jacoby,

H. Miller, Steckman, Koester, Murphy, T. Olson, Reichert, Marek, Hanson, Gaskill, Bell, Oldson, Winckler, Smith, Drake, Isenhardt, Wenthe, Burt, R. Olson and Bukta, a resolution to commemorate the 90th anniversary of the League of Women Voters and to recognize February 14, 2010, as League of Women Voters Making Democracy Work Day.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8036	S.F.	153	Committee on Human Resources
H—8039	H.F.	2076	Thomas of Clayton

On motion by McCarthy of Polk the House adjourned at 5:13 p.m., until 9:00 a.m., Wednesday, February 3, 2010.

JOURNAL OF THE HOUSE

Twenty-fourth Calendar Day - Seventeenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 3, 2010

The House met pursuant to adjournment at 9:06 a.m., Zirkelbach of Jones in the chair.

Prayer was offered by the Honorable Sharon Steckman, state representative from Cerro Gordo County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Gracie Brandsgard, House Page and daughter of Mark Brandsgard, Chief Clerk from West Des Moines.

The Journal of Tuesday, February 2, 2010 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 2, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2109, a bill for an act relating to ethics laws by establishing disclosure requirements, providing jurisdictional authority, and allowing certain procedures in resolving ethics complaints, and including effective date provisions.

Also: That the Senate has on February 2, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2131, a bill for an act updating references to the federal Truth in Lending Act.

Also: That the Senate has on February 2, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2075, a bill for an act requiring reasonable exceptions to insurance rates for consumers whose credit information is influenced by extraordinary life circumstances and providing an applicability date.

Also: That the Senate has on February 2, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2108, a bill for an act relating to artisan's liens and Iowa's consumer frauds Act and making remedies applicable.

Also: That the Senate has on February 2, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2117, a bill for an act to allow therapeutically certified optometrists to supply pharmaceutical-delivering contact lenses.

Also: That the Senate has on February 2, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2138, a bill for an act relating to the rights of a donee created by an anatomical gift.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 2252, by committee on commerce, a bill for an act relating to artisan's liens and Iowa's consumer frauds Act and making remedies applicable.

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

House File 2253, by committee on judiciary, a bill for an act relating to Iowa's uniform disclaimer of property interest Act.

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

House File 2254, by Arnold, a bill for an act relating to the disposition of certain former school district funds by the director of the department of education and including effective date, validation, and retroactive applicability provisions.

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

House File 2255, by Baudler, Zirkelbach, Horbach, Drake, Reichert, Helland, Schulte, S. Olson, Tjepkes, Arnold, Watts, Roberts, Forristall, Van Engelenhoven, Chambers, Huseman, Worthan, Dolecheck, Grassley, L. Miller, Deyoe, Reasoner, Soderberg, Bell, Gayman, Mertz, Bailey, Marek, Quirk, Hanson, Huser, Swaim,

Thomas, Ford, Shomshor, Palmer, Tymeson, Rayhons, De Boef, Paulsen, Kaufmann, Lykam, Upmeyer and R. Olson, a bill for an act relating to permits to carry weapons and permits to acquire pistols and revolvers including the dissemination of information relating to persons suffering from mental and substance abuse health-related disorders and the possession of firearms and providing penalties.

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

House File 2256, by Mertz, a bill for an act providing an appropriation to reimburse the governing body of a drainage district for repairs associated with a lake owned by the department of natural resources.

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

House File 2257, by Anderson, a bill for an act relating to animal cruelty, and making penalties applicable.

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

House File 2258, by Van Engelenhoven, a bill for an act allowing the use of an interactive video teleconferencing system in involuntary commitment hearings for chronic substance abusers and mentally ill persons.

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

House File 2259, by Schultz, a bill for an act prohibiting the use of state funding and personnel for advertising associated with the hawk-i program.

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

House File 2260, by Schultz, a bill for an act relating to a pharmacist's refusal to dispense a specific medication.

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

House File 2261, by Burt, a bill for an act relating to requirements for certain interscholastic athletic contests and competitions.

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

House File 2262, by Sorenson, Deyoe, De Boef, Hagenow, Windschitl, Alons, Kaufmann, Chambers, Upmeyer, Rants, Sands, Horbach, Arnold, Struyk, Paulsen, Tymeson, Roberts and Soderberg, a bill for an act asserting the sovereignty of the state of Iowa.

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

House File 2263, by Sorenson, Baudler, Hagenow, De Boef, Tymeson, Windschitl, Helland, Lukan, Chambers, Schultz, Paulsen, Huseman, Rants, Sands, Horbach, Arnold, Struyk, Roberts and Soderberg, a bill for an act relating to verification of social security numbers for public programs under the purview of the department of human services.

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

House File 2264, by Grassley, a bill for an act relating to the emergency detention or hospitalization of a person incapacitated by a chemical substance or with a serious mental impairment.

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

House File 2265, by Roberts, a bill for an act relating to employees of the department of human services potentially subject to discharge, suspension, or reduction in job classification or pay grade for cause.

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

SPECIAL PRESENTATION

Smith of Marshall introduced to the House the Honorable Paul Scherrman, former state representative from Dubuque County.

The House rose and expressed its welcome.

ADOPTION OF HOUSE RESOLUTION 106

Reichert of Muscatine, Kressig of Black Hawk and Murphy of Dubuque called up for consideration **House Resolution 106**, a resolution to recognize the Iowa Small Business Development Centers and honor 2009 award winners Sarah Gall, Gina Blean, and Kelly Heysinger, and moved its adoption.

The motion prevailed and the resolution was adopted.

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

AFTERNOON SESSION

The House reconvened at 4:15 p.m., Zirkelbach of Jones in the chair.

CONSIDERATION OF BILLS

Regular Calendar

House File 2183, a bill for an act relating to the organization and duties of the state board of health, was taken up for consideration.

The de 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?" (H.F. 2183)

The ayes were, 100:

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

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

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.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2183** be immediately messaged to the Senate.

House File 2148, a bill for an act relating to eligible lenders for the home ownership assistance program for military members, was taken up for consideration.

Sweeney of Hardin 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. 2148)

The ayes were, 100:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter

Huseman	Huser	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	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach, Presiding

The nays were, none.

Absent or not voting and none.

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

HOUSE FILE 2055 WITHDRAWN

Sweeney of Hardin asked and received unanimous consent to withdraw House File 2055 from further consideration by the House.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2148** be immediately messaged to the Senate.

INTRODUCTION OF BILLS

House File 2266, by Gaskill, a bill for an act relating to public utility operation and regulation.

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

House File 2267, by Sorenson, Windschitl, Tymeson, De Boef, Schultz, Hagenow, Struyk, S. Olson, Paulsen, Pettengill, Chambers, Watts, Helland, Deyoe, Alons, Rants, Huseman and Horbach, a bill

for an act eliminating the requirement that a person who acquires ownership of a pistol or revolver must apply for and be issued an annual permit to acquire a pistol or revolver.

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

House File 2268, by Raecker, a bill for an act relating to the establishment of frontier schools.

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

House File 2269, by Mascher, a bill for an act expanding the educational standards to include age-appropriate comprehensive sexuality education instruction at the elementary and secondary grade levels.

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

House File 2270, by Abdul-Samad, a bill for an act relating to a foreign language requirement at the elementary school level for school districts and including an effective date provision.

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

House File 2271, by Abdul-Samad, a bill for an act establishing a loan forgiveness program and fund for dentists who practice in certain rural areas of the state.

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

House File 2272, by Bailey and Helland, a bill for an act removing specified fees imposed for the formation of designated forms of businesses.

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

House File 2273, by Mertz, a bill for an act relating to drainage districts, by modifying the amount of a bid security required to be submitted by bidders proposing to make improvements and modifying the threshold amount requiring the letting of bids to construct an improvement, and including effective date provisions.

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

House File 2274, by Abdul-Samad and Willems, a bill for an act concerning workplace accommodations for employees who express breast milk.

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

House File 2275, by Palmer, a bill for an act expanding the definition of criminal mischief in the third degree, and providing penalties.

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

House File 2276, by Upmeyer and Huser, a bill for an act relating to program criteria for the hawk-i and IowaCare programs under the purview of the department of human services.

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

House File 2277, by Huser, a bill for an act prohibiting cities and counties from adopting or enforcing ordinances that require a landlord to evict or impose certain restrictions or penalties on residential tenants and including effective date provisions.

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

House File 2278, by Schultz and Windschitl, a bill for an act relating to adoption eligibility criteria established by private child-placing agencies.

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

House File 2279, by Huser, a bill for an act relating to the use of multiple credit report inquiries as a negative factor in insurance scoring or for purposes of underwriting or rating a personal insurance policy.

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

House File 2280, by committee on public safety, a bill for an act providing for the treatment of animals other than agricultural animals, by providing for regulation of commercial establishments, providing for reporting of threatened animals, providing for fees, providing penalties, and including effective date provisions.

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

SENATE MESSAGES CONSIDERED

Senate File 2075, by committee on commerce, a bill for an act requiring reasonable exceptions to insurance rates for consumers whose credit information is influenced by extraordinary life circumstances and providing an applicability date.

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

Senate File 2108, by committee on judiciary, a bill for an act relating to artisan's liens and Iowa's consumer frauds Act and making remedies applicable and including effective date provisions.

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

Senate File 2117, by committee on human resources, a bill for an act to allow therapeutically certified optometrists to supply pharmaceutical-delivering contact lenses.

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

Senate File 2138, by committee on judiciary, a bill for an act relating to the rights of a donee created by an anatomical gift.

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

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

AUDITOR OF STATE

Iowa Communications Network (ICN) savings report, pursuant to Chapter 8D.10, Code of Iowa.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Endow Iowa report, pursuant to Chapter 15E.301, Code of Iowa.

DEPARTMENT OF HUMAN RIGHTS

Commission of Native American Affairs 2009 annual report, pursuant to Chapter 216, Code of Iowa.

DEPARTMENT OF REVENUE

2009 Streamlined Sales Tax Advisory Council report, pursuant to Chapter 423, Code of Iowa.

DEPARTMENT OF TRANSPORTATION

Midwest Regional Rail Passenger Report, pursuant to Chapter 327J.3(1), Code of Iowa.

Report on Registered Flex Fuel Vehicles, pursuant to Chapter 452.33(3), Code of Iowa.

Report of usage and savings with the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

ENVIRONMENTAL PROTECTION COMMISSION

Annual report, pursuant to Chapter 455B.105(5), Code of Iowa.

IOWA COUNTY ENGINEERS ASSOCIATION SERVICE BUREAU

Annual report of activities, pursuant to Chapter 312.3B, Code of Iowa.

IOWA UTILITIES BOARD

Annual report of contribution funds, pursuant to Chapter 476.66(6), Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2008

Local Government: Gaskill, Chair; Grassley and Kuhn.

House File 425 Reassigned

Judiciary: Mertz, Chair; Palmer and Schulte.

House File 783

Economic Growth: Ford, Chair; Kelley and Sorenson.

House File 2151

Commerce: Kelley, Chair; Quirk, Reichert, Soderberg and Wagner.

House File 2163

Commerce: Zirkelbach, Chair; Jacoby and Pettengill.

House File 2164

Judiciary: R. Olson, Chair; Ford and Schultz.

House File 2165

Judiciary: R. Olson, Chair; Ford and Kaufmann.

House File 2166

Commerce: Reichert, Chair; D. Olson and Wagner.

House File 2170

Veterans Affairs: Chambers, Chair; Ficken and Isenhardt.

House File 2175

Local Government: D. Olson, Chair; Kuhn and Van Engelenhoven.

House File 2176

Judiciary: T. Olson, Chair; Kaufmann and Willems.

House File 2180

Commerce: T. Olson, Chair; Reasoner and Sorenson.

House File 2181

Commerce: Kressig, Chair; Helland and Jacoby.

House File 2192

Judiciary: Huser, Chair; Helland and Willems.

House File 2202

Veterans Affairs: Chambers, Chair; Bukta and Whitead.

House File 2204

Commerce: T. Olson, Chair; Petersen and Pettengill.

House File 2205

Judiciary: R. Olson, Chair; Horbach and Lensing.

House File 2207

Judiciary: R. Olson, Chair; Kaufmann and Smith.

House File 2213

Commerce: T. Olson, Chair; Petersen and Pettengill.

House File 2214

Commerce: T. Olson, Chair; Petersen and Windschitl.

House File 2222

Education: Wendt, Chair; Abdul-Samad and Cownie.

House File 2223

Human Resources: Hunter, Chair; Alons and Thede.

House File 2224

Human Resources: Abdul-Samad, Chair; Berry and Heaton.

House File 2225

Judiciary: R. Olson, Chair; Helland and Lensing.

House File 2226

Judiciary: Mertz, Chair; T. Olson and Schulte.

House File 2230

State Government: Taylor, Chair; Struyk and Willems.

House File 2231

State Government: Taylor, Chair; Quirk and Struyk.

House File 2237

Veterans Affairs: Ficken, Chair; Isenhart and Windschitl.

House File 2240

State Government: Lensing, Chair; Struyk and Taylor.

House File 2241

Public Safety: R. Olson, Chair; Baudler and Burt.

House File 2249

Local Government: Cohoon, Chair; Kuhn and Tjepkes.

House File 2262

State Government: Lensing, Chair; Frevert and Kaufmann.

Senate File 117 Reassigned

Human Resources: Steckman, Chair; Baudler and T. Olson.

Senate File 2088

State Government: Mascher, Chair; Gaskill, Kaufmann, Struyk and Taylor.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 680

Economic Growth: Thomas, Chair; Forristall and Jacoby.

House Study Bill 681

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

House Study Bill 682

Human Resources: Petersen, Chair; Alons and T. Olson.

House Study Bill 683

State Government: Gaskill, Chair; Roberts and Willems.

House Study Bill 684

Appropriations: Heddens, Chair; Heaton and Oldson.

House Study Bill 685

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

House Study Bill 686

Labor: R. Olson, Chair; Horbach and Willems.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 687 Commerce

Relating to charitable solicitations, by providing for registration requirements, providing for fees and appropriations, imposing penalties, and including effective date provisions.

H.S.B. 688 Agriculture

Concerning weight limits for vehicles carrying grain, fertilizer, or agricultural chemicals on noninterstate highways.

H.S.B. 689 Human Resources

Relating to prescription drug costs and practices and making penalties applicable.

H.S.B. 690 Agriculture

Relating to grain transactions by regulating grain dealers and warehouse operators, providing for fees, and making penalties applicable.

H.S.B. 691 State Government

Establishing a high performance certification program applicable to certain public buildings.

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 AGRICULTURE

Committee Bill (Formerly House File 558), providing for the taking of crops on land classified as a farm tenancy.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 3, 2010.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 658), establishing a task force to review the present mission, structure, governance, and funding of the area education agencies.

Fiscal Note is not required.

Recommended **Do Pass** February 3, 2010.

COMMITTEE ON ENVIRONMENTAL PROTECTION

House File 785, a bill for an act relating to lead wheel weights on state-owned motor vehicles.

Fiscal Note is not required.

Recommended **Do Pass** February 1, 2010.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House File 2041), relating to the limitation on length of service for city development board members and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 3, 2010.

Committee Bill (Formerly House Study Bill 546), relating to the approval and use of increased local sales and services tax revenues to fund urban renewal projects.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 3, 2010.

Committee Bill (Formerly House Study Bill 632), relating to the collection of the use tax on manufactured housing, the licensing of manufactured home retailers, and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 3, 2010.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House Study Bill 542), relating to activities of the department of public safety including regulating the storage of flammable and combustible liquids in aboveground storage tanks and retaining fees.

Fiscal Note is not required.

Recommended **Do Pass** February 3, 2010.

AMENDMENTS FILED

H—8041	H.F.	2234	T. Olson of Linn
H—8042	H.F.	2076	Thomas of Clayton

H—8043 H.F. 2252 Kressig of Black Hawk

On motion by McCarthy of Polk the House adjourned at 4:36 p.m., until 9:00 a.m., Thursday, February 4, 2010.

JOURNAL OF THE HOUSE

Twenty-fifth Calendar Day - Eighteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 4, 2010

The House met pursuant to adjournment at 9:17 a.m., Speaker Murphy in the chair.

Prayer was offered by the Honorable Mark Kuhn, state representative from Floyd County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Taylor Schipper, House Page from New Hartford.

The Journal of Wednesday, February 3, 2010 was approved.

INTRODUCTION OF BILLS

House File 2281, by committee on human resources, a bill for an act relating to the renewal of the family planning network waiver under the medical assistance program and including contingent implementation provisions.

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

House File 2282, by committee on judiciary, a bill for an act relating to judgment liens on homesteads.

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

House File 2283, by committee on human resources, a bill for an act relating to the requirements for national criminal history record checks for child care providers.

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

House File 2284, by committee on human resources, a bill for an act relating to various activities regulated and programs

administered by the department of public health, including fetal death certification, and optometry, cosmetology, and barbering licensure, and including effective date provisions.

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

House File 2285, by committee on judiciary, a bill for an act relating to the rights of a donee created by an anatomical gift.

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

House File 2286, by committee on public safety, a bill for an act relating to the criminal offense of detention in a brothel.

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

House File 2287, by committee on public safety, a bill for an act relating to the criminal offense of simulated public intoxication.

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

House File 2288, by committee on public safety, a bill for an act repealing the simple misdemeanor offense relating to the use of cowllamps on motor vehicles.

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

House File 2289, by Schulte, May, Windschitl, Rayhons, L. Miller, Drake, Hagenow, Soderberg, Heaton, Deyoe, Watts, Raecker, Sweeney, Chambers, Huseman, Alons, Koester, Forristall, S. Olson, Dolecheck, Upmeyer and Grassley, a bill for an act requiring the department of human services to accept certain documentation submitted by electronic means.

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

House File 2290, by Schultz, Beard, Upmeyer, Kuhn and Windschitl, a bill for an act allowing certain milk or milk products produced on dairy farms to be sold directly to individuals.

Read first time and referred to committee on **economic growth**.

House File 2291, by Schultz and Windschitl, a bill for an act relating to protected traits or characteristics of students under public and nonpublic school harassment and bullying prohibitions and policies.

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

House File 2292, by Quirk, a bill for an act regulating automobile liability insurance provisions pertaining to choice of automobile and automobile glass repair facilities.

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

On motion by McCarthy of Polk, the House was recessed at 9:24 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:36 p.m., Speaker Murphy in the chair.

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 February 4, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2062, a bill for an act providing for a retirement incentive program for state employees and including effective date provisions.

Also: That the Senate has on February 4, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2076, a bill for an act relating to economic development including changes to the administration of certain economic development programs and to the terms served by members of the economic development board and including effective date provisions.

Also: That the Senate has on February 4, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2151, a bill for an act relating to public funding and regulatory matters by making and revising appropriations made for purposes of health and human services and providing effective dates.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 2293, by Running-Marquardt, a bill for an act exempting certain boat harbors from certain dock requirements and including effective date provisions.

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

House File 2294, by committee on rebuild Iowa and disaster recovery, a bill for an act relating to the distribution of moneys from the disaster aid individual assistance grant fund.

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

House File 2295, by committee on education, a bill for an act establishing a task force to review the present mission, structure, governance, and funding of the area education agencies.

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

House File 2296, by Swaim, a bill for an act relating to physical plant and equipment levy special elections and including effective date and applicability provisions.

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

House File 2297, by Mascher, Abdul-Samad, Berry, Cohoon, Kearns, Jacoby, Thede, Steckman, Hunter, Lensing, Ficken, Beard, Gayman, Running-Marquardt, Pettengill, Sorenson and Kaufmann, a bill for an act relating to the licensing of midwives and providing for a fee and a penalty, and including effective date provisions.

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

House File 2298, by Chambers, a bill for an act requiring reports relating to disciplinary action taken against a teacher to be submitted to the board of educational examiners.

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

House File 2299, by Windschitl, a bill for an act relating to the exclusion of veterans' disability compensation from the claims of creditors and in calculating property disposition and support obligations.

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

House File 2300, by Isenhardt, a bill for an act modifying provisions relating to franchises for the provision of cable service or video service, and including effective date and retroactive applicability provisions.

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

House File 2301, by Bell, a bill for an act allowing county treasurers to collect restitution owed to a district court, certain debts owed to or being collected by the state, and delinquent debt owed to the clerk of the district court from a person renewing a vehicle registration, and providing a fee.

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

House File 2302, by Ford, a bill for an act relating to the criminal offense of invasion of privacy, and providing penalties.

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

House File 2303, by Swaim, a bill for an act concerning automatic enrollment in a qualified retirement plan offered by an employer and making penalties applicable.

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

House File 2304, by committee on economic growth, a bill for an act providing for a sales tax exemption for purchases made by a nonprofit blood bank licensed by the federal food and drug administration.

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

House File 2305, by committee on economic growth, a bill for an act relating to provisions authorizing sales and use tax exemptions and refunds for a data center business, and including effective date provisions.

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

House File 2306, by committee on judiciary, a bill for an act relating to judicial branch records.

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

House File 2307, by committee on judiciary, a bill for an act providing for restitution for Medicaid expenditures.

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

SENATE MESSAGES CONSIDERED

Senate File 2076, by committee on economic growth, a bill for an act relating to economic development including changes to the administration of certain economic development programs and to the terms served by members of the economic development board and including effective date provisions.

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

Senate File 2151, by committee on appropriations, a bill for an act relating to public funding and regulatory matters by making and revising appropriations made for purposes of health and human services and providing effective dates.

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

CONSIDERATION OF BILLS

Regular Calendar

House File 2200, a bill for an act relating to the carrying of a gun in or on a vehicle on a public highway and making penalties applicable, was taken up for consideration.

Beard of Winneshiek 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. 2200)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Burt	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Huseman	Huser
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	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	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, 4:

Bukta	Hunter	Isenhart	Kuhn
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Absent or not voting, none.

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

HOUSE FILES 116 and 721 WITHDRAWN

Beard of Winneshiek asked and received unanimous consent to withdraw House Files 116 and 721 from further consideration by the House.

House File 2076, a bill for an act establishing an Iowa innovation council in the department of economic development, was taken up for consideration.

The House stood at ease at 4:52 p.m., until the fall of the gavel.

The House resumed session at 5:21 p.m., Speaker Murphy in the chair.

Thomas of Clayton asked and received unanimous consent to withdraw amendment H-8039 filed by him on February 2, 2010.

Thomas of Clayton offered the following amendment H-8042 filed by him and moved its adoption:

H-8042

- 1 Amend House File 2076 as follows:
- 2 1. Page 1, before line 5 by inserting:
- 3 <Sec. ____ Section 15.104, subsection 8, paragraph
- 4 1, Code Supplement 2009, is amended to read as follows:
- 5 1. Targeted industries development – ~~financial~~
- 6 ~~assistance~~ innovation and commercialization. A
- 7 report of the expenditures of moneys appropriated
- 8 and allocated to the department for certain programs
- 9 authorized pursuant to ~~section sections~~ 15.411
- 10 and 15.412 relating to the development and
- 11 commercialization of businesses in the targeted
- 12 industry areas of advanced manufacturing, bioscience,
- 13 and information technology, including a summary of
- 14 the activities of the technology commercialization
- 15 committee created pursuant to section 15.116 and the
- 16 Iowa innovation council established pursuant to section
- 17 15.117A.>
- 18 2. Page 1, line 28, by striking <Twenty-seven> and
- 19 inserting <Twenty-nine>
- 20 3. Page 2, before line 23 by inserting:
- 21 <(9) Two community college presidents from
- 22 geographically diverse areas of the state, selected by
- 23 the Iowa association of community college trustees.>
- 24 4. Page 3, by striking lines 16 and 17.
- 25 5. Title page, by striking lines 1 and 2 and
- 26 inserting: <An Act relating to economic development
- 27 by establishing an Iowa innovation council in the
- 28 department of economic development and by providing for
- 29 certain reports on innovation and commercialization
- 30 within certain targeted industries.>

31 6. By renumbering and correcting internal
32 references as necessary.

Amendment H-8042 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2076)

The ayes were, 100:

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

The nays were, none.

Absent or not voting, none.

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2076** and **2200**.

SENATE FILE 2138 REFERRED

The Speaker announced that Senate File 2138, previously referred to committee on **judiciary** was **passed on file**.

HOUSE FILE 2299 REREFERRED

The Speaker announced that House File 2299, previously referred to committee on **veterans affairs** was rereferred to committee on **judiciary**.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2011

Commerce: Petersen, Chair; T. Olson and Windschitl.

House File 430 Reassigned

Commerce: Zirkelbach, Chair; Petersen and Sorenson.

House File 2227

Commerce: T. Olson, Chair; Petersen and Windschitl.

House File 2228

Commerce: Reasoner, Chair; Rants and Shomshor.

House File 2232

Natural Resources: Lykam, Chair; May and Whitead.

House File 2235

Human Resources: Mascher, Chair; Heaton and Hunter.

House File 2236

Transportation: Quirk, Chair; Kelley and Worthan.

House File 2238

Natural Resources: Hanson, Chair; Ficken and Huseman.

House File 2239

Natural Resources: Beard, Chair; Sweeney and Thede.

House File 2242

Transportation: May, Chair; Quirk and Wenthe.

House File 2243

Transportation: Hanson, Chair; Abdul-Samad and Arnold.

House File 2244

Education: Cohoon, Chair; Dolecheck and Thede.

House File 2245

Commerce: T. Olson, Chair; Petersen and Pettengill.

House File 2247

Education: Mascher, Chair; Cohoon and Sweeney.

House File 2250

Human Resources: Mascher, Chair; Baudler and Hunter.

House File 2254

Education: Wendt, Chair; Ficken and Tymeson.

House File 2255

Public Safety: R. Olson, Chair; Baudler, Burt, Lykam and Worthan.

House File 2257

Public Safety: Kuhn, Chair; Lykam and Sands.

House File 2259

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

House File 2260

Human Resources: Mascher, Chair; Hunter and Soderberg.

House File 2261

Education: Cohoon, Chair; Koester and Palmer.

House File 2263

Human Resources: Mascher, Chair; Forristall and Hunter.

House File 2264

Human Resources: Abdul-Samad, Chair; L. Miller and Smith.

House File 2266

Commerce: Petersen, Chair; Jacoby and Soderberg.

House File 2267

Public Safety: Burt, Chair; Lykam and S. Olson.

House File 2268

Education: Cohoon, Chair; Raecker and Wendt.

House File 2269

Education: Mascher, Chair; Thede and Tymeson.

House File 2270

Education: Cohoon, Chair; May and Wendt.

House File 2271

Education: Cohoon, Chair; May and Thede.

House File 2272

Commerce: Shomshor, Chair; Helland and Petersen.

House File 2279

Commerce: D. Olson, Chair; Kressig and Sands.

House File 2292

Commerce: Quirk, Chair; Kelley and Wagner.

Senate File 2075

Commerce: D. Olson, Chair; Helland and Kressig.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 687

Commerce: Quirk, Chair; Reasoner and Windschitl.

House Study Bill 688

Agriculture: Wenthe, Chair; Reasoner and Worthan.

House Study Bill 690

Agriculture: Reasoner, Chair; Drake and Wenthe.

House Study Bill 691

State Government: Taylor, Chair; Koester and Quirk.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 692 Judiciary

Modifying sex offender registry provisions, and providing penalties.

H.S.B. 693 Judiciary

Relating to the service of notice requirements for landlords and tenants and the service of notice requirements in an action for forcible entry and detainer and including effective date provisions.

H.S.B. 694 Judiciary

Relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

H.S.B. 695 Transportation

Relating to the regulation of motor vehicles by the department of transportation, including clarification of the definition of business-trade truck and requirements for the issuance of temporary persons with disabilities parking permits.

H.S.B. 696 Agriculture

Concerning gambling and horse racing, by providing for pari-mutuel wagering, purse agreements for races of standardbred horses at county fairs, and county gambling elections, and including effective date and retroactive applicability provisions.

H.S.B. 697 Commerce

Relating to the Iowa life and health insurance guaranty association regarding coverage, benefits, duties, powers, rights, the operation of the Iowa life and health insurance guaranty association, and the coordination of coverage and benefits with those of similar associations of other states, and to the Iowa insurance guaranty association with respect to covered claims, benefits, limitations, duties, and powers of the Iowa insurance guaranty association, and coordination and cooperation by it with similar associations of other states.

H.S.B. 698 Local Government

Relating to the review and approval of proposed subdivisions by a city.

H.S.B. 699 Labor

Requiring that prevailing wage rates by locality be paid to persons working on public improvements for public bodies, unless by public resolution a political subdivision of the state chooses not to utilize the prevailing wage rate for a public improvement project, providing penalties, and including effective date and applicability provisions.

H.S.B. 700 Natural Resources

Creating a natural resources and outdoor recreation trust fund to implement a proposed amendment to the Constitution of the State of Iowa, and providing for contingent implementation.

H.S.B. 701 Commerce

Relating to prescription drug costs, purchasing, and other practices, and making penalties applicable.

H.S.B. 702 Labor

Concerning public employee collective bargaining, including provisions allowing reasonable reimbursement for employee organization services provided to certain executive branch employees, and including applicability provisions.

H.S.B. 703 Environmental Protection

Providing for the application of pesticides by commercial applicators using an aircraft, providing penalties, and including effective date provisions.

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 AGRICULTURE

Senate File 404, a bill for an act establishing a local food and farm task force, providing for a local food and farm plan, and providing for an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8044** February 3, 2010.

COMMITTEE ON ECONOMIC GROWTH

Committee Bill (Formerly House File 2082), providing for a tax credit against the individual and corporate income taxes, the franchise tax, insurance premiums tax, and the moneys and credits tax for a charitable contribution to certain institutions engaged in regenerative medicine research and including a retroactive applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 3, 2010.

Committee Bill (Formerly House Study Bill 670), concerning allowable locations for holders of a class "E" liquor control license.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 3, 2010.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House Study Bill 656), relating to the Iowa comprehensive petroleum underground storage tank fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 3, 2010.

COMMITTEE ON STATE GOVERNMENT

Senate File 2088, a bill for an act concerning state government reorganization efficiency making appropriations establishing fee and penalties, and providing effective applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8045** February 4, 2010.

Pursuant to Rule 31.7, Senate File 2088 was referred to the committee on appropriations.

AMENDMENTS FILED

H—8044	S.F.	404	Committee on Agriculture
H—8045	S.F.	2088	Committee on State Government

On motion by McCarthy of Polk the House adjourned at 5:34 p.m., until 9:00 a.m., Friday, February 5, 2010.

JOURNAL OF THE HOUSE

Twenty-sixth Calendar Day - Nineteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 5, 2010

The House met pursuant to adjournment at 10:15 a.m., Reasoner of Union in the chair.

Prayer was offered by the Honorable Bruce Hunter, state representative from Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Bruce Hunter of Polk County.

The Journal of Thursday, February 4, 2010 was approved.

INTRODUCTION OF BILLS

House File 2308, by Isenhart, a bill for an act relating to the state's workers' compensation laws by modifying alternate care procedures for medical treatment, creating registries of physicians who treat and evaluate work-related injuries, providing for the retention of a medical director, creating a state workplace injury care providers registry fund, establishing a workers' compensation advisory board, providing for and appropriating fees, and including for effective date provisions.

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

House File 2309, by Schultz, a bill for an act prohibiting state entities from using state moneys or personnel to implement the national animal identification system, and providing an effective date.

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

House File 2310, by Arnold and Beard, a bill for an act relating to raising or releasing pen-reared pheasants originating from a hatchery approved by the department of natural resources.

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

House File 2311, by Pettengill, Kaufmann, Deyoe, De Boef and Sweeney, a bill for an act requiring issuance of hunter safety and ethics education certificates to residents who are peace officers, active duty military personnel, or honorably discharged veterans.

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

House File 2312, by Swaim, a bill for an act relating to the issuance of any sex deer licenses to certain nonresident landowners.

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

House File 2313, by Schultz, a bill for an act relating to judicial authority, and making penalties applicable.

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

House File 2314, by Windschitl, Sorenson and Schultz, a bill for an act relating to the justifiable use of reasonable force and providing a remedy.

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

House File 2315, by Sorenson, a bill for an act relating to compliance with state physical education and health course standards by school districts and accredited nonpublic schools.

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

House File 2316, by Pettengill, Deyoe, De Boef and Sweeney, a bill for an act creating a supplementary weighting plan for certain rural school districts.

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

House File 2317, by Schultz, a bill for an act relating to the accreditation of nonpublic schools.

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

House File 2318, by committee on local government, a bill for an act relating to the limitation on length of service for city development board members and including effective date provisions.

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

House File 2319, by committee on public safety, a bill for an act relating to activities of the department of public safety including regulating the storage of flammable and combustible liquids in aboveground storage tanks and retaining fees.

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

SUBCOMMITTEE ASSIGNMENTS

House File 2246

Agriculture: Mertz, Chair; Bailey and Rayhons.

House File 2248

Judiciary: Smith, Chair; Horbach and R. Olson.

House File 2256

Agriculture: Mertz, Chair; Bailey and Rayhons.

House File 2258

Judiciary: Smith, Chair; T. Olson and Schulte.

House File 2273

Agriculture: Mertz, Chair; Bailey and Rayhons.

House File 2275

Judiciary: R. Olson, Chair; Baudler and Willems.

Senate File 2151

Appropriations: Heddens, Chair; Heaton and Oldson.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 692

Judiciary: Baudler, Chair; R. Olson and Swaim.

House Study Bill 693

Judiciary: Palmer, Chair; Helland and T. Olson.

House Study Bill 694

Judiciary: Wessel-Kroeschell, Chair; Schulte and Willems.

House Study Bill 696

Agriculture: Wenthe, Chair; De Boef and Mertz.

House Study Bill 697

Commerce: Oldson, Chair; Pettengill and Reasoner.

House Study Bill 698

Local Government: D. Olson, Chair; Grassley and Kressig.

House Study Bill 699

Labor: R. Olson, Chair; Burt and Horbach.

House Study Bill 701

Commerce: Wenthe, Chair; Petersen and Sorenson.

House Study Bill 702

Labor: Huser, Chair; Horbach and Hunter.

House Study Bill 703

Environmental Protection: H. Miller, Chair; Drake and Whitead.

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 APPROPRIATIONS

Senate File 2088, a bill for an act concerning state government reorganization and efficiency, making appropriations, establishing fees, establishing fees and penalties, and providing effective and applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 4, 2010.

COMMITTEE ON COMMERCE

Committee Bill (Formerly House Study Bill 630), relating to and making changes to matters under the purview of the division of banking of the department of commerce, making a penalty applicable, and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 4, 2010.

COMMITTEE ON ECONOMIC GROWTH

Committee Bill (Formerly House File 2107), providing for the severance and annexation of real property upon petition of the real property owners and approval of the city development board.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 4, 2010.

COMMITTEE ON HUMAN RESOURCES

House File 2158, a bill for an act relating to eligibility for the preparation for adult living program administered by the department of human services.

Fiscal Note is not required.

Recommended **Do Pass** February 3, 2010.

Committee Bill (Formerly House Study Bill 511), relating to benefit coverage for medication therapy management.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 3, 2010.

Committee Bill (Formerly House Study Bill 514), requiring criminal history and abuse registry checks for certified nurse aide training program students and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 3, 2010.

Committee Bill (Formerly House Study Bill 621), relating to the office of the long-term care resident's advocate, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 3, 2010.

Committee Bill (Formerly House File 2065), relating to reimbursement for supported community living under the medical assistance home and community-based services waiver for intellectual disabilities.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 3, 2010.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 641), relating to an assault causing serious injury.

Fiscal Note is not required.

Recommended **Do Pass** February 4, 2010.

Committee Bill (Formerly House Study Bill 642), relating to escapes or attempted escapes from custody due to the commission of a criminal offense and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** February 4, 2010.

Committee Bill (Formerly House Study Bill 644), relating to extending a period of probation and including applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 4, 2010.

Committee Bill (Formerly House Study Bill 645), relating to the definition of serious injury for purposes of criminal offenses.

Fiscal Note is not required.

Recommended **Do Pass** February 4, 2010.

Committee Bill (Formerly House Study Bill 646), relating to the abuse of a corpse and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** February 4, 2010.

Committee Bill (Formerly House Study Bill 647), relating to the criminal offense of intimidation with a dangerous weapon.

Fiscal Note is not required.

Recommended **Do Pass** February 4, 2010.

COMMITTEE ON LABOR

Committee Bill (Formerly House File 2116), relating to access to and security of employee personnel files.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 4, 2010.

Committee Bill (Formerly House Study Bill 581), relating to employment practices and public safety programs administered by the division of labor services of the department of workforce development.

Fiscal Note is not required.

Recommended **Do Pass** February 4, 2010.

Committee Bill (Formerly House Study Bill 588), relating to choice of medical care by members of the municipal police and fire retirement system who are injured in the line of duty.

Fiscal Note is not required.

Recommended **Do Pass** February 4, 2010.

COMMITTEE ON TRANSPORTATION

House File 97, a bill for an act requiring the use of headlights on a motor vehicle during any period of moisture accumulation and making a penalty applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8046** February 4, 2010.

Committee Bill (Formerly House Study Bill 613), relating to claims for warranty parts, repairs, or service performed by motor vehicle dealers.

Fiscal Note is not required.

Recommended **Do Pass** February 4, 2010.

Committee Bill (Formerly House Study Bill 614), relating to the regulation of motor vehicle franchises.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 4, 2010.

COMMITTEE ON VETERANS AFFAIRS

Committee Bill (Formerly House Study Bill 633), relating to assignment of visitation of a child to a family member when a parent is serving active duty in the military service of the United States.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 4, 2010.

Committee Bill (Formerly House Study Bill 677), relating to the collection of delinquent taxes from taxpayers on active duty military service and including retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 4, 2010.

AMENDMENT FILED

H—8046 H.F. 97 Committee on Transportation

On motion by McCarthy of Polk the House adjourned at 10:19 a.m., until 1:00 p.m., Monday, February 8, 2010.

JOURNAL OF THE HOUSE

Twenty-ninth Calendar Day - Twentieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 8, 2010

The House met pursuant to adjournment at 1:02 p.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Ryan Klobassa, serving the Catholic parishes of Hancock and Winnebago counties. He was the guest of Representative Henry Rayhons of Hancock County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Kent Sorenson, House Page from Indianola.

The Journal of Friday, February 5, 2010 was approved.

INTRODUCTION OF BILLS

House File 2320, by Ford, a bill for an act relating to the criminal offense of indecent exposure and providing penalties.

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

House File 2321, by committee on veterans affairs, a bill for an act relating to providing veteran services to inmates incarcerated in a jail or municipal holding facility.

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

House File 2322, by committee on economic growth, a bill for an act relating to the Iowa finance authority by modifying certain duties and programs of the authority and establishing a workforce housing assistance grant fund administered by the authority.

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

House File 2323, by Upmeyer, a bill for an act relating to consolidation of the operational functions of the institutions of higher education governed by the state board of regents.

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

House File 2324, by Zirkelbach, a bill for an act relating to confinement feeding operations, by providing for common ownership and management of the operations and the application of manure originating from operations on snow covered or frozen ground, and including effective date provisions.

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

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 February 8, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2109, a bill for an act concerning penalties for failure to obey an official traffic control device or signal when the violation results in death or serious injury.

MICHAEL E. MARSHALL, Secretary

On motion by McCarthy of Polk, the House was recessed at 1:10 p.m., until 6:30 p.m.

EVENING SESSION

The House reconvened at 6:45 p.m., Zirkelbach of Jones in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

H. Miller of Webster on request of McCarthy of Polk; Rants of Woodbury on request of Paulsen of Linn.

INTRODUCTION OF BILLS

House Joint Resolution 2012, by Roberts, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the number of supreme court justices and the nomination and appointment of such justices.

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

House Joint Resolution 2013, by Sorenson, Alons and Schultz, a joint resolution proposing an amendment to the Constitution of the State of Iowa requiring supreme court justices to be elected.

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

House File 2325, by Sweeney, Tymeson, De Boef, May, Horbach, Van Engelenhoven, Struyk, Huseman, Windschitl and Dolecheck, a bill for an act relating to secondary level career and technical endorsements for persons holding a standard, master educator, or permanent professional teaching license and including effective date and applicability provisions.

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

House File 2326, by Tymeson, Watts, Heaton, Arnold, Windschitl, Raecker, De Boef, Huseman, Cownie, Alons, Soderberg, Baudler, Dolecheck, Schulte, Chambers, Koester, Sorenson, Upmeyer, Worthan, Rayhons, Roberts, Swaim, May, Sweeney, Kaufmann, Mertz, Marek and Willems, a bill for an act relating to the operation and funding of home school assistance programs provided by school districts.

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

House File 2327, by committee on environmental protection, a bill for an act relating to the Iowa comprehensive petroleum underground storage tank fund.

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

House File 2328, by committee on human resources, a bill for an act relating to the office of the long-term care resident's advocate, and providing penalties.

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

House File 2329, by committee on human resources, a bill for an act relating to benefit coverage for medication therapy management.

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

House File 2330, by Gaskill, a bill for an act relating to conducting county gambling elections and including effective date and applicability provisions.

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

House File 2331, by Kuhn and Lensing, a bill for an act relating to alternate and renewable energy production by establishing an alternate and renewable energy incentive program applicable to alternate energy production facilities under specified circumstances.

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

House File 2332, by Ford, a bill for an act relating to the distribution, possession, and reporting of obscene material and making penalties applicable.

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

House File 2333, by Ford, a bill for an act modifying the criminal offense of enticing or attempting to entice a minor and providing penalties.

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

House File 2334, by Ford, a bill for an act relating to the criminal offense of sexual exploitation of a minor, and providing penalties.

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

House File 2335, by Heaton, a bill for an act creating a mental health workforce loan repayment program, providing for contingent implementation, and providing for a repeal.

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

House File 2336, by Heaton, a bill for an act relating to mental health and substance abuse requirements and services.

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

House File 2337, by Heaton, a bill for an act prohibiting the establishment of fee schedules for certain noncovered dental services.

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

CONSIDERATION OF BILLS Regular Calendar

House File 763, a bill for an act relating to administrative costs to support the watershed improvement review board, was taken up for consideration.

Swaim of Davis asked and received unanimous consent to withdraw amendment H-1281 filed by him on March 24, 2009.

De Boef of Keokuk 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. 763)

The ayes were, 97

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester

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

The nays were, none.

Absent or not voting, 3:

Kuhn	Miller, H.	Rants
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2233, a bill for an act relating to expunging the conviction for certain alcohol-related offenses, was taken up for consideration.

Willems 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?" (H.F. 2233)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Lensing	Lukan	Lykam

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

The nays were, none.

Absent or not voting, 3:

Kuhn	Miller, H.	Rants
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 763 and 2233.**

SUBCOMMITTEE ASSIGNMENTS

House File 359

Labor: Willems, Chair; Grassley and Kearns.

House File 2277

Local Government: Huser, Chair; Ford and Tjepkes.

House File 2291

Education: Cohoon, Chair; Sweeney and Thede.

House File 2293

Natural Resources: Running-Marquardt, Chair; May and Steckman.

House File 2296

Education: Steckman, Chair; Ficken and May.

House File 2298

Education: Ficken, Chair; Chambers and Palmer.

House File 2310

Natural Resources: Beard, Chair; Baudler and Palmer.

House File 2311

Natural Resources: Hanson, Chair; Huseman and Mertz.

House File 2312

Natural Resources: Beard, Chair; Hanson and Sweeney.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 704 Judiciary**

Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and applicability provisions.

H.S.B. 705 Ways and Means

Relating to the policy administration of the tax and related laws by the department of revenue, including administration of income taxes, sales and use taxes, motor fuel taxes, property taxes, and inheritance taxes, providing for taxpayer information exchanges with the department of workforce development, making penalties applicable, and including effective date and retroactive and other applicability provisions.

H.S.B. 706 Human Resources

Permitting chiropractors to act as participating providers under the hawk-i program.

H.S.B. 707 Rebuild Iowa and Disaster Recovery

Relating to the allocation, issuance, reporting, recapture, and reallocation of recovery zone bonds, and including effective date provisions.

H.S.B. 708 Agriculture

Providing for management practices relating to livestock technician registration, embryo transfer, and pregnancy testing, providing penalties, and including contingent implementation and effective date provisions.

H.S.B. 709 Judiciary

Relating to trusts and estates including provisions relating to state inheritance tax, uniform transfers to minors, and medical assistance claims, and including an applicability provision.

H.S.B. 710 Transportation

Relating to the regulation of motor vehicles by the department of transportation, including clarification of the definition of business-trade truck and requirements for the issuance of temporary persons with disabilities parking permits.

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 AGRICULTURE

Committee Bill (Formerly House Study Bill 679), relating to permits issued under the national pollutant discharge elimination system, and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** February 8, 2010.

Committee Bill (Formerly House Study Bill 690), relating to grain transactions by regulating grain dealers and warehouse operators, providing for fees, and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** February 8, 2010.

COMMITTEE ON COMMERCE

Committee Bill (Formerly House Study Bill 529), relating to restrictions for drug product selection relative to antiepileptic drugs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 2010.

Committee Bill (Formerly House Study Bill 628), relating to the confidentiality of information disclosed pursuant to applications for broadband technology project grants, and projects undertaken pursuant thereto, and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 8, 2010.

Committee Bill (Formerly House Study Bill 674), eliminating specified mortgage loan disclosure statement filing requirements applicable to financial institutions.

Fiscal Note is not required.

Recommended **Do Pass** February 8, 2010.

Committee Bill (Formerly House File 2100), modifying provisions applicable to electric generating and transmission facilities.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 2010.

Committee Bill (Formerly House File 2151), modifying provisions applicable to the formation and operation of electric power agencies.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 2010.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House Study Bill 663), relating to private sewage disposal system inspections and groundwater hazard statements as part of certain property transfers.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 2010.

Committee Bill (Formerly House Study Bill 664), relating to periodic evaluations of certain air quality standards.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 2010.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House Study Bill 609), relating to the home modification requirements under the Medicaid home and community-based services waiver for the elderly.

Fiscal Note is not required.

Recommended **Do Pass** February 8, 2010.

Committee Bill (Formerly House Study Bill 626), making changes to the uniform controlled substances Act.

Fiscal Note is not required.

Recommended **Do Pass** February 8, 2010.

Committee Bill (Formerly House Study Bill 682), requiring certain health insurance contracts, policies, or plans to provide coverage for audiological services and hearing aids for children.

Fiscal Note is not required.

Recommended **Do Pass** February 8, 2010.

Committee Bill (Formerly House File 2129), relating to measuring and improving the quality of care for stroke patients.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 2010.

Committee Bill (Formerly House File 2150), relating to rights of persons with disabilities.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 2010.

COMMITTEE ON LABOR

Committee Bill (Formerly House Study Bill 699), requiring that prevailing wage rates by locality be paid to persons working on public improvements for public bodies, unless by public resolution a political subdivision of the state chooses not to utilize the prevailing wage rate for a public improvement project, providing penalties, and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 2010.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House Study Bill 636), establishing certain definitions relating to instruments affecting real estate and specifying information to be contained in index records.

Fiscal Note is not required.

Recommended **Do Pass** February 8, 2010.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House Study Bill 631), relating to various conservation and recreation activities under the purview of the department of natural resources, and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 2010.

Committee Bill (Formerly House File 2210), relating to restrictions on mowing within the right-of-way of interstates, primary highways, and secondary roads.

Fiscal Note is not required.

Recommended **Do Pass** February 8, 2010.

RESOLUTION FILED

HR 109, by Murphy, Bukta, Whitead, Frevert, Gaskill, Hanson, Gayman, Cohoon, Bell, Lykam, Berry, Swaim, Kressig, Mertz, Jacoby, Heddens, Kearns, D. Olson, Smith, Ficken, Burt, Willems, Hunter, Lensing, Kelley, Winckler, Zirkelbach, Steckman, Taylor and Reasoner, a resolution to honor state, county, and city road workers for their diligent work in clearing snow and ice from Iowa's vital road network.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8047	S.F.	2088	Watts of Dallas
H—8048	S.F.	2088	Watts of Dallas
H—8049	S.F.	2088	Watts of Dallas
H—8050	S.F.	2088	Watts of Dallas
H—8051	S.F.	2088	Heaton of Henry
H—8052	H.F.	2144	Ford of Polk

On motion by McCarthy of Polk the House adjourned at 6:59 p.m., until 9:00 a.m., Tuesday, February 9, 2010.

JOURNAL OF THE HOUSE

Thirtieth Calendar Day - Twenty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 9, 2010

The House met pursuant to adjournment at 9:22 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Richard Larson, pastor of What Cheer Baptist Church, What Cheer. He was the guest of Representative Betty De Boef of Keokuk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Patrick Stall, the Chief Clerk's Page from Huxley.

The Journal of Monday, February 8, 2010 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kuhn of Floyd on request of McCarthy of Polk.

INTRODUCTION OF BILLS

House File 2338, by committee on human resources, a bill for an act relating to criminal history and abuse registry checks for employees of health care facilities and other health-related providers and requiring such checks for certified nurse aide training program students and providing a penalty.

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

House File 2339, by committee on human resources, a bill for an act relating to reimbursement for administrative costs under the medical assistance home and community-based services waiver for intellectual disabilities.

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

House File 2340, by Isenhart, a bill for an act providing for mediation in grandparent visitation actions.

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

House File 2341, by Isenhart, a bill for an act relating to the payment of penalties and interest for failure to pay sales and use taxes and including effective date and retroactive applicability provisions.

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

House File 2342, by Heaton, a bill for an act relating to the establishment of an advanced registered nurse practitioner mental health fellowship program, and providing for contingent implementation.

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

House File 2343, by Ford, a bill for an act modifying the authority to enter certain juvenile dispositional orders.

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

House File 2344, by Heaton, a bill for an act to allow a person to pay restitution, delinquent court debt, and certain debts owed to or being collected by the state to a county treasurer in conjunction with renewal of a vehicle registration and providing a fee.

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

House File 2345, by Sorenson, Windschitl, De Boef, Helland, Lukan, Dolecheck, Schultz, Hagenow, Paulsen, Rants, Upmeyer, Baudler, Koester, Huseman, Chambers, Soderberg, Grassley, Struyk, Watts and Deyoe, a bill for an act relating to illegal immigration, providing penalties, and including effective date provisions.

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

House File 2346, by Heaton, a bill for an act requiring certain health insurance policies, contracts, or plans to provide coverage for

the diagnosis and treatment of autism spectrum disorders, and providing an applicability date.

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

House File 2347, by committee on local government, a bill for an act relating to the approval and use of increased local sales and services tax revenues to fund urban renewal projects and including effective date provisions.

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

House File 2348, by committee on local government, a bill for an act relating to the collection of the use tax on manufactured housing, the licensing of manufactured home retailers, amending statutory references to certain types of home dealers, and making penalties applicable.

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

House File 2349, by committee on economic growth, a bill for an act providing for a tax credit against the individual and corporate income taxes, the franchise tax, insurance premiums tax, and the moneys and credits tax for a charitable contribution to certain institutions engaged in regenerative medicine research and including a retroactive applicability date provision.

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

House File 2350, by Swaim, Anderson, Thede, Frevert, Berry, Quirk, Gaskill, Bailey, Kelley, H. Miller, Mertz, Marek, May, Chambers, Struyk, Huseman, Watts, Schultz, Pettengill, Kaufmann and Baudler, a bill for an act establishing the religious conscience protection Act.

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

RULE 60 INVOKED

Paulsen of Linn moved to invoke Rule 60, to immediately withdraw House Joint Resolution 6 from committee and place it on the calendar.

CALL OF THE HOUSE
(House Joint Resolution 6)

Pursuant to Rule 77, the following members respectfully request a Call of the House on House Joint Resolution 6 and all motions and amendments filed thereto.

PAULSEN of Linn
DEYOE of Story
UPMEYER of Hancock
KAUFMANN of Cedar
LUKAN of Dubuque
ROBERTS of Carroll
WINDSCHITL of Harrison

The House compelled attendance of all unexcused members.

Roll call was requested by Paulsen of Linn and Roberts of Carroll.

Rule 75 was invoked.

On the question "Shall House Joint Resolution 6 be withdrawn from committee and placed on the calendar. (H.J.R. 6)

The ayes were, 45:

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

The nays were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoun
Ficken	Ford	Frevort	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	Isehart	Jacoby	Kearns

Kelley	Kressig	Lensing	Lykam
Marek	Mascher	McCarthy	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Running-Marquardt	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Zirkelbach	Mr. Speaker		
	Murphy		

Absent or not voting, 1:

Kuhn

The motion failed.

On motion by McCarthy of Polk, the House was recessed at 10:09 a.m., until 5:30 p.m.

EVENING SESSION

The House reconvened at 5:47 p.m., Zirkelbach of Jones in the chair.

INTRODUCTION OF BILLS

House Joint Resolution 2014, by Hagenow, a joint resolution proposing an amendment to the Constitution of the State of Iowa abolishing the district judicial nominating commissions and the state judicial nominating commission.

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

House File 2351, by Huser, a bill for an act providing for the display of a motorcycle awareness message on interstate highways for a four-day period during the month of May.

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

House File 2352, by Bailey, a bill for an act relating to the allocation of moneys under the grow Iowa values fund.

Read first time and referred to committee on **economic growth**.

House File 2353, by Hagenow, a bill for an act relating to considering the educational setting of a minor child in a child custody proceeding.

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

House File 2354, by Hagenow, a bill for an act relating to the postsecondary enrollment options component of the senior year plus program.

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

House File 2355, by Heddens, a bill for an act relating to the composition of election board panels appointed by the county commissioner of elections and including effective date and applicability provisions.

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

House File 2356, by Gayman, a bill for an act authorizing a special volunteer Iowa motor vehicle registration plate, establishing fees, creating a volunteer Iowa license fee fund, and making appropriations.

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

House File 2357, by Wenthe, a bill for an act relating to rules for participation in extracurricular activities by certain children.

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

House File 2358, by Chambers, Sweeney, Kaufmann and Grassley, a bill for an act relating to the operations, funding, and administration of the state board of regents and of the institutions of higher education it governs.

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

House File 2359, by Isenhardt, a bill for an act creating a high performance certification program applicable to certain public buildings.

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

House File 2360, by Gaskill, a bill for an act relating to the time period a no-contact order is in effect for a defendant subject to a special sentence.

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

House File 2361, by Ford, a bill for an act providing for the establishment, funding, and bonding authority of a state charter school institute and institute charter school.

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

House File 2362, by Palmer, a bill for an act relating to the assistance amount under the national guard educational assistance program.

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

House File 2363, by Hanson, Gaskill, Frevert, Whitead, Bukta, Swaim, Berry, Kressig, Petersen, Beard, Steckman, Hunter, Wessel-Kroeschell, Lensing, Winckler, Isenhardt and Abdul-Samad, a bill for an act authorizing counties to adopt county legislation relating to the siting of confinement feeding operations.

Read first time and referred to committee on **environmental protection**.

House File 2364, by Hunter, a bill for an act concerning the use of traffic-control signal monitoring devices by local authorities, containing penalty provisions, and including effective date provisions.

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

House File 2365, by Worthan, Drake, De Boef, Grassley, Forristall, Alons, S. Olson, Mertz, Huseman, Rayhons, Roberts and Sweeney, a bill for an act relating to residences in proximity to confinement feeding operations and making penalties applicable.

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

House File 2366, by Worthan, a bill for an act relating to the classification of certain multipurpose property for property assessment and taxation purposes.

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

House File 2367, by Tjepkes, a bill for an act directing state aid funding for special education support services, media services, educational services, area education agency professional development supplement, and area education agency teacher salary supplement to the applicable school district, allowing area education agencies and community colleges to bid to provide the services that the funding supports, and including applicability provisions.

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

CONSIDERATION OF BILLS Regular Calendar

House File 2252, a bill for an act relating to artisan's liens and Iowa's consumer frauds Act and making remedies applicable, was taken up for consideration.

Kressig of Black Hawk offered the following amendment H-8043 filed by him and moved its adoption:

H-8043

- 1 Amend House File 2252 as follows:
- 2 1. Page 2, after line 4 by inserting:
- 3 <Sec. __. EFFECTIVE DATE. This Act takes effect
- 4 May 1, 2010.>
- 5 2. Title page, line 2, after <applicable> by
- 6 inserting <and including effective date provisions>
- 7 3. By renumbering as necessary.

Amendment H-8043 was adopted.

SENATE FILE 2108 SUBSTITUTED FOR HOUSE FILE 2252

Kressig of Black Hawk asked and received unanimous consent to substitute Senate File 2108 for House File 2252.

Senate File 2108, a bill for an act relating to artisan's liens and Iowa's consumer frauds Act and making remedies applicable and including effective date provisions, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2108)

The ayes were, 100:

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

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.

House File 2253, a bill for an act relating to Iowa's uniform disclaimer of property interest Act, was taken up for consideration.

Swaim of Davis 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. 2253)

The ayes were, 100:

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

The nays were, none.

Absent or not voting and none.

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

HOUSE FILE 2252 WITHDRAWN

Kressig of Black Hawk asked and received unanimous consent to withdraw House File 2252 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: **House File 2253** and **Senate File 2108**.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 9, 2010. Had I been present, I would have voted "nay" to withdraw House Joint Resolution 6 from committee.

KUHN of Floyd

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 9th day of February, 2010: House Files 2109 and 2131.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

BOARD OF REGENTS

University of Iowa report on hospital and clinics, pursuant to Chapter 263A.13, Code of Iowa.

DEPARTMENT OF EDUCATION

Annual report on the Condition of Iowa's Community Collages. pursuant to Chapters 216.9 and 256.10(2), Code of Iowa.

Annual report on Core Curriculum, pursuant to Chapter 256.9(59), Code of Iowa.

Annual report on Kindergarten Literacy Assessment, pursuant to Chapter 279.60, Code of Iowa.

Annual report on Student Achievement, Accountability and Professional Development, pursuant to Chapters 284.12 and 284. 13, Code of Iowa.

Compulsory attendance report, pursuant to the 2009 Iowa Acts.

Modified Allowable Growth report, pursuant to Chapter 257.40, Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

Biennial report of the Iowa Domestic Abuse Death Review Team, pursuant to Chapters 22 and 139A, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2013

State Government: Lensing, Chair; Isenhart and Kaufmann.

House File 781

State Government: Mascher, Chair; Kaufmann and Willems.

House File 807

Ways and Means: Shomshor, Chair; T. Olson and Sands.

House File 2114

Ways and Means: D. Olson, Chair; Bukta and Sands.

House File 2301

Local Government: Cohoon, Chair; Kuhn and Wagner.

House File 2309

Agriculture: S. Olson, Chair; Gayman and Marek.

House File 2314

Public Safety: Reichert, Chair; Alons and Kuhn.

House File 2315

Education: Cohoon, Chair; May and Wendt.

House File 2316

Education: Cohoon, Chair; Dolecheck and Mascher.

House File 2317

Education: Cohoon, Chair; Chambers and Wendt.

House File 2323

Education: Mascher, Chair; Forristall and Wendt.

House File 2324

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

House File 2325

Education: Cohoon, Chair; Ford and May.

House File 2330

State Government: Gaskill, Chair; Pettengill and Quirk.

House File 2345

State Government: Lensing, Chair; Frevert and Kaufmann.

House File 2350

State Government: Lensing, Chair; Kaufmann and Taylor.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 651**

Ways and Means: Isenhart, Chair; Forristall and Steckman.

House Study Bill 652

Ways and Means: D. Olson, Chair; Bukta and Helland.

House Study Bill 700

Natural Resources: Bell, Chair; Arnold, Beard, Rayhons and Steckman.

House Study Bill 704

Judiciary: Wessel-Kroeschell, Chair; Schulte and Willems.

House Study Bill 708

Agriculture: Marek, Chair; Sweeney and Zirkelbach.

House Study Bill 709

Judiciary: Huser, Chair; Helland and Willems.

House Study Bill 710

Transportation: Quirk, Chair; Marek and Worthan.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 711 Public Safety**

Modifying sex offender registry provisions, providing penalties, and including effective date provisions.

H.S.B. 712 Veterans Affairs

Relating to service in an honor guard unit on public property.

H.S.B. 713 State Government

Concerning live dog racing at pari-mutuel dog racetracks, establishing fees, and including effective date provisions.

H.S.B. 714 Judiciary

Relating to business organizations, including limited liability companies and business corporations, and providing for fees.

H.S.B. 715 Judiciary

Relating to dissemination by a young person of material depicting a sex act or nudity and sexual exploitation of a minor.

H.S.B. 716 Judiciary

Providing for the regulation of consumer approval transactions, and providing penalties.

H.S.B. 717 Environmental Protection

Relating to motor fuel, by providing for a biodiesel quality standard, making penalties applicable, and including effective date provisions.

H.S.B. 718 Judiciary

Eliminating the preference for Iowa labor in the construction of public improvements and for Iowa domestic labor in contracts for public improvements and including applicability provisions.

H.S.B. 719 Economic Growth

Relating to economic development by providing for the administration of certain withholding tax credits, the allocation of funds for certain job training programs, and the terms required in certain job training project agreements.

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 AGRICULTURE

House File 2206, a bill for an act relating to agricultural drainage wells, by extending the date for complying with certain requirements, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8063** February 9, 2010.

House File 2273, a bill for an act relating to drainage districts, by modifying the amount of a bid security required to be submitted by bidders proposing to make improvements and modifying the threshold amount requiring the letting of bids to construct an improvement, and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 9, 2010.

House File 2324, a bill for an act relating to confinement feeding operations, by providing for common ownership and management of the operations and the application of manure originating from operations on snow covered or frozen ground, and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 9, 2010.

Committee Bill (Formerly House Study Bill 688), concerning weight limits for vehicles carrying grain, fertilizer, or agricultural chemicals on noninterstate highways.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 9, 2010.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House File 2189), directing school districts to prioritize resources in order to meet the goal of increasing the minimum days or hours of instructional time offered in a school year.

Fiscal Note is not required.

Recommended **Do Pass** February 8, 2010.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 556), concerning authorized public employment by retired judges.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 9, 2010.

Committee Bill (Formerly House Study Bill 639), relating to the status of posthumously conceived and born children in the context of legitimacy, inheritance, rights to claim an after-born child's share, and other rights.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 9, 2010.

Committee Bill (Formerly House Study Bill 650), relating to driver's license sanctions, including the issuance of temporary restricted licenses and certain requirements relating to ignition interlock devices, and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** February 9, 2010.

Committee Bill (Formerly House File 744), relating to the criminal offense of enticing or attempting to entice a minor and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 9, 2010.

Committee Bill (Formerly House Study Bill 709), relating to trusts and estates including provisions relating to state inheritance tax, uniform transfers to minors, and medical assistance claims, and including an applicability provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 9, 2010.

Committee Bill (Formerly House Study Bill 586), relating to judicial branch administration, child custody and visitation matters, and making appropriations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 9, 2010.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House File 2143), relating to prohibited contracts and activities for civil service commissioners.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 9, 2010.

COMMITTEE ON PUBLIC SAFETY

House File 426, a bill for an act relating to reporting requirements for traffic accidents involving the operation of motor vehicles by reserve peace officers.

Fiscal Note is not required.

Recommended **Do Pass** February 9, 2010.

COMMITTEE ON REBUILD IOWA AND DISASTER RECOVERY

Committee Bill (Formerly House Study Bill 576), relating to disaster recovery case management.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 2010.

House File 2088, a bill for an act providing for the waiver of tax penalties and interest under certain disaster loss circumstances and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 8, 2010.

Pursuant to Rule 31.7, House File 2088 was referred to the committee on ways and means.

Committee Bill (Formerly House File 2160), relating to loan forgiveness under the residential landlord business support program and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 2010.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House Study Bill 533), relating to ethics regulations for the executive branch, legislative branch, and local officials and employees.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 9, 2010.

Committee Bill (Formerly House Study Bill 563), relating to campaign finance requirements and reporting.

Fiscal Note is not required.

Recommended **Do Pass** February 9, 2010.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House Study Bill 678), relating to the contents of certain motor carrier transportation contracts by declaring certain indemnity provisions to be unlawful and void.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 9, 2010.

Committee Bill (Formerly House Study Bill 616), relating to intermediate driver's licenses and special minor's licenses, making a penalty applicable, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 9, 2010.

Committee Bill (Formerly House File 2021), classifying text messaging while driving as reckless driving and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 9, 2010.

COMMITTEE ON VETERANS AFFAIRS

Committee Bill (Formerly House Study Bill 539), requiring the department of veterans affairs to promote and support the preservation of the U.S.S. Iowa as a naval museum.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 9, 2010.

Committee Bill (Formerly House Study Bill 712), relating to service in an honor guard unit on public property.

Fiscal Note is not required.

Recommended **Do Pass** February 9, 2010.

Committee Bill (Formerly House File 2237), relating to an additional homestead credit available to disabled veterans and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 9, 2010.

RESOLUTION FILED

HCR 105, by Huser, Mertz, D. Olson, Struyk, Bell, Swaim, Arnold, Kressig, T. Olson, Jacoby, Whitead, Watts, Winckler, Reasoner, Burt, Steckman, H. Miller, Kearns, Lykam, Sweeney, Huseman, Windschitl and Palmer, a concurrent resolution designating May 2010 as Motorcycle Safety Awareness Month.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8053	S.F.	2088	Rants of Woodbury
H—8054	S.F.	2088	Winckler of Scott Wendt of Woodbury
H—8055	H.F.	2321	Chambers of O'Brien
H—8056	S.F.	2088	Van Engelenhoven of Marion
H—8057	S.F.	2088	Raecker of Polk
H—8058	S.F.	2088	Raecker of Polk
H—8059	S.F.	2088	Kaufmann of Cedar
H—8060	S.F.	2088	Rants of Woodbury Struyk of Pottawattamie

H—8061	S.F.	2088	Rants of Woodbury
H—8062	S.F.	2088	Rants of Woodbury
H—8063	H.F.	2206	Committee on Agriculture
H—8064	S.F.	2088	Tymeson of Madison
H—8065	S.F.	2088	Mascher of Johnson
H—8066	S.F.	2088	Mascher of Johnson
H—8067	S.F.	2088	Schulte of Linn
H—8068	H.F.	2197	Zirkelbach of Jones
H—8069	S.F.	2088	Tymeson of Madison
H—8070	S.F.	2088	Struyk of Pottawattamie
H—8071	S.F.	2088	Struyk of Pottawattamie Forristall of Pottawattamie
H—8072	S.F.	2088	Pettengill of Benton
H—8073	S.F.	2088	Rants of Woodbury
H—8074	S.F.	2088	Horbach of Tama Pettengill of Benton S. Olson of Clinton Tymeson of Madison Kaufmann of Cedar
H—8075	S.F.	2088	Koester of Polk Horbach of Tama Pettengill of Benton S. Olson of Clinton Tymeson of Madison Kaufmann of Cedar
H—8076	S.F.	2088	T. Olson of Linn Reasoner of Union Steckman of Cerro Gordo Swaim of Davis Petersen of Polk
			Jacoby of Johnson
			Cohon of Des Moines
			Mertz of Kossuth
			Kelley of Black Hawk
H—8077	S.F.	2088	Petersen of Polk
H—8078	S.F.	2088	Watts of Dallas
H—8079	S.F.	2088	Heaton of Henry

On motion by McCarthy of Polk the House adjourned at 6:10 p.m., until 9:00 a.m., Wednesday, February 10, 2010.

JOURNAL OF THE HOUSE

Thirty-first Calendar Day - Twenty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 10, 2010

The House met pursuant to adjournment at 9:20 a.m., Speaker Murphy in the chair.

Prayer was offered by the Honorable Dawn Pettengill, state representative from Benton County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Emily Steinke, House Page from Gibson.

The Journal of Tuesday, February 9, 2010 was approved.

PETITION FILED

The following petition was received and placed on file:

By Frevert of Palo Alto, from eighty-one citizens favoring an Iowa marriage amendment be put to a vote of the people.

INTRODUCTION OF BILLS

House File 2368, by Mascher, a bill for an act relating to dissemination by a young person of material depicting a sex act or nudity and sexual exploitation of a minor.

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

House File 2369, by Swaim, R. Olson, Zirkelbach, Lensing, Winckler, Burt, Wessel-Kroeschell, Steckman, Running-Marquardt, Beard, Willems, Kearns, Bailey, Mertz, Mascher, Berry, H. Miller, Thede, Lykam, Bell, Cohoon, Gayman, Baudler, Windschitl, Arnold, Hanson, Gaskill, Frevert, Whitead, Bukta, D. Olson, S. Olson, Kaufmann, Sands, Grassley, Soderberg, Tjepkes, Pettengill, Forristall, Heaton, De Boef, L. Miller, Sweeney, Huseman, Horbach,

May, Van Engelenhoven, Chambers, Dolecheck, Roberts, Sorenson, Hagenow, Paulsen, Raecker, Tymeson, Koester, Lukan, Alons, Struyk, Drake, Schultz, Helland, Rayhons, Watts, Cownie, Worthan, Schulte, Kressig, Kuhn, Reasoner, T. Olson, Ford, Ficken, Marek, Palmer, Wenthe, Abdul-Samad, Thomas, Kelley, Wendt, Jacoby and Schueller, a bill for an act relating to shorthand reporters.

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

House File 2370, by Thomas, Bailey, Wenthe, Schueller, Wendt, Kearns, Gaskill, Cohoon, Whitead, Frevert, Kuhn, Bukta, Bell, Mertz, Smith, Reichert, H. Miller, Quirk and Palmer, a bill for an act relating to enterprise zones by extending the application deadline for certification of enterprise zones and by updating certain fiscal year limitations.

Read first time and referred to committee on **economic growth**.

House File 2371, by Thede, H. Miller, Steckman, Ford, Palmer, Hanson, Lykam, Abdul-Samad, Winckler, Berry, Zirkelbach, Ficken, Running-Marquardt, Smith and Burt, a bill for an act providing financial support from the community attraction and tourism fund for regional ethnic festivals and making appropriations.

Read first time and referred to committee on **economic growth**.

On motion by McCarthy of Polk, the House was recessed at 9:28 a.m., until 5:30 p.m.

EVENING SESSION

The House reconvened at 6:00 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILLS

House File 2372, by committee on judiciary, a bill for an act relating to an assault causing serious injury.

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

House File 2373, by committee on judiciary, a bill for an act relating to the criminal offense of intimidation with a dangerous weapon.

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

House File 2374, by committee on judiciary, a bill for an act relating to the definition of serious injury for purposes of criminal offenses.

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

House File 2375, by committee on labor, a bill for an act relating to access to and security of employee personnel files.

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

House File 2376, by committee on economic growth, a bill for an act providing for the severance and annexation of real property upon petition of the real property owners and approval of the city development board.

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

House File 2377, by committee on judiciary, a bill for an act relating to extending a period of probation and including applicability provisions.

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

House File 2378, by committee on judiciary, a bill for an act relating to escapes or attempted escapes from custody due to the commission of a criminal offense and providing a penalty.

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

House File 2379, by committee on transportation, a bill for an act relating to claims for warranty parts, repairs, or service performed by motor vehicle dealers.

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

House File 2380, by committee on agriculture, a bill for an act providing for the taking of crops on land classified as a farm tenancy.

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

House File 2381, by committee on economic growth, a bill for an act concerning allowable locations for holders of a class “E” liquor control license and making penalties applicable.

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

House File 2382, by committee on labor, a bill for an act relating to choice of medical care by members of the municipal police and fire retirement system who are injured in the line of duty.

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

House File 2383, by committee on labor, a bill for an act relating to employment practices and public safety programs administered by the division of labor services of the department of workforce development.

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

House File 2384, by committee on veterans affairs, a bill for an act requiring the Iowa department of veterans affairs to advise deploying service members regarding certain issues related to taxation.

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

House File 2385, by Isenhardt, a bill for an act relating to agreements concerning disadvantaged workers under the industrial new jobs training program.

Read first time and referred to committee on **economic growth**.

House File 2386, by Gayman, a bill for an act providing an exemption from commercial driver licensing requirements for volunteers who transport patients or clients of a nonprofit entity.

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

SENATE MESSAGE CONSIDERED

Senate File 2109, by committee on judiciary, a bill for an act concerning penalties for failure to obey an official traffic control device or signal when the violation results in death or serious injury.

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

CONSIDERATION OF BILLS
Regular Calendar

House File 2282, a bill for an act relating to judgment liens on homesteads, was taken up for consideration.

Swaim of Davis 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. 2282)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	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	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Sands	Schueller	Schulte
Schultz	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, none.

Absent or not voting, 1:

Shomshor

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

Schueller of Jackson in the chair at 6:09 p.m.

House File 2198, a bill for an act providing an exemption from vehicle registration for trailers used exclusively in veterans flag ceremonies and parades, was taken up for consideration.

Windschitl of Harrison 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. 2198)

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Shomshor

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

House File 2197, a bill for an act providing veterans a holiday for veterans day and making penalties applicable, was taken up for consideration.

Zirkelbach of Jones offered amendment H-8068 filed by him as follows:

H-8068

1 Amend House File 2197 as follows:
2 1. Page 1, by striking lines 3 through 15 and
3 inserting:
4 <1. An employer shall provide each employee who is
5 a veteran, as defined in section 35.1, with holiday
6 time off for Veterans Day, November 11, if the employee
7 would otherwise be required to work on that day, as
8 provided in this section.
9 2. An employer, in complying with this section,
10 shall have the discretion of providing paid or unpaid
11 time off on Veterans Day, an equivalent of eight hours
12 of additional compensation in lieu of paid time off on
13 Veterans Day, or paid or unpaid time off on a day other
14 than Veterans Day.
15 3. An employee shall provide the employer with
16 at least one month's prior written notice of the
17 employee's intent to take time off for Veterans Day
18 and shall also provide the employer with a federal
19 certificate of release or discharge from active duty,
20 or such similar federal document, for purposes of
21 determining the employee's eligibility for the benefit
22 provided in this section.>

Windschitl of Harrison offered the following amendment H-8085, to amendment H-8068, filed by him from the floor and moved its adoption:

H-8085

1 Amend the amendment, H-8068, to House File 2197 as

- 2 follows:
 3 1. Page 1, by striking lines 11 through 14 and
 4 inserting <time off on Veterans Day.>

Amendment H-8085 was adopted.

On motion by Zirkelbach of Jones, amendment H-8068, as amended, was adopted.

Zirkelbach of Jones 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. 2197)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	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	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Sands	Schulte	Schultz
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Wendt
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Schueller, Presiding			

The nays were, 2:

Hunter Watts

Absent or not voting, 1:

Shomshor

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2197, 2198 and 2282.**

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 10, 2010, he approved and transmitted to the Secretary of State the following bills:

House File 2109, an Act relating to ethics laws by establishing disclosure requirements, providing jurisdictional authority, and allowing certain procedures in resolving ethics complaints, and including effective date provisions.

House File 2131, an Act updating references to the federal Truth in Lending Act.

Senate File 2062, an Act providing for a retirement incentive program for state employees and including effective date provisions.

SUBCOMMITTEE ASSIGNMENTS

House File 2275 Reassigned

Judiciary: Palmer, Chair; Baudler and Willems.

House File 2302

Public Safety: Bukta, Chair; Baudler and Lykam.

House File 2355

State Government: Gaskill, Chair; Beard and Kaufmann.

House File 2359

State Government: Lensing, Chair; Kaufmann and Taylor.

House File 2362

Veterans Affairs: Zirkelbach, Chair; Chambers and Whitead.

House File 2364

Public Safety: Burt, Chair; Baudler and Lykam.

House File 2370

Economic Growth: Thomas, Chair; May and Wenthe.

House File 2371

Economic Growth: Thede, Chair; H. Miller and Soderberg.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 713

State Government: Mascher, Chair; Quirk and Struyk.

House Study Bill 714

Judiciary: Willems, Chair; Helland and T. Olson.

House Study Bill 715

Judiciary: T. Olson, Chair; Heaton and Mertz.

House Study Bill 716

Judiciary: Lensing, Chair; Horbach and Wessel-Kroeschell.

House Study Bill 717

Environmental Protection: Reichert, Chair; Frevert and S. Olson.

House Study Bill 718

Judiciary: R. Olson, Chair; Horbach and Willems.

House Study Bill 719

Economic Growth: Ford, Chair; Cownie, Forristall, Jacoby and Schueller.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 720 Ways and Means

Exempting from taxation the interest earned on and the capital gain from the sale of bonds or notes issued by the Iowa finance authority and including retroactive applicability provisions.

H.S.B. 721 Public Safety

Relating to issuance of permits to carry weapons and related matters.

H.S.B. 722 Veterans Affairs

Requiring the designation of a county veterans outreach coordinator, establishing a veterans outreach fund, and creating a veterans outreach fund income tax checkoff and including effective date and retroactive applicability provisions.

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 AGRICULTURE

House File 2182, a bill for an act relating to on-farm electrical installations from licensing and inspections, and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 8, 2010.

Pursuant to Rule 31.7, House File 2182 was referred to the committee on state government.

Committee Bill (Formerly House Study Bill 696), concerning gambling and horse racing, by providing for pari-mutuel wagering, purse agreements for races of standardbred horses at county fairs, and county gambling elections, and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 2010.

COMMITTEE ON ENVIRONMENTAL PROTECTION

House File 823, a bill for an act requiring public schools and state agencies to utilize environmentally preferable cleaning and maintenance products in school facilities and state buildings.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8088** February 10, 2010.

Committee Bill (Formerly House Study Bill 587), regarding matters under the purview of the department of natural resources.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

Committee Bill (Formerly House Study Bill 660), establishing a watershed quality planning advisory council.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

Committee Bill (Formerly House Study Bill 662), relating to financial assurance for sanitary disposal projects.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

COMMITTEE ON JUDICIARY

Senate File 358, a bill for an act relating to the recognition and enforcement of foreign-country money judgments and providing for the Act's applicability.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 2010.

Committee Bill (Formerly House Study Bill 694), relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

Committee Bill (Formerly House Study Bill 704), relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House Study Bill 711), modifying sex offender registry provisions, providing penalties, and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 2010.

Committee Bill (Formerly House Study Bill 721), relating to issuance of permits to carry weapons and related matters.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 2010.

COMMITTEE ON TRANSPORTATION

House File 2156, a bill for an act relating to an exemption from the fee for new registration of a vehicle for vehicles used substantially in interstate commerce.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 2010.

Committee Bill (Formerly House Study Bill 617), relating to the operation of off-road utility vehicles on highways and making a penalty applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

Committee Bill (Formerly House Study Bill 695), relating to the regulation of motor vehicles by the department of transportation, including clarification of the definition of business-trade truck and requirements for the issuance of temporary persons with disabilities parking permits.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

Committee Bill (Formerly House File 2035), relating to the license or authorization issued to a person who qualifies as a driver education instructor.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

COMMITTEE ON VETERANS AFFAIRS

Committee Bill (Formerly House Study Bill 722), requiring the designation of a county veterans outreach coordinator, establishing a veterans outreach fund, and

creating a veterans outreach fund income tax checkoff and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 2010.

Committee Bill (Formerly House File 2202), providing for the development of programs to attract qualified disabled veterans for job opportunities in state government.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

AMENDMENTS FILED

H—8080	H.F.	2318	Windschitl of Harrison
H—8081	S.F.	2088	Heddens of Story
H—8082	H.F.	2280	Isenhart of Dubuque
H—8083	S.F.	2088	Tymeson of Madison Wendt of Woodbury
H—8084	S.F.	2088	Smith of Marshall
H—8086	S.F.	2088	Chambers of O'Brien
H—8087	S.F.	2088	Struyk of Pottawattamie Forristall of Pottawattamie
H—8088	H.F.	823	Committee on Environmental Protection
H—8089	S.F.	2088	Bailey of Hamilton Wenthe of Fayette Thomas of Clayton Hanson of Jefferson Marek of Washington
H—8090	S.F.	2088	Heddens of Story Raecker of Polk
H—8091	H.F.	2322	Horbach of Tama
H—8092	S.F.	2088	Sands of Louisa

On motion by McCarthy of Polk the House adjourned at 6:33 p.m., until 9:00 a.m., Thursday, February 11, 2010.

JOURNAL OF THE HOUSE

Thirty-second Calendar Day - Twenty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 11, 2010

The House met pursuant to adjournment at 9:17 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Karl Bollhagen, pastor of Trinity Lutheran Church, Hampton. He was the guest of Representative Annette Sweeney of Hardin County and Representative Linda Upmeyer of Hancock County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jake and Zach Nemmers and Alex Kapler from Sacred Heart School in Waterloo. They were the guests of Representative Doris Kelley from Black Hawk County.

The Journal of Wednesday, February 10, 2010 was approved.

INTRODUCTION OF BILLS

House File 2387, by Kaufmann, a bill for an act relating to the membership of the board of regents and including transition and effective date provisions.

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

House File 2388, by Ford, a bill for an act requiring a minority impact statement to be included with each contract bid submitted to a state agency and including applicability provisions.

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

House File 2389, by Willems, a bill for an act relating to agreements between landholders and developers constructing wind energy facilities.

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

House File 2390, by Gayman, a bill for an act relating to the Iowa summer youth corps, Iowa green corps, and Iowa conservation corps programs.

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

House File 2391, by Mascher, a bill for an act relating to penalties for motor vehicle speeding violations for driving more than fifteen miles per hour over the speed limit.

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

House File 2392, by committee on judiciary, a bill for an act relating to the abuse of a corpse and providing penalties.

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

CONSIDERATION OF BILLS Regular Calendar

Senate File 2088, a bill for an act concerning state government reorganization and efficiency, making appropriations, establishing fees and penalties, and providing effective and applicability provisions, was taken up for consideration.

McCarthy of Polk asked and received unanimous consent that Senate File 2088 be deferred and that the bill retain its place on the calendar.

On motion by McCarthy of Polk, the House was recessed at 9:28 a.m., until 5:30 p.m.

EVENING SESSION

The House reconvened at 6:08 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILLS

House File 2393, by Mascher, a bill for an act imposing a registration surcharge on certain new luxury or fuel-inefficient motor vehicles.

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

House File 2394, by Pettengill, a bill for an act relating to the purposes for which physical plant and equipment levy revenue and certain related revenues may be utilized, and including applicability provisions.

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

House File 2395, by Pettengill, a bill for an act allowing a school district to use remaining market factor teacher incentive funds to be transferred to the district's general fund and used for general fund purposes and including effective date provisions.

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

House File 2396, by Tymeson, a bill for an act creating a mechanism for schools, school consortiums, and school districts to increase opportunities for innovation.

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

House File 2397, by Upmeyer, a bill for an act relating to prohibiting a person who is subject to a protective order or who has been convicted of a crime of domestic violence from possessing firearms and offensive weapons and providing a penalty.

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

House File 2398, by May, a bill for an act requiring an arrested person to submit a DNA sample if the arrest is for a felony, providing for the reimbursement of costs, and providing a contingent effective date.

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

House File 2399, by committee on commerce, a bill for an act modifying provisions applicable to electric generating and transmission facilities.

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

House File 2400, by Kuhn, a bill for an act providing for the reestablishment of a technical advisory committee to reevaluate the master matrix used in approving sites for confinement feeding operations and including effective date provisions.

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

House File 2401, by Taylor, a bill for an act relating to qualifications for and payment of unemployment compensation benefits, and including effective date and applicability provisions.

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

SUBCOMMITTEE ASSIGNMENTS

House File 2182

State Government: Taylor, Chair; Kaufmann and Willems.

House File 2276

Human Resources: Mascher, Chair; Heaton and Hunter.

House File 2278

Human Resources: Mascher, Chair; Hunter and Schulte.

House File 2289

Human Resources: Mascher, Chair; Hunter and Schulte.

House File 2297

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

House File 2300

Commerce: Petersen, Chair; Lukan and Quirk.

House File 2331

Commerce: D. Olson, Chair; Reichert and Soderberg.

House File 2335

Human Resources: Smith, Chair; Abdul-Samad and L. Miller.

House File 2336

Human Resources: Smith, Chair; Abdul-Samad and Schulte.

House File 2337

Commerce: Petersen, Chair; T. Olson and Sorenson.

House File 2342

Human Resources: Smith, Chair; Abdul-Samad and L. Miller.

House File 2343

Human Resources: Smith, Chair; Abdul-Samad and Koester.

House File 2344

Transportation: Quirk, Chair; Kelley and Tjepkes.

House File 2346

Commerce: Petersen, Chair; T. Olson and Pettengill.

House File 2351

Transportation: Quirk, Chair; Kelley and Tjepkes.

House File 2352

Economic Growth: Bailey, Chair; Anderson and Marek.

House File 2354

Education: Winckler, Chair; Steckman and Sweeney.

House File 2356

Transportation: Quirk, Chair; Kelley and Tjepkes.

House File 2357

Education: Cohoon, Chair; Cownie and Thede.

House File 2358

Education: Mascher, Chair; Chambers and Wendt.

House File 2361

Education: Ford, Chair; Cohoon and Dolecheck.

House File 2363

Environmental Protection: Frevert, Chair; Deyoe and Hanson.

House File 2367

Education: Cohoon, Chair; May and Steckman.

House File 2386

Transportation: Quirk, Chair; Kelley and Tjepkes.

House File 2387

Education: Cohoon, Chair; Ficken and May.

House File 2388

State Government: Lensing, Chair; Kaufmann and Taylor.

House File 2389

Commerce: Petersen, Chair; Reichert and Soderberg.

House File 2390

State Government: Lensing, Chair; Kaufmann and Taylor.

Senate File 2109

Judiciary: Huser, Chair; Mertz and Schultz.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 711

Public Safety: Baudler, Chair; Lykam, R. Olson and Tjepkes.

House Study Bill 721

Public Safety: R. Olson, Chair; Baudler, Burt, Lykam and Worthan.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 723 Judiciary

Requiring notice to the board of parole and the department of corrections about offenders required to serve certain special sentences.

H.S.B. 724 Veterans Affairs

Requiring the department of veterans affairs to provide copies of certain discharge documents to the county commissions of veteran affairs.

H.S.B. 725 Economic Growth

Relating to the allocation of moneys under the grow Iowa values fund for purposes of making grants to certain microenterprise development organizations.

H.S.B. 726 Labor

Relating to public employee collective bargaining.

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 COMMERCE

Committee Bill (Formerly House File 2100), modifying provisions applicable to electric generating and transmission facilities.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 2010.

COMMITTEE ON ECONOMIC GROWTH

Committee Bill (Formerly House Study Bill 665), relating to the appointment of young adults to appointive boards, commissions, committees, and councils and including applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

Committee Bill (Formerly House File 783), relating to small business concerns regarding contracts with the department of transportation, and providing an applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House File 620), establishing market factor teacher incentives for school district attendance centers located in areas that have high rates of crime and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

Committee Bill (Formerly House Study Bill 671), relating to school business official training and authorization.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

Committee Bill (Formerly House File 2040), relating to the use of certain regular physical plant and equipment levy funds and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

Committee Bill (Formerly House File 2185), relating to the interviewing of racial and ethnic minority applicants by public school districts and accredited nonpublic schools and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House Study Bill 661), relating to recycling initiatives.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

Committee Bill (Formerly House Study Bill 703), providing for the application of pesticides by commercial applicators using an aircraft, providing penalties, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House Study Bill 634), relating to the nursing workforce and providing for an Iowa needs nurses now initiative.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

Committee Bill (Formerly House File 2078), relating to certification requirements related to services provided by an assisted living program, and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

Committee Bill (Formerly House File 2223), relating to the scheduling of a contested case hearing for child abuse or dependent adult abuse.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 559), relating to mechanics' liens including the establishment of a state construction registry for residential construction property and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

Committee Bill (Formerly House Study Bill 693), relating to the service of notice requirements for landlords and tenants and the service of notice requirements in an action for forcible entry and detainer and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 2010.

Committee Bill (Formerly House Study Bill 714), relating to business organizations, including limited liability companies and business corporations, and providing for fees.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 2010.

Committee Bill (Formerly House Study Bill 716), providing for the regulation of consumer approval transactions, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

Committee Bill (Formerly House File 2126), specifying those authorized to solemnize marriages in this state, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

Committee Bill (Formerly House File 2275), expanding the definition of criminal mischief in the third degree, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House File 2053), providing for the use of photo traffic enforcement in road work zones on primary highways.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House Study Bill 534), requiring certain campaign finance statements and reports to be filed in an electronic format.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 2010.

Committee Bill (Formerly House Study Bill 564), relating to the licensure of persons engaged in fire protection system installation, maintenance, repair, service, or inspection.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

Committee Bill (Formerly House Study Bill 566), concerning public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the statewide fire and police retirement system, making appropriations, and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

Committee Bill (Formerly House Study Bill 668), making technical changes to the laws relating to elections and voter registration and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 2010.

Committee Bill (Formerly House Study Bill 713), concerning live dog racing at pari-mutuel dog racetracks, establishing fees, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

Committee Bill (Formerly House File 781), establish a scope of practice review committee relating to the licensing of midwives.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

COMMITTEE ON VETERANS AFFAIRS

Committee Bill (Formerly House Study Bill 724), requiring the department of veterans affairs to provide copies of certain discharge documents to the county commissions of veteran affairs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

RESOLUTION FILED

HCR 106, by McCarthy and Paulsen, a concurrent resolution to provide for a joint convention of the two houses of the 2010 session of the Eighty-third General Assembly to be held on Tuesday, February 16, 2010, at 10:00 a.m. for Brigadier General Timothy Orr to present his message of the Condition of the Iowa National Guard.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8093	S.F.	2088	Petersen of Polk
H—8094	S.F.	2088	Watts of Dallas
H—8095	S.F.	2088	Winckler of Scott
H—8096	S.F.	2088	Winckler of Scott Wendt of Woodbury
H—8097	S.F.	2088	Sweeney of Hardin
H—8098	S.F.	2088	Schulte of Linn Heddens of Story
H—8099	H.F.	2384	Chambers of O'Brien
H—8100	S.F.	2088	Mascher of Johnson
H—8101	S.F.	2088	L. Miller of Scott
H—8102	H.F.	2199	Thede of Scott
H—8103	S.F.	2088	Horbach of Tama Pettengill of Benton S. Olson of Clinton Tymeson of Madison Kaufmann of Cedar

On motion by McCarthy of Polk the House adjourned at 6:12 p.m., until 10:00 a.m., Friday, February 12, 2010.

JOURNAL OF THE HOUSE

Thirty-third Calendar Day - Twenty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 12, 2010

The House met pursuant to adjournment at 10:07 a.m., Speaker Murphy in the chair.

Prayer was offered by the Honorable Mark Smith, state representative from Marshall County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by James Taylor, House Page from Mount Vernon.

The Journal of Thursday, February 11, 2010 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 2015, by Pettengill, Windschitl, Horbach, Arnold, Van Engelenhoven, Baudler, Sweeney, May, Chambers, L. Miller, Forristall, Tjepkes, Helland, Grassley, Kaufmann, Drake, Worthan, Hagenow, Lukan, Soderberg, Sorenson, Schulte, Heaton, Anderson, Tymeson, Upmeyer, Paulsen, Rayhons, Watts, Roberts, Dolecheck, Sands, S. Olson, Huseman, Struyk, De Boef, Alons, Cownie, Koester, Mertz and Berry, a joint resolution proposing an amendment to the Constitution of the State of Iowa modifying the oath of members of the general assembly.

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

House File 2402, by committee on human resources, a bill for an act relating to the development of a plan for a stroke triage system and registry.

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

House File 2403, by committee on human resources, a bill for an act making changes to the uniform controlled substances Act.

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

House File 2404, by committee on human resources, a bill for an act requiring certain health insurance contracts, policies, or plans to provide coverage for audiological services and hearing aids for children.

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

House File 2405, by committee on commerce, a bill for an act relating to the confidentiality of information disclosed pursuant to applications for broadband technology project grants, and projects undertaken pursuant thereto, and including effective date and applicability provisions.

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

House File 2406, by committee on veterans affairs, a bill for an act requiring the department of veterans affairs to promote and support the preservation of the U.S.S. Iowa as a naval museum.

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

House File 2407, by committee on local government, a bill for an act establishing certain definitions relating to instruments affecting real estate and specifying information to be contained in index records.

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

House File 2408, by committee on local government, a bill for an act relating to prohibited contracts and activities for civil service commissioners.

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

House File 2409, by committee on commerce, a bill for an act eliminating specified mortgage loan disclosure statement filing requirements applicable to financial institutions.

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

House File 2410, by committee on commerce, a bill for an act relating to restrictions for drug product selection relative to antiepileptic drugs.

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

House File 2411, by committee on commerce, a bill for an act modifying provisions applicable to the formation and operation of electric power agencies.

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

House File 2412, by committee on commerce, a bill for an act relating to and making changes to matters under the purview of the division of banking of the department of commerce, making a penalty applicable, and including effective date provisions.

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

House File 2413, by committee on education, a bill for an act directing school districts to prioritize resources in order to meet the goal of increasing the minimum days or hours of instructional time offered in a school year.

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

House File 2414, by committee on veterans affairs, a bill for an act relating to service in an honor guard unit on public property.

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

House File 2415, by committee on human resources, a bill for an act relating to the home modification requirements under the Medicaid home and community-based services waiver for the elderly.

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

House File 2416, by committee on agriculture, a bill for an act relating to permits issued under the national pollutant discharge elimination system, and making penalties applicable.

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

House File 2417, by committee on veterans affairs, a bill for an act relating to assignment of visitation of a child to a family member when a parent is serving active duty in the military service of the United States and including effective date provisions.

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

House File 2418, by committee on environmental protection, a bill for an act relating to periodic evaluations of certain air quality standards.

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

House File 2419, by committee on agriculture, a bill for an act concerning weight limits for vehicles carrying grain, fertilizer, agricultural lime, or agricultural chemicals on noninterstate highways.

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

CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **Senate File 2088**, a bill for an act concerning state government reorganization and efficiency, making appropriations, establishing fees and penalties, and providing effective and applicability provisions.

Mascher of Johnson offered amendment H-8045 filed by the committee on state government as follows:

H-8045

- 1 Amend Senate File 2088, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, after line 31 by inserting:
- 4 <Oe. Network services, including equipment and
- 5 software which support local area networks, campus
- 6 area networks, wide area networks and metro area
- 7 networks. Network services also include data network
- 8 services such as routers, switches, firewalls, virtual
- 9 private networks, intrusion detection systems, access
- 10 control, internet protocol load balancers, event
- 11 logging and correlation, and content caching. Network

12 services do not include services provided by the Iowa
 13 communications network pursuant to chapter 8D or by
 14 the public broadcasting division of the department of
 15 education.>

16 2. Page 2, by striking lines 22 through 25 and
 17 inserting <director.>

18 3. Page 3, line 1, after <8A.416> by inserting <and
 19 shall not serve as an employee in any other executive
 20 branch agency>

21 4. Page 3, line 19, after <acquisition> by
 22 inserting <, utilization, or provision>

23 5. Page 3, line 27, after <Whether the> by
 24 inserting <failure to grant a>

25 6. Page 4, after line 12 by inserting:
 26 <(7) Whether the failure to grant a waiver would
 27 jeopardize federal funding.>

28 7. Page 4, after line 30 by inserting:
 29 <d. A participating agency may appeal the decision
 30 of the chief information officer to the director within
 31 seven calendar days following the decision of the chief
 32 information officer. The director, after consultation
 33 with the technology advisory council, shall respond
 34 within fourteen days following the receipt of the
 35 appeal.>

36 8. Page 4, after line 30 by inserting:
 37 <e. The department of public defense, including
 38 both the military division and the homeland security
 39 and emergency management division, shall not be
 40 required to obtain any information technology services
 41 pursuant to this subchapter for the department of
 42 public defense or its divisions that is provided by the
 43 department pursuant to this chapter without the consent
 44 of the adjutant general.>

45 9. Page 7, line 10, by striking <or other agencies>

46 10. Page 7, after line 25 by inserting:
 47 <g. Encourage participating agencies to utilize
 48 a print on demand strategy to reduce publication
 49 overruns, excessive inventory, and obsolete printed
 50 materials.>

Page 2

1 11. Page 35, by striking lines 29 through 32.

2 12. Page 35, line 33, by striking <(d)> and
 3 inserting <(c) (i)>

4 13. Page 36, after line 3 by inserting:
 5 <(ii) The policy shall allow a director of
 6 an executive branch agency who believes that the
 7 agency will not be able to reach the applicable
 8 target aggregate ratio to apply for a waiver of that
 9 requirement through a five-person review board. The
 10 review board shall consist of the director of the

11 department of management or a designee of the director,
 12 three agency directors or the designees of those
 13 directors as designated by the governor, and one
 14 public member selected by the employee organization
 15 representing the greatest number of executive branch
 16 employees.>

17 14. Page 36, line 4, by striking <(e)> and
 18 inserting <(d)>

19 15. Page 36, line 8, by striking <(f)> and
 20 inserting <(e)>

21 16. Page 36, line 11, by striking <(g)> and
 22 inserting <(f)>

23 17. Page 36, line 17, by striking <(h)> and
 24 inserting <(g)>

25 18. By striking page 46, line 22, through page 52,
 26 line 22, and inserting:

27 <DIVISION ____
 28 ALCOHOLIC BEVERAGES
 29 DIVISION ____– MICRO-DISTILLERIES

30 Sec. ____ Section 123.32, subsection 1, Code
 31 Supplement 2009, is amended to read as follows:

32 1. Filing of application. An application for a
 33 class "A", class "B", class "C", or class "E" liquor
 34 control license, for a class "A" micro-distilled
 35 spirits permit, for a retail beer permit as provided
 36 in sections 123.128 and 123.129, or for a class "B",
 37 class "B" native, or class "C" native retail wine
 38 permit as provided in section 123.178, 123.178A, or
 39 123.178B, accompanied by the necessary fee and bond,
 40 if required, shall be filed with the appropriate city
 41 council if the premises for which the license or permit
 42 is sought are located within the corporate limits of a
 43 city, or with the board of supervisors if the premises
 44 for which the license or permit is sought are located
 45 outside the corporate limits of a city. An application
 46 for a class "D" liquor control license and for a class
 47 "A" beer or class "A" wine permit, accompanied by the
 48 necessary fee and bond, if required, shall be filed
 49 with the division, which shall proceed in the same
 50 manner as in the case of an application approved by

Page 3

1 local authorities.

2 Sec. ____ NEW SECTION. 123.43A Micro-distilled
 3 spirits – permit.

4 1. For the purposes of this section, unless the
 5 context other requires:

6 a. "Micro-distillery" means a business with an
 7 operational still which, combining all production
 8 facilities of the business, produces and manufactures
 9 less than fifty thousand proof gallons of distilled

10 spirits on an annual basis.

11 b. "Micro-distilled spirits" means distilled spirits
12 fermented, distilled, or, for a period of two years,
13 barrel matured at a micro-distillery. "Micro-distilled
14 spirits" also includes blended or mixed spirits
15 comprised solely of spirits fermented, distilled,
16 or, for a period of two years, barrel matured at a
17 micro-distillery.

18 2. Subject to rules of the division, a
19 micro-distillery holding a class "A" micro-distilled
20 spirits permit pursuant to this section may sell or
21 offer for sale micro-distilled spirits. As provided
22 in this section, sales may be made at retail for
23 off-premises consumption when sold on the premises of
24 the micro-distillery that manufactures micro-distilled
25 spirits. All sales shall be made through the state's
26 wholesale distribution system.

27 3. A micro-distillery shall not sell more than
28 one and one-half liters per person per day, of
29 micro-distilled spirits on the premises of the
30 micro-distillery. In addition, a micro-distillery
31 shall not directly ship micro-distilled spirits for
32 sale at retail. The micro-distillery shall maintain
33 records of individual purchases of micro-distilled
34 spirits at the micro-distillery for three years.

35 4. A micro-distillery shall not sell
36 micro-distilled spirits other than as permitted
37 in this chapter and shall not allow micro-distilled
38 spirits sold to be consumed upon the premises of
39 the micro-distillery. However, prior to sale,
40 micro-distilled spirits of no more than two ounces per
41 person per day may be sampled on the premises where
42 made, when no charge is made for the sampling.

43 5. A class "A" micro-distilled spirits permit for a
44 micro-distillery shall be issued and renewed annually
45 upon payment of a fee of five hundred dollars.

46 6. The sale of micro-distilled spirits to the
47 division for wholesale disposition and sale by the
48 division shall be subject to the requirements of this
49 chapter regarding such disposition and sale.

50 7. The division shall issue no more than three

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1 permits under this section to a person. In addition,
2 a micro-distillery issued a permit under this section
3 shall file with the division all documents filed by
4 the micro-distillery with the alcohol and tobacco tax
5 and trade bureau of the United States department of
6 the treasury, including all production, storage, and
7 processing reports.>

8 19. Page 52, before line 23 by inserting:

9 <DIVISION ____
 10 ALCOHOLIC BEVERAGES DIVISION ____- CHARITY BEER AND WINE
 11 AUCTION PERMIT

12 Sec. __. NEW SECTION. 123.173A Charity beer and
 13 wine auction permit.

14 1. For purposes of this section, "authorized
 15 nonprofit entity" includes a nonprofit entity which
 16 has a principal office in the state, a nonprofit
 17 corporation organized under chapter 504, or a foreign
 18 corporation as defined in section 504.141, whose income
 19 is exempt from federal taxation under section 501(c) of
 20 the Internal Revenue Code.

21 2. An authorized nonprofit entity may, upon
 22 application to the division and receipt of a charity
 23 beer and wine auction permit from the division, conduct
 24 a charity auction which includes beer and wine. The
 25 application shall specify the date and time when the
 26 charity beer and wine auction is to be conducted and
 27 the premises in this state where the charity beer
 28 and wine auction is to be physically conducted. The
 29 applicant shall certify that the objective of the
 30 charity beer and wine auction is to raise funds solely
 31 to be used for educational, religious, or charitable
 32 purposes and that the entire proceeds from the charity
 33 beer and wine auction are to be expended for any of the
 34 purposes described in section 423.3, subsection 78.

35 3. An authorized nonprofit entity shall be eligible
 36 to receive only two charity beer and wine auction
 37 permits during a calendar year and each charity beer
 38 and wine auction permit shall be valid for a period not
 39 to exceed thirty-six consecutive hours.

40 4. The authorized nonprofit entity conducting the
 41 charity beer and wine auction shall obtain the beer
 42 and wine to be auctioned at the charity beer and wine
 43 auction from an Iowa retail beer permittee or an Iowa
 44 retail wine permittee, or may receive donations of
 45 beer or wine to be auctioned at the charity beer and
 46 wine auction from persons who purchased the donated
 47 beer or wine from an Iowa retail beer permittee or an
 48 Iowa retail wine permittee and who present a receipt
 49 documenting the purchase at the time the beer or wine
 50 is donated. The authorized nonprofit entity conducting

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1 the charity beer and wine auction shall retain a copy
 2 of the receipt for a period of one year from the date
 3 of the charity beer and wine auction.

4 5. Persons shall be physically present at the
 5 charity beer and wine auction to be eligible to bid on
 6 beer and wine sold at the charity auction.

7 6. The beer and wine sold at the charity beer

8 and wine auction shall be in original containers for
 9 consumption off of the premises where the charity beer
 10 and wine auction is conducted. No other alcoholic
 11 beverage may be sold at the charity beer and wine
 12 auction. A purchaser of beer or wine at a charity
 13 beer and wine auction shall not take possession of the
 14 beer or wine until the person is leaving the event. A
 15 purchaser of beer or wine at a charity beer and wine
 16 auction shall not open the container or consume or
 17 permit the consumption of the beer or wine purchased on
 18 the premises where the charity beer and wine auction is
 19 conducted. A purchaser of beer or wine at a charity
 20 beer and wine auction shall not resell the beer or
 21 wine.

22 7. A liquor control licensee, beer permittee, or
 23 wine permittee shall not purchase beer or wine at a
 24 charity beer and wine auction. The charity beer and
 25 wine auction may be conducted on a premises for which a
 26 class "B" liquor control license or class "C" liquor
 27 control license has been issued, provided that the
 28 liquor control licensee does not participate in the
 29 charity beer and wine auction, supply beer or wine to
 30 be auctioned at the charity beer and wine auction, or
 31 receive any of the proceeds of the charity beer and
 32 wine auction.

33 Sec. ____ Section 123.179, Code 2009, is amended by
 34 adding the following new subsection:

35 NEW SUBSECTION. 5. The fee for a charity beer and
 36 wine auction permit is one hundred dollars.>

37 20. Page 52, before line 23 by inserting:

38 <DIVISION _____
 39 ALCOHOLIC BEVERAGES DIVISION ____ – HIGH
 40 ALCOHOL BEER

41 Sec. ____ Section 123.3, subsection 5, Code 2009,
 42 is amended to read as follows:

43 5. "Alcoholic liquor" or "intoxicating liquor" means
 44 the varieties of liquor defined in subsections 3 and
 45 33 which contain more than five percent of alcohol
 46 by weight, beverages made as described in subsection
 47 7 which beverages contain more than five percent of
 48 alcohol by weight but which are not wine as defined in
 49 subsection 37 or high alcoholic content beer as defined
 50 in subsection 14A, and every other liquid or solid,

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1 patented or not, containing spirits and every beverage
 2 obtained by the process described in subsection 37
 3 containing more than seventeen percent alcohol by
 4 weight or twenty-one and twenty-five hundredths percent
 5 of alcohol by volume, and susceptible of being consumed
 6 by a human being, for beverage purposes. Alcohol

7 manufactured in this state for use as fuel pursuant to
8 an experimental distilled spirits plant permit or its
9 equivalent issued by the federal bureau of alcohol,
10 tobacco and firearms is not an "alcoholic liquor".
11 Sec. _____. Section 123.3, Code 2009, is amended by
12 adding the following new subsection:
13 NEW SUBSECTION. 14A. "High alcoholic content beer"
14 means beer which contains more than five percent of
15 alcohol by weight, but not more than ten percent of
16 alcohol by weight, that is made by the fermentation of
17 an infusion in potable water of barley, malt, and hops,
18 with or without unmalted grains or decorticated and
19 degerminated grains.
20 Sec. _____. Section 123.124, Code 2009, is amended to
21 read as follows:

22 123.124 Permits – classes.
23 Permits for the manufacture and sale, or sale of
24 beer shall be divided into ~~four~~ six classes, known
25 as class "A", special class "A", class "AA", special
26 class "AA", class "B", or class "C" permits. A class
27 "A" permit allows the holder to manufacture and sell
28 beer at wholesale. A holder of a special class "A"
29 permit may only manufacture beer to be consumed on
30 the licensed premises for which the person also holds
31 a class "C" liquor control license or class "B" beer
32 permit and to be sold to a class "A" permittee for
33 resale purposes. A class "AA" permit allows the holder
34 to manufacture and sell high alcoholic content beer at
35 wholesale. A holder of a special class "AA" permit
36 may only manufacture high alcoholic content beer to
37 be consumed on the licensed premises for which the
38 person also holds a class "C" liquor control license
39 or class "B" beer permit and to be sold to a class "AA"
40 permittee for resale purposes. A class "B" permit
41 allows the holder to sell beer to consumers at retail
42 for consumption on or off the premises. A class "C"
43 permit allows the holder to sell beer to consumers at
44 retail for consumption off the premises.

45 Sec. _____. Section 123.130, unnumbered paragraph 1,
46 Code 2009, is amended to read as follows:

47 Any person holding a class "A" permit issued by
48 the division shall be authorized to manufacture and
49 sell, or sell at wholesale, beer for consumption off
50 the premises, such sales within the state to be made

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1 only to persons holding subsisting class "A", "B"₁ or
2 "C" permits, or liquor control licenses issued in
3 accordance with the provisions of this chapter. ~~The~~
4 ~~holder of a class "A" permit may manufacture beer of~~
5 ~~more than five percent alcohol by weight for shipment~~

6 ~~outside this state only. However, a~~ class "A", ~~class~~
 7 ~~"AA", or special class "AA" permit does not grant~~
 8 ~~authority to manufacture wine as defined in section~~
 9 ~~123.3, subsection 37.~~

10 Sec. _____. Section 123.134, Code 2009, is amended by
 11 adding the following new subsection:

12 NEW SUBSECTION. 1A. The annual permit fee for a
 13 class "AA" or special class "AA" permit is five hundred
 14 dollars.

15 Sec. _____. Section 123.135, subsection 1, Code 2009,
 16 is amended to read as follows:

17 1. A manufacturer, brewer, bottler, importer, or
 18 vendor of beer or any agent thereof desiring to ship
 19 or sell beer, or have beer brought into this state
 20 for resale by a class "A" permittee shall first make
 21 application for and be issued a brewer's certificate
 22 of compliance by the administrator for that purpose.
 23 The certificate of compliance expires at the end
 24 of one year from the date of issuance and shall be
 25 renewed for a like period upon application to the
 26 administrator unless otherwise revoked for cause. Each
 27 application for a certificate of compliance or renewal
 28 of a certificate shall be accompanied by a fee of
 29 ~~one~~ five hundred dollars payable to the division. Each
 30 holder of a certificate of compliance shall furnish the
 31 information in the form the administrator requires. ~~A~~
 32 ~~brewer whose plant is located in Iowa and who otherwise~~
 33 ~~holds a class "A" beer permit to sell beer at wholesale~~
 34 ~~is exempt from the fee, but not from the terms and~~
 35 ~~conditions of the permit. The holder of a special~~
 36 ~~class "A" permit is exempt from the requirements of~~
 37 ~~this section.>~~

38 21. Page 53, by striking lines 1 through 3 and
 39 inserting <year. This section does not repeal any
 40 authority previously granted to the division in chapter
 41 123.>

42 22. Page 53, before line 16 by inserting:
 43 <DIVISION _____

44 ALCOHOLIC LIQUOR SALES
 45 Sec. _____. NEW SECTION. 123.24A Retail sales at
 46 less than cost – penalty.

47 1. A retailer shall not offer to sell, or sell,
 48 at retail, alcoholic liquor at less than the cost to
 49 the retailer. A retailer who violates this section is
 50 guilty of a simple misdemeanor. For purposes of this

1 section, "cost to the retailer" means the true invoice
 2 cost of the alcoholic liquor to the retailer plus
 3 the cost of doing business by the retailer which is
 4 presumed to be eight percent of the true invoice cost

5 in the absence of proof of a lesser or higher cost.

6 2. Evidence of advertisement, offering to sell,
7 or sale of alcoholic liquor by any retailer at less
8 than the cost to the retailer shall be evidence of a
9 violation of this section.>

10 23. By striking page 53, line 16, through page 56,
11 line 1, and inserting:

12 <DIVISION _____

13 ALCOHOLIC BEVERAGES DIVISION ___- DIRECT
14 SHIPMENT OF WINE

15 Sec. _____. Section 123.173, subsection 1, Code 2009,
16 is amended to read as follows:

17 1. ~~Permits~~ Except as provided in section 123.187,
18 permits exclusively for the sale or manufacture and
19 sale of wine shall be divided into four classes, and
20 shall be known as class "A", "B", "B" native, or "C"
21 native wine permits.

22 Sec. _____. Section 123.183, Code 2009, is amended to
23 read as follows:

24 123.183 Wine gallonage tax and related funds.

25 1. In addition to the annual permit fee to be paid
26 by each class "A" wine permittee, a wine gallonage tax
27 shall be levied and collected from each class "A" wine
28 permittee on all wine manufactured for sale and sold
29 in this state at wholesale and on all wine imported
30 into this state for sale at wholesale and sold in this
31 state at wholesale. A wine gallonage tax shall also
32 be levied and collected on native wine manufactured as
33 provided in section 123.56, and on the direct shipment
34 of wine pursuant to section 123.187. The rate of
35 the wine gallonage tax is one dollar and seventy-five
36 cents for each wine gallon. The same rate shall apply
37 for the fractional parts of a wine gallon. The wine
38 gallonage tax shall not be levied or collected on wine
39 sold by one class "A" wine permittee to another class
40 "A" wine permittee.

41 2. a. Revenue collected from the wine gallonage
42 tax on wine manufactured for sale and sold in this
43 state shall be deposited in the wine gallonage tax fund
44 as created in this section.

45 b. A wine gallonage tax fund is created in the
46 office of the treasurer of state. Moneys deposited in
47 the fund are appropriated to the department of economic
48 development as provided in section 15E.117. Moneys in
49 the fund are not subject to section 8.33.

50 3. The revenue collected from the wine gallonage

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1 tax on wine imported into this state for sale at
2 wholesale and sold in this state at wholesale, native
3 wine manufactured as provided in section 123.56, and

4 wine subject to direct shipment as provided in section
5 123.187, shall be deposited in the beer and liquor
6 control fund created in section 123.53.

7 Sec. ____ Section 123.187, Code 2009, is amended by
8 striking the section and inserting in lieu thereof the
9 following:

10 123.187 Direct shipment of wine – licenses and
11 requirements.

12 1. A wine manufacturer licensed or permitted
13 pursuant to laws regulating alcoholic beverages in this
14 state or another state may apply for a wine direct
15 shipper license, as provided in this section. For the
16 purposes of this section, a "wine manufacturer" means a
17 person who processes the fruit, vegetables, dandelions,
18 clover, honey, or any combination of these ingredients,
19 by fermentation into wines.

20 2. a. The administrator shall issue a wine
21 direct shipper license to a wine manufacturer who
22 submits a written application for the license on a
23 form to be established by the administrator by rule,
24 accompanied by a true copy of the manufacturer's
25 current alcoholic beverage license or permit and a copy
26 of the manufacturer's winery license issued by the
27 federal alcohol and tobacco tax and trade bureau.

28 b. An application submitted pursuant to paragraph
29 "a" shall be accompanied by a license fee in the amount
30 of twenty-five dollars.

31 c. An application submitted pursuant to paragraph
32 "a" shall also be accompanied by a bond in the amount
33 of five thousand dollars in the form prescribed and
34 furnished by the division with good and sufficient
35 sureties to be approved by the division conditioned
36 upon compliance with this chapter.

37 d. A license issued pursuant to this section may
38 be renewed annually by resubmitting the information
39 required in paragraph "a", accompanied by the
40 twenty-five dollar license fee.

41 3. The direct shipment of wine pursuant to this
42 section shall be subject to the following requirements
43 and restrictions:

44 a. Wine may only be shipped by a wine direct
45 shipper licensee to a resident of this state who is
46 at least twenty-one years of age, for the resident's
47 personal use and consumption and not for resale.

48 b. Wine subject to direct shipping shall be
49 properly registered with the federal alcohol and
50 tobacco tax and trade bureau, and fermented on the

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1 winery premises of the wine direct shipper licensee.

2 c. All containers of wine shipped directly to

3 a resident of this state shall be conspicuously
4 labeled with the words CONTAINS ALCOHOL: SIGNATURE OF
5 PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY or shall
6 be conspicuously labeled with alternative wording
7 preapproved by the administrator.

8 d. All containers of wine shipped directly to a
9 resident of this state shall be shipped by an alcohol
10 carrier licensed as provided in subsection 6.

11 4. a. In addition to the annual license fee,
12 a wine direct shipper licensee shall remit to the
13 division an amount equivalent to the wine gallonage tax
14 at the rate specified in section 123.183 for deposit
15 in the beer and liquor control fund created in section
16 123.53. The amount shall be remitted at the same time
17 and in the same manner as provided in section 123.184,
18 and the ten percent penalty specified therein shall be
19 applicable.

20 b. Shipment of wine pursuant to this subsection
21 does not require a refund value for beverage container
22 control purposes under chapter 455C.

23 5. A wine direct shipper licensee shall be deemed
24 to have consented to the jurisdiction of the division
25 or any other agency or court in this state concerning
26 enforcement of this section and any related laws,
27 rules, or regulations. A licensee shall permit the
28 division to perform an audit of shipping records upon
29 request.

30 6. a. Wine subject to direct shipment within this
31 state pursuant to this section shall be delivered only
32 by a carrier having obtained from the division an
33 alcohol carrier license. An alcohol carrier license
34 shall be issued upon payment of a one hundred dollar
35 license fee, and shall be subject to requirements, and
36 issued pursuant to application forms, to be determined
37 by the administrator by rule.

38 b. An alcohol carrier licensee shall not deliver
39 wine to any person under twenty-one years of age, or
40 to any person who either is or appears to be in an
41 intoxicated state or condition. A licensee shall
42 obtain valid proof of identity and age prior to
43 delivery, and shall obtain the signature of an adult
44 as a condition of delivery.

45 c. An alcohol carrier licensee shall maintain
46 records of wine shipped which include the license
47 number and name of the wine manufacturer, quantity
48 of wine shipped, recipient's name and address, and
49 an electronic or paper form of signature from the
50 recipient of the wine. Records shall be submitted to

2 be determined by the division by rule.

3 7. A violation of this section shall subject a
4 licensee to the penalty provisions of section 123.39.>

5 24. Page 58, line 26, after <affairs.> by inserting
6 <The term of office for voting members is four years.>

7 25. Page 83, line 2, by striking < one thousand
8 two hundred> and inserting <three thousand>

9 26. Page 83, lines 6 and 7, by striking
10 <one thousand two hundred> and inserting
11 <three thousand>

12 27. Page 83, after line 10 by inserting:
13 <Sec. ____ Section 99D.28, subsection 7, Code 2009,
14 is amended to read as follows:

15 7. A claimant agency or licensee, acting in good
16 faith, shall not be liable to any person for actions
17 taken ~~to comply with~~ pursuant to this section.>

18 28. Page 83, line 23, by striking <one thousand two
19 hundred> and inserting <three thousand>

20 29. Page 83, lines 27 and 28, by striking
21 <one thousand two hundred> and inserting
22 <three thousand>

23 30. Page 83, after line 31 by inserting:
24 <Sec. ____ Section 99F.19, subsection 7, Code 2009,
25 is amended to read as follows:

26 7. A claimant agency or licensee, acting in good
27 faith, shall not be liable to any person for actions
28 taken ~~to comply with~~ pursuant to this section.>

29 31. By striking page 114, line 31, through page
30 115, line 12.

31 32. Page 116, by striking lines 25 and 26 and
32 inserting:

33 <Sec. ____ REPEAL. Section 159A.5, Code 2009, is
34 repealed.>

35 33. Page 116, after line 27 by inserting:
36 <Sec. ____ ORGANIC ADVISORY COUNCIL –
37 FEES. Notwithstanding section 190C.5, for the fiscal
38 year beginning July 1, 2010, and ending June 30, 2011,
39 the department of agriculture and land stewardship
40 shall increase all fees that it establishes, imposes,
41 and collects pursuant to 21 IAC ch. 47 by ten percent.>

42 34. By striking page 118, line 9, through page 158,
43 line 15, and inserting:

44 <DIVISION ____

45 UNDERGROUND STORAGE TANKS
46 Sec. ____ Section 455B.474, subsection 1, paragraph
47 d, subparagraph (2), subparagraph division (e), Code
48 Supplement 2009, is amended to read as follows:

49 (e) (i) A site cleanup report which classifies
50 a site as either high risk, low risk, or no action

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1 required shall be submitted by a groundwater
2 professional to the department with a certification
3 that the report complies with the provisions of this
4 chapter and rules adopted by the department. The
5 report shall be determinative of the appropriate
6 classification of the site. ~~However, if~~

7 (ii) The department shall accept or reject
8 the report of the risk classification of the site
9 and notify the owner or operator regarding the
10 determination within one hundred twenty days of
11 receiving the site cleanup report, unless the
12 department requests and the owner or operator grants an
13 extension of not more than sixty days for purposes of
14 receiving additional information from the groundwater
15 professional. If the department does not meet the time
16 requirements provided in this subparagraph subdivision,
17 the report and the recommendations shall be deemed
18 accepted as submitted.

19 (iii) If the report is found to be inaccurate
20 or incomplete, and if based upon information in the
21 report the risk classification of the site cannot
22 be reasonably determined by the department based
23 upon industry standards, the department shall work
24 with the groundwater professional to obtain the
25 additional information necessary to appropriately
26 classify the site. A groundwater professional who
27 knowingly or intentionally makes a false statement
28 or misrepresentation which results in a mistaken
29 classification of a site shall be guilty of a
30 serious misdemeanor and shall have the groundwater
31 professional's certification revoked under this
32 section.

33 Sec. ____ . Section 455B.474, subsection 1, paragraph
34 f, subparagraphs (5), (6), and (7), Code Supplement
35 2009, are amended to read as follows:

36 (5) (a) A corrective action design report
37 submitted by a groundwater professional shall be
38 accepted by the department and shall be primarily
39 relied upon by the department to determine the
40 corrective action response requirements of the site.
41 ~~However, if~~

42 (b) The department shall accept or reject the
43 corrective action response requirements for the
44 site and notify the owner or operator regarding
45 the response requirements within one hundred twenty
46 days of receiving the design report, unless the
47 department requests and the owner or operator grants an
48 extension of not more than sixty days for purposes of
49 receiving additional information from the groundwater
50 professional. If the department does not meet the time

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1 requirements provided in this subparagraph division.
 2 the owner or operator shall proceed with corrective
 3 action on the site and such action shall be considered
 4 corrective action for purposes of section 455G.9.

5 (c) If the corrective action design report is found
 6 to be inaccurate or incomplete, and if based upon
 7 information in the report the appropriate corrective
 8 action response cannot be reasonably determined by
 9 the department based upon industry standards, the
 10 department shall work with the groundwater professional
 11 to obtain the additional information necessary
 12 to appropriately determine the corrective action
 13 response requirements. A groundwater professional who
 14 knowingly or intentionally makes a false statement
 15 or misrepresentation which results in an improper or
 16 incorrect corrective action response shall be guilty of
 17 a serious misdemeanor and shall have the groundwater
 18 professional's certification revoked under this
 19 section.

20 (6) Low risk sites shall be monitored as deemed
 21 necessary by the department consistent with industry
 22 standards. Monitoring shall not be required on a site
 23 which has received a no further action certificate.
 24 A site that has maintained a less than site specific
 25 target level for four consecutive sampling events shall
 26 be reclassified as a no further action site regardless
 27 of exit monitoring criteria and guidance.

28 (7) An owner or operator may elect to proceed with
 29 additional corrective action on the site. However,
 30 any action taken in addition to that required pursuant
 31 to this paragraph "f" shall be solely at the expense
 32 of the owner or operator and shall not be considered
 33 corrective action for purposes of section 455G.9,
 34 unless otherwise previously agreed to by the board and
 35 the owner or operator. Corrective action taken by an
 36 owner or operator due to the department's failure to
 37 meet the time requirements provided in subparagraph
 38 (5), subparagraph division (b), shall be considered
 39 corrective action for purposes of section 455G.9.

40 Sec. ____ . Section 455B.479, Code 2009, is amended
 41 to read as follows:

42 455B.479 Storage tank management fee.

43 An owner or operator of an underground storage
 44 tank shall pay an annual storage tank management fee
 45 of sixty-five dollars per tank of over one thousand
 46 one hundred gallons capacity. ~~Twenty-three percent~~
 47 ~~of the~~ The fees collected shall be deposited in the
 48 storage tank management account of the groundwater
 49 protection fund. ~~Seventy-seven percent of the fees~~
 50 ~~collected shall be deposited in the Iowa comprehensive~~

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1 ~~petroleum underground storage tank fund created in~~
2 ~~chapter 455C.~~
3 Sec. _____. Section 455E.11, subsection 2, paragraph
4 d, Code Supplement 2009, is amended to read as follows:
5 d. A storage tank management account. All fees
6 collected pursuant to section 455B.473, subsection 5,
7 and section 455B.479, shall be deposited in the storage
8 tank management account, ~~except those moneys deposited~~
9 ~~into the Iowa comprehensive petroleum underground~~
10 ~~storage tank fund pursuant to section 455B.479.~~
11 Funds Moneys deposited in the account shall be expended
12 for the following purposes:
13 (1) One thousand dollars is appropriated annually
14 to the ~~Iowa~~ department of public health to carry out
15 departmental duties under section 135.11, subsections
16 19 and 20, and section 139A.21.
17 (2) ~~Twenty three percent of the proceeds of the~~
18 ~~fees imposed pursuant to section 455B.473, subsection~~
19 ~~5, and section 455B.479 shall be deposited in the~~
20 ~~account annually, up to a maximum of three hundred~~
21 ~~fifty thousand dollars. If twenty three percent of the~~
22 ~~proceeds exceeds three hundred fifty thousand dollars,~~
23 ~~the excess shall be deposited into the fund created in~~
24 ~~section 455G.3. Three hundred fifty thousand dollars~~
25 ~~is~~ The moneys remaining in the account after the
26 appropriation in subparagraph (1) are appropriated from
27 the storage tank management account to the department
28 of natural resources for the administration of a state
29 storage tank program pursuant to chapter 455B, division
30 IV, part 8, and for programs which reduce the potential
31 for harm to the environment and the public health from
32 storage tanks.
33 (3) ~~The remaining funds in the account are~~
34 ~~appropriated annually to the Iowa comprehensive~~
35 ~~petroleum underground storage tank fund.~~
36 Sec. _____. Section 455G.3, subsection 3, Code 2009,
37 is amended by adding the following new paragraph:
38 NEW PARAGRAPH. d. To establish a no further action
39 account. On July 1, 2010, the balance of the account
40 shall be five million dollars. On or after that
41 date, the board shall not transfer any moneys from the
42 account to any other account or fund and moneys in the
43 account shall only be used for purposes provided in
44 this paragraph. Moneys in the account may be used to
45 reimburse costs associated with a corrective action in
46 response to high risk conditions caused by a release
47 at a site for which a no further action certificate
48 has been issued when the high risk conditions are not
49 caused by a release which occurred after the issuance
50 of the no further action certificate.

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1 Sec. ____ Section 455G.3, Code 2009, is amended by
2 adding the following new subsections:

3 NEW SUBSECTION. 6. Each fiscal year, there is
4 appropriated from the Iowa comprehensive petroleum
5 underground storage tank fund to the department of
6 natural resources five hundred thousand dollars for
7 purposes of technical review support for underground
8 storage tank inspections conducted by nongovernmental
9 entities. During the fiscal year beginning July 1,
10 2010, from the moneys appropriated in this subsection,
11 the department shall use up to one hundred thousand
12 dollars for purposes of database modifications
13 necessary to accept external data regarding underground
14 storage tank inspections conducted by nongovernmental
15 entities.

16 NEW SUBSECTION. 7. Each fiscal year, there is
17 appropriated from the Iowa comprehensive petroleum
18 underground storage tank fund to the department
19 of agriculture and land stewardship five hundred
20 thousand dollars for purposes of inspecting motor
21 fuel, including salaries, support, maintenance, and
22 miscellaneous purposes.

23 NEW SUBSECTION. 8. Each fiscal year, there is
24 appropriated from the Iowa comprehensive petroleum
25 underground storage tank fund to the department
26 of natural resources two hundred fifty thousand
27 dollars for purposes of providing a grant to a
28 nonprofit corporation offering underground storage
29 tank operations training and leak prevention courses
30 necessary to meet minimum requirements of the United
31 States environmental protection agency.

32 Sec. ____ Section 455G.4, subsection 1, paragraph
33 a, subparagraphs (3) and (5), Code Supplement 2009, are
34 amended to read as follows:

35 ~~(3) The commissioner of insurance, or the~~
36 ~~commissioner's designee. An employee of the department~~
37 ~~of management who has been designated as a risk manager~~
38 ~~by the director of the department of management.~~

39 ~~(5) Two owners or operators appointed by the~~
40 ~~governor. One of the owners or operators appointed~~
41 ~~pursuant to this subparagraph shall have The governor~~
42 ~~shall appoint only one of the following:~~

43 ~~(a) An owner or operator who has been a petroleum~~
44 ~~systems insured through the underground storage tank~~
45 ~~insurance fund as it existed on June 30, 2004, or a~~
46 ~~successor to the underground storage tank insurance~~
47 ~~fund and shall have been an insured through the~~
48 ~~insurance account of the comprehensive petroleum~~
49 ~~underground storage tank fund on or before October~~
50 ~~26, 1990. One of the owners or operators appointed~~

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1 ~~pursuant to this subparagraph~~
2 (b) A member of the petroleum marketers and
3 convenience stores of Iowa.
4 (06) One member appointed by the governor shall be
5 an owner or operator that is self-insured.
6 Sec. ____ Section 455G.8, subsection 3, Code 2009,
7 is amended by striking the subsection.
8 Sec. ____ Section 455G.9, subsection 1, paragraphs
9 d and k, Code 2009, are amended to read as follows:
10 d. One hundred percent of the costs of corrective
11 action and third-party liability for a release
12 situated on property acquired by a county for
13 delinquent taxes pursuant to chapters 445 through
14 448, for which a responsible owner or operator able
15 to pay, other than the county, cannot be found. A
16 county is not a "responsible party" for a release
17 in connection with property which it acquires in
18 connection with delinquent taxes, and does not become
19 a responsible party by sale or transfer of property
20 so acquired; rather, the county is an agent. Actual
21 corrective action on the site shall be overseen by the
22 department, the board, and a certified groundwater
23 professional. Third-party liability specifically
24 excludes any claim, cause of action, or suit, for
25 personal injury including, but not limited to, loss
26 of use or of private enjoyment, mental anguish, false
27 imprisonment, wrongful entry or eviction, humiliation,
28 discrimination, or malicious prosecution. Reasonable
29 acquisition costs may be reimbursed; however, such
30 costs do not include any taxes or costs related to the
31 collection of taxes.
32 k. Pursuant to an agreement between the board and
33 the department of natural resources, assessment and
34 corrective action arising out of releases at sites for
35 which a no further action certificate has been issued
36 pursuant to section 455B.474, when the department
37 determines that an unreasonable risk to public health
38 and safety may still exist or that previously reported
39 upon site specific target levels have been exceeded.
40 At a minimum, the agreement shall address eligible
41 costs, contracting for services, and conditions under
42 which sites may be reevaluated.
43 Sec. ____ Section 455G.9, subsection 4, Code 2009,
44 is amended to read as follows:
45 4. Minimum copayment schedule.
46 a. An owner or operator shall be required to pay
47 the greater of five thousand dollars or eighteen
48 percent of the first eighty thousand dollars of the
49 total costs of corrective action for that release,
50 except when it is an innocent landowner claim in which

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1 case a copayment is not required.

2 b. If a site's actual expenses exceed eighty
3 thousand dollars, the remedial account shall pay the
4 remainder, as required by federal regulations, of
5 the total costs of the corrective action for that
6 release, not to exceed one million dollars, except that
7 a county shall not be required to pay a copayment in
8 connection with a release situated on property acquired
9 in connection with delinquent taxes, as provided in
10 subsection 1, paragraph "d", unless subsequent to
11 acquisition the county actively operates a tank on the
12 property for purposes other than risk assessment, risk
13 management, or tank closure.

14 Sec. ____ EFFECTIVE UPON ENACTMENT AND RETROACTIVE
15 APPLICABILITY. The section of this division of this
16 Act amending section 455G.9, subsection 4, being deemed
17 of immediate importance, takes effect upon enactment
18 and applies retroactively to January 1, 2010.>

19 35. By striking page 162, line 5, through page 164,
20 line 34.

21 36. Page 165, after line 22 by inserting:

22 <Sec. ____ NEW SECTION. 273.15 Advisory group.

23 1. The board of directors of each area education
24 agency shall appoint an advisory group to make
25 recommendations on policy, programs, and services to
26 the board. The advisory group shall provide input,
27 feedback, and recommendations to the board regarding
28 projected future needs, and shall provide a review
29 and response to any state-directed study or task
30 force report on area education agency efficiencies or
31 reorganization.

32 2. The advisory group shall consist of the
33 following:

34 a. A minimum of three superintendents employed by
35 school districts served by the area education agency;
36 at least one of whom shall represent a small school
37 district, at least one of whom shall represent a
38 medium-sized school district, and at least one of whom
39 shall represent a large school district.

40 b. A minimum of three principals employed by school
41 districts served by the area education agency; at least
42 one of whom shall represent an elementary school, at
43 least one of whom shall represent a middle school, and
44 at least one of whom shall represent a high school.

45 c. A minimum of four teachers employed by school
46 districts served by the area education agency; at least
47 one of whom shall represent early childhood teachers,
48 at least one of whom shall represent elementary
49 school teachers, at least one of whom shall represent
50 middle school teachers, and at least one of whom

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1 shall represent high school teachers. At least one of
2 the teachers appointed shall also represent special
3 education and at least one of the teachers appointed
4 shall represent general education. At least one of the
5 teachers appointed shall represent related personnel,
6 including but not limited to media and technology
7 specialists and counselors.

8 d. A minimum of three parents or guardians of
9 school age children receiving services from the
10 area education agency, at least one of whom shall be
11 the parent or guardian of a child requiring special
12 education.

13 e. One member who represents accredited nonpublic
14 schools located within the boundaries of the area
15 education agency.

16 3. In appointing members of the advisory group
17 pursuant to subsection 2, the area education agency
18 shall collaborate with the superintendents and school
19 boards of the school districts served by the area
20 education agency.

21 4. All member appointments made pursuant to
22 subsection 2 shall comply with sections 69.16, 69.16A,
23 and 69.16C. In addition, every reasonable effort
24 shall be made to appoint members to provide balanced
25 representation based on age, experience, ethnicity,
26 district size, and geography.

27 5. The advisory group shall meet at least twice
28 annually and shall submit its recommendations in a
29 report to the board of directors of the area education
30 agency at least once annually. The report shall be
31 timely submitted to allow for consideration of the
32 recommendations prior to program planning and budgeting
33 for the following fiscal year.>

34 37. By striking page 165, line 23, through page
35 166, line 1.

36 38. Page 166, by striking lines 4 and 5 and
37 inserting:

38 <Sec. ____ REPEAL. Sections 261D.1, 261D.2,
39 280A.1, 280A.3, 280A.4, and 280A.5, Code 2009, are
40 repealed.

41 Sec. ____ REPEAL. Sections 261D.3 and 280A.2, Code
42 Supplement 2009, are repealed.>

43 39. Page 166, by striking lines 7 through 24.

44 40. Page 168, line 24, by striking <nine> and
45 inserting <thirteen>

46 41. Page 168, line 25, by striking <three> and
47 inserting <seven>

48 42. Page 174, line 34, by striking <center> and
49 inserting <bureau>

50 43. Page 176, line 32, after <3> by inserting <

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- 1 including but not limited to any timeframe established
2 for transition to a newly configured early childhood
3 Iowa area>
4 44. Page 177, line 32, after <22.> by inserting <An
5 area board member shall not vote on any measure that
6 has the potential to benefit the member's employer.>
7 45. Page 178, line 4, after <board.> by inserting
8 <The department may allow an area board to designate
9 another entity as fiscal agent if the area board
10 provides acceptable documentation and assurances that
11 meet appropriate state requirements for fiscal agents.>
12 46. Page 179, line 29, by striking <each school
13 district> and inserting <a school district or an area
14 board>
15 47. Page 179, line 33, after <district> by
16 inserting <or early childhood Iowa area>
17 48. Page 180, line 5, by striking <board> and
18 inserting <school board or area board>
19 49. Page 180, line 6, by striking <another school
20 district or> and inserting <a>
21 50. Page 180, line 14, after <district> by
22 inserting <or early childhood Iowa area>
23 51. Page 180, lines 17 and 18, by striking <school
24 improvement> and inserting <early care needs>
25 52. Page 180, line 22, by striking <education> and
26 inserting <educational, health, social, and emotional
27 needs>
28 53. Page 181, line 29, after <services> by
29 inserting <or social work>
30 54. Page 182, line 7, after <district> by inserting
31 <or early childhood Iowa area>
32 55. Page 182, line 12, after <district> by
33 inserting <or early childhood Iowa area>
34 56. Page 182, by striking lines 13 and 14 and
35 inserting <any related services or programs provided
36 by other>
37 57. Page 197, by striking lines 25 through 31
38 and inserting <unexpended shall be remitted to the
39 successor early childhood Iowa board designated to
40 serve that area. The department shall implement
41 measures to ensure there is continuity of services
42 in the transition from the community empowerment
43 initiative to the early childhood Iowa initiative.
44 Each early childhood Iowa area board shall ensure
45 that any existing contracts between the predecessor
46 community empowerment area board and service providers
47 are provided to the fiscal agent for the early
48 childhood area board so that continuity of service is
49 maintained.>
50 58. By striking page 199, line 15, through page

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1 200, line 9.

2 59. By striking page 200, line 26, through page

3 211, line 6, and inserting:

4 <Sec. ____ NEW SECTION. 685.1 Definitions.

5 1. "Claim" means any request or demand, whether
6 pursuant to a contract or otherwise, for money or
7 property and whether the state has title to the money
8 or property, which is made to an officer, employee,
9 agent, or other representative of the state or to a
10 contractor, grantee, or other person if the money or
11 property is to be spent or used on the state's behalf
12 or to advance a state program or interest, and if the
13 state provides any portion of the money or property
14 which is requested or demanded, or if the state will
15 reimburse directly or indirectly such contractor,
16 grantee, or other person for any portion of the money
17 or property which is requested or demanded. "Claim"
18 does not include any requests or demands for money
19 or property that the state has paid to an individual
20 as compensation for state employment or as an income
21 subsidy with no restrictions on that individual's use
22 of the money or property.

23 2. a. "Knowing" or "knowingly" means that a person
24 with respect to information, does any of the following:

25 (1) Has actual knowledge of the information.

26 (2) Acts in deliberate ignorance of the truth or
27 falsity of the information.

28 (3) Acts in reckless disregard of the truth or
29 falsity of the information.

30 b. "Knowing" or "knowingly" does not require proof
31 of specific intent to defraud.

32 3. "Original source" means an individual who has
33 direct and independent knowledge of the information on
34 which the allegations are based and has voluntarily
35 provided the information to the state before filing
36 an action under this chapter which is based on the
37 information.

38 4. "Qui tam plaintiff" means a private plaintiff who
39 brings an action under this chapter on behalf of the
40 state.

41 Sec. ____ NEW SECTION. 685.2 Acts subjecting
42 person to treble damages, costs, and civil penalties –
43 exceptions.

44 1. A person who commits any of the following acts
45 is liable to the state for a civil penalty of not
46 less than five thousand dollars and not more than ten
47 thousand dollars plus three times the amount of damages
48 which the state sustains because of the act of that
49 person:

50 a. Knowingly presents, or causes to be presented, a

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- 1 false or fraudulent claim for payment or approval.
- 2 b. Knowingly makes, uses, or causes to be made or
- 3 used, a false record or statement material to a false
- 4 or fraudulent claim.
- 5 c. Conspires to commit a violation of paragraph
- 6 "a", "b", "d", "e", "f", or "g".
- 7 d. Has possession, custody, or control of property
- 8 or money used, or to be used, by the state and
- 9 knowingly delivers, or causes to be delivered, less
- 10 than all of that money or property.
- 11 e. Is authorized to make or deliver a document
- 12 certifying receipt of property used, or to be used, by
- 13 the state and, intending to defraud the state, makes or
- 14 delivers the receipt without completely knowing that
- 15 the information on the receipt is true.
- 16 f. Knowingly buys, or receives as a pledge of an
- 17 obligation or debt, public property from an officer
- 18 or employee of the state, or a member of the Iowa
- 19 national guard, who lawfully may not sell or pledge the
- 20 property.
- 21 g. Knowingly makes, uses, or causes to be made
- 22 or used, a false record or statement material to an
- 23 obligation to pay or transmit money or property to
- 24 the state, or knowingly conceals or knowingly and
- 25 improperly avoids or decreases an obligation to pay or
- 26 transmit money or property to the state.
- 27 2. Notwithstanding subsection 1, the court may
- 28 assess not less than two times the amount of damages
- 29 which the state sustains because of the act of the
- 30 person described in subsection 1, if the court finds
- 31 all of the following:
 - 32 a. The person committing the violation furnished
 - 33 officials of the state responsible for investigating
 - 34 false claims violations with all information known to
 - 35 such person about the violation within thirty days
 - 36 after the date on which the person first obtained the
 - 37 information.
 - 38 b. The person fully cooperated with the state
 - 39 investigation of such violation.
 - 40 c. At the time the person furnished the state
 - 41 with the information about the violation, a criminal
 - 42 prosecution, civil action, or administrative action
 - 43 had not commenced under this chapter with respect to
 - 44 such violation, and the person did not have actual
 - 45 knowledge of the existence of an investigation into
 - 46 such violation.
- 47 3. A person violating this section shall also be
- 48 liable to the state for the costs of a civil action
- 49 brought to recover any such penalty or damages.
- 50 4. Any information furnished pursuant to subsection

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1 2 is deemed confidential information exempt from
2 disclosure pursuant to chapter 22.
3 5. This section shall not apply to claims, records,
4 or statements made under Tit. X relating to state
5 revenue and taxation.
6 Sec. __. NEW SECTION. 685.3 Investigations and
7 prosecutions – powers of prosecuting authority – civil
8 actions by individuals as qui tam plaintiffs and as
9 private citizens – jurisdiction of courts.
10 1. The attorney general shall diligently
11 investigate a violation under section 685.2. If the
12 attorney general finds that a person has violated or is
13 violating section 685.2, the attorney general may bring
14 a civil action under this section against that person.
15 2. a. A person may bring a civil action for a
16 violation of this chapter for the person and for the
17 state in the name of the state. The person bringing
18 the action shall be referred to as the qui tam
19 plaintiff. Once filed, the action may be dismissed
20 only if the court and the attorney general provide
21 written consent to the dismissal and the reasons for
22 such consent.
23 b. A copy of the complaint and written disclosure
24 of substantially all material evidence and information
25 the person possesses shall be served on the attorney
26 general pursuant to the Iowa rules of civil procedure.
27 The complaint shall also be filed in camera, shall
28 remain under seal for at least sixty days, and shall
29 not be served on the defendant until the court so
30 orders. The state may elect to intervene and proceed
31 with the action within sixty days after the state
32 receives both the complaint and the material evidence
33 and the information.
34 c. The state may, for good cause shown, move the
35 court for extensions of the time during which the
36 complaint remains under seal under paragraph "b".
37 Any such motions may be supported by affidavits or
38 other submissions in camera. The defendant shall not
39 be required to respond to any complaint filed under
40 this section until thirty days after the complaint is
41 unsealed and served upon the defendant pursuant to rule
42 1.302 of the Iowa rules of civil procedure.
43 d. Before the expiration of the sixty-day period or
44 any extensions obtained under paragraph "c", the state
45 shall do one of the following:
46 (1) Proceed with the action, in which case the
47 action shall be conducted by the state.
48 (2) Notify the court that the state declines to
49 take over the action, in which case the person bringing
50 the action shall have the right to conduct the action.

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1 e. When a person brings an action under this
2 section, no person other than the state may intervene
3 or bring a related action based on the facts underlying
4 the pending action.

5 3. a. If the state proceeds with the action,
6 the state shall have the primary responsibility for
7 prosecuting the action, and shall not be bound by an
8 act of the person bringing the action. Such person
9 shall have the right to continue as a party to the
10 action, subject to the limitations specified in
11 paragraph "b".

12 b. (1) The state may move to dismiss the action
13 for good cause notwithstanding the objections of the
14 qui tam plaintiff if the qui tam plaintiff has been
15 notified by the state of the filing of the motion and
16 the court has provided the qui tam plaintiff with an
17 opportunity for a hearing on the motion.

18 (2) The state may settle the action with the
19 defendant notwithstanding the objections of the qui tam
20 plaintiff if the court determines, after a hearing,
21 that the proposed settlement is fair, adequate, and
22 reasonable under all of the circumstances. Upon a
23 showing of good cause, such hearing may be held in
24 camera.

25 (3) Upon a showing by the state that unrestricted
26 participation during the course of the litigation by
27 the person initiating the action would interfere with
28 or unduly delay the state's prosecution of the case, or
29 would be repetitious, irrelevant, or for purposes of
30 harassment, the court may, in its discretion, impose
31 limitations on the person's participation, including
32 but not limited to any of the following:

33 (a) Limiting the number of witnesses the person may
34 call.

35 (b) Limiting the length of the testimony of such
36 witnesses.

37 (c) Limiting the person's cross-examination of
38 witnesses.

39 (d) Otherwise limiting the participation by the
40 person in the litigation.

41 (4) Upon a showing by the defendant that
42 unrestricted participation during the course of the
43 litigation by the person initiating the action would
44 be for purposes of harassment or would cause the
45 defendant undue burden or unnecessary expense, the
46 court may limit the participation by the person in the
47 litigation.

48 c. If the state elects not to proceed with the
49 action, the person who initiated the action shall
50 have the right to conduct the action. If the state

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1 requests, the state shall be served with copies of all
2 pleadings filed in the action and shall be supplied
3 with copies of all deposition transcripts at the
4 state's expense. When a person proceeds with the
5 action, the court, without limiting the status and
6 rights of the person initiating the action, may permit
7 the state to intervene at a later date upon a showing
8 of good cause.

9 d. Whether or not the state proceeds with the
10 action, upon a showing by the state that certain
11 actions of discovery by the person initiating the
12 action would interfere with the state's investigation
13 or prosecution of a criminal or civil matter arising
14 out of the same facts, the court may stay such
15 discovery for a period of not more than sixty days.
16 Such a showing shall be conducted in camera. The court
17 may extend the sixty-day period upon a further showing
18 in camera that the state has pursued the criminal or
19 civil investigation or proceedings with reasonable
20 diligence and any proposed discovery in the civil
21 action will interfere with the ongoing criminal or
22 civil investigation or proceedings.

23 e. Notwithstanding subsection 2, the state
24 may elect to pursue the state's claim through any
25 alternate remedy available to the state, including
26 any administrative proceeding to determine a civil
27 penalty. If any such alternate remedy is pursued in
28 another proceeding, the person initiating the action
29 shall have the same rights in such proceeding as such
30 person would have had if the action had continued under
31 this section. Any finding of fact or conclusion of law
32 made in such other proceeding that has become final,
33 shall be conclusive as to all such parties to an action
34 under this section. For purposes of this paragraph, a
35 finding or conclusion is final if it has been finally
36 determined on appeal to the appropriate court of the
37 state, if all time for filing such an appeal with
38 respect to the finding or conclusion has expired, or if
39 the finding or conclusion is not subject to judicial
40 review.

41 4. a. (1) If the state proceeds with an action
42 brought by a person under subsection 2, the person
43 shall, subject to subparagraph (2), receive at least
44 fifteen percent but not more than twenty-five percent
45 of the proceeds of the action or settlement of the
46 claim, depending upon the extent to which the person
47 substantially contributed to the prosecution of the
48 action.

49 (2) If the action is one which the court finds
50 to be based primarily on disclosures of specific

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1 information, other than information provided by the
2 person bringing the action, relating to allegations or
3 transactions in a criminal, civil, or administrative
4 hearing, or in a legislative, administrative or state
5 auditor report, hearing, audit, or investigation, or
6 from the news media, the court may award an amount the
7 court considers appropriate, but in no case more than
8 ten percent of the proceeds, taking into account the
9 significance of the information and the role of the
10 person bringing the action in advancing the case to
11 litigation.

12 (3) Any payment to a person under subparagraph
13 (1) or (2) shall be made from the proceeds. Any such
14 person shall also receive an amount for reasonable
15 expenses which the appropriate court finds to have been
16 necessarily incurred, plus reasonable attorney fees and
17 costs. All such expenses, fees, and costs shall be
18 awarded against the defendant.

19 b. If the state does not proceed with an action
20 under this section, the person bringing the action or
21 settling the claim shall receive an amount which the
22 court decides is reasonable for collecting the civil
23 penalty and damages. The amount shall be not less than
24 twenty-five percent and not more than thirty percent
25 of the proceeds of the action or settlement and shall
26 be paid out of such proceeds. Such person shall also
27 receive an amount for reasonable expenses which the
28 court finds to have been necessarily incurred, plus
29 reasonable attorney fees and costs. All such expenses,
30 fees, and costs shall be awarded against the defendant.

31 c. Whether or not the state proceeds with the
32 action, if the court finds that the action was brought
33 by a person who planned and initiated the violation
34 of section 685.2 upon which the action was brought,
35 the court may, to the extent the court considers
36 appropriate, reduce the share of the proceeds of the
37 action which the person would otherwise receive under
38 paragraph "a" or "b", taking into account the role of
39 that person in advancing the case to litigation and any
40 relevant circumstances pertaining to the violation. If
41 the person bringing the action is convicted of criminal
42 conduct arising from the person's role in the violation
43 of section 685.2, the person shall be dismissed from
44 the civil action and shall not receive any share of
45 the proceeds of the action. Such dismissal shall not
46 prejudice the right of the state to continue the action
47 represented by the attorney general.

48 d. If the state does not proceed with the action
49 and the person bringing the action conducts the
50 action, the court may award to the defendant reasonable

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1 attorney fees and expenses if the defendant prevails
2 in the action and the court finds that the claim of
3 the person bringing the action was clearly frivolous,
4 clearly vexatious, or brought primarily for purposes of
5 harassment.

6 5. a. A court shall not have jurisdiction over an
7 action brought by a former or present member of the
8 Iowa national guard under this chapter against a member
9 of the Iowa national guard arising out of such person's
10 services in the Iowa national guard.

11 b. An action shall not be filed under this chapter
12 against the federal government, the state or a local
13 government, or any officer, elected official, or
14 employee of any of these entities acting in the
15 person's official capacity.

16 c. A person shall not bring an action under
17 subsection 2 which is based upon allegations or
18 transactions which are the subject of a civil suit or
19 an administrative civil penalty proceeding in which the
20 state is already a party.

21 d. A court shall not have jurisdiction over an
22 action under this section based upon the public
23 disclosure of allegations or transactions in a
24 criminal, civil, or administrative hearing, or in a
25 legislative, administrative, or state auditor report,
26 hearing, audit, or investigation, or from the news
27 media, unless the action is brought by the attorney
28 general or the person bringing the action is an
29 original source of the information.

30 e. The state is not liable for expenses which a
31 person incurs in bringing an action under this section.
32 f. In a civil action brought under this section, a
33 prevailing defendant shall be entitled to reasonable
34 attorney fees and costs of defending the civil action.

35 6. Any employee, contractor, or agent who is
36 discharged, demoted, suspended, threatened, harassed,
37 or in any other manner discriminated against in the
38 terms and conditions of employment because of lawful
39 acts performed by the employee, contractor, or agent or
40 others in furtherance of an action under this section,
41 shall be entitled to all relief necessary to make the
42 employee, contractor, or agent whole. Such relief
43 shall include reinstatement with the same seniority
44 status such employee, contractor, or agent would have
45 had but for the discrimination, two times the amount of
46 back pay, interest on the back pay, and compensation
47 for any special damages sustained as a result of
48 the discrimination, including litigation costs and
49 reasonable attorney fees. An employee, contractor, or
50 agent may bring an action in the appropriate district

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1 court of the state for the relief provided in this
2 subsection.
3 Sec. __. NEW SECTION. 685.4 Procedure – statute
4 of limitations.

5 1. A subpoena requiring the attendance of a witness
6 at a trial or hearing conducted under this chapter may
7 be served at any place in the state, or through any
8 means authorized in the Iowa rules of civil procedure.

9 2. A civil action under this chapter may not be
10 brought more than six years after the date on which
11 the violation of section 684.2 is committed, or more
12 than three years after the date when facts material
13 to the right of action are known or reasonably should
14 have been known by the official of state charged with
15 responsibility to act in the circumstances, but in no
16 event more than ten years after the date on which the
17 violation is committed, whichever occurs last.

18 3. A civil action under this chapter may be brought
19 based on conduct occurring prior to the effective date
20 of this division of this Act, if the limitations period
21 pursuant to subsection 2 has not lapsed.

22 4. If the state elects to intervene and proceed
23 with an action brought under this chapter, the state
24 may file its own complaint or amend the complaint of a
25 person who has brought an action under section 685.3 to
26 clarify or add detail to the claims in which the state
27 is intervening and to add any additional claims with
28 respect to which the state contends it is entitled to
29 relief. For statute of limitations purposes, any such
30 state pleading shall relate back to the filing date
31 of the complaint of the person who originally brought
32 the action, to the extent that the claim of the state
33 arises out of the conduct, transactions, or occurrences
34 set forth, or attempted to be set forth, in the prior
35 complaint of that person.

36 5. In any action brought under section 685.3, the
37 state shall prove all essential elements of the cause
38 of action, including damages, by a preponderance of the
39 evidence.

40 6. Notwithstanding any other provision of law, the
41 Iowa rules of criminal procedure, or the Iowa rules of
42 evidence, a final judgment rendered in favor of the
43 state in any criminal proceeding charging fraud or
44 false statements, whether upon a verdict after trial
45 or upon a plea of guilty or nolo contendere, shall
46 estop the defendant from denying the essential elements
47 of the offense in any action which involves the same
48 transaction as in the criminal proceeding and which is
49 brought under section 685.3.

50 Sec. __. NEW SECTION. 685.5 Jurisdiction.

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1 1. Any action under section 685.3 may be brought
2 in any judicial district in which the defendant or, in
3 the case of multiple defendants, any one defendant can
4 be found, resides, transacts business, or in which any
5 act proscribed by section 685.2 occurred. A summons as
6 required by the Iowa rules of civil procedure shall be
7 issued by the appropriate district court and served in
8 accordance with the Iowa rules of civil procedure.

9 2. A seal on the action ordered by the court
10 under section 685.3 shall not preclude the state,
11 local government, or the person bringing the action
12 from serving the complaint, any other pleadings, or
13 the written disclosure of substantially all material
14 evidence and information possessed by the person
15 bringing the action on the law enforcement authorities
16 that are authorized under the law of the state or local
17 government to investigate and prosecute such actions
18 on behalf of such governments, except that such seal
19 applies to the law enforcement authorities so served to
20 the same extent as the seal applies to other parties in
21 the action.

22 Sec. __. NEW SECTION. 685.6 Rulemaking authority.

23 The attorney general may adopt such rules and
24 regulations as are necessary to effectuate the purposes
25 of this chapter.

26 Sec. __. ANNUAL REPORTING REQUIREMENT. On the
27 thirtieth day after the effective date of this division
28 of this Act, and on the anniversary of the effective
29 date of this division of this Act each year thereafter,
30 the attorney general shall submit to the chairpersons
31 and ranking members of the house and senate committees
32 on judiciary, the legislative caucus staffs, and the
33 legislative services agency, in electronic format, a
34 report containing all of the following information:

35 1. The number of cases the attorney general filed
36 during the previous calendar year under this chapter.

37 2. The number of cases private individuals filed
38 under this chapter during the previous calendar year,
39 including those cases that remain under seal, and
40 specifying all of the following for the cases:

41 a. The state or federal court in which each case
42 was filed and the total number filed in each court.

43 b. The state program or agency involved in each
44 case.

45 c. The number of cases filed by private individuals
46 who previously filed an action based on the same or
47 similar transaction or allegation under the federal
48 False Claims Act or the false claims act of another
49 state.

50 3. The amount recovered by the state in the form of

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1 settlement, damages, penalties, and litigation costs,
2 if known, and specifying the following for each case:

3 a. The case number and parties for each case in
4 which there was a recovery.

5 b. The amount of funds recovered respectively for
6 damages, penalties, and litigation costs.

7 c. The percentage of the recovery and the amount
8 that the state paid to any private person who brought
9 the action.

10 Sec. ____ DEPARTMENT OF JUSTICE – FALSE CLAIMS ACT
11 ENFORCEMENT. There is appropriated from the general
12 fund of the state to the department of justice for the
13 fiscal year beginning July 1, 2010, and ending June 30,
14 2011, the following amount, or so much thereof as is
15 necessary, to be used for the purposes designated:

16 For the general office of the attorney general,
17 including salaries, support, maintenance, miscellaneous
18 purposes, and for not more than the following full-time
19 equivalent positions:

20	\$	60,000
21	FTEs	1.00>

22 60. By striking page 220, line 17, through page
23 221, line 32, and inserting:

24 <DIVISION _____
25 DEPARTMENT OF HUMAN SERVICES INSTITUTIONS
26 Sec. ____ CONTINUUM OF MENTAL HEALTH SERVICES.

27 1. The department of human services shall develop
28 a state-of-the-art continuum of mental health
29 services and shall implement the continuum, subject
30 to the limitations of available funding. As part
31 of developing the continuum, the department shall
32 determine the most cost-effective means of delivering
33 mental health services through the institutions
34 administered by the department. In addition to other
35 needs, the continuum shall provide for the co-occurring
36 treatment needs of persons with mental illness who also
37 have intellectual disabilities or a substance abuse
38 disorder.

39 2. It is anticipated that implementation of the
40 continuum will produce savings that will result in the
41 reversion of at least \$1,000,000 in appropriations made
42 for such services for the fiscal year beginning July 1,
43 2010, and that any additional savings will be invested
44 in community-based services.

45 3. The council on human services shall review and
46 approve the continuum developed by the department prior
47 to its implementation. After approval is granted, the
48 department shall commence implementation and notify
49 the chairpersons and ranking members of the standing
50 committees on human resources of the senate and house

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1 of representatives and of the joint appropriations
2 subcommittee on health and human services.
3 4. The department of human services may adopt
4 administrative rules under section 17A.4, subsection
5 3, and section 17A.5, subsection 2, paragraph "b", to
6 implement the provisions of this section and the rules
7 shall become effective immediately upon filing or on a
8 later effective date specified in the rules, unless the
9 effective date is delayed by the administrative rules
10 review committee. Any rules adopted in accordance with
11 this section shall not take effect before the rules are
12 reviewed by the administrative rules review committee.
13 The delay authority provided to the administrative
14 rules review committee under section 17A.4, subsection
15 7, and section 17A.8, subsection 9, shall be applicable
16 to a delay imposed under this section, notwithstanding
17 a provision in those sections making them inapplicable
18 to section 17A.5, subsection 2, paragraph "b". Any
19 rules adopted in accordance with the provisions of this
20 section shall also be published as a notice of intended
21 action as provided in section 17A.4.>

22 61. Page 222, by striking lines 5 through 32.

23 62. By striking page 223, line 34, through page
24 224, line 12.

25 63. Page 246, line 30, by striking <REPEAL OF>

26 64. Page 247, after line 9 by inserting:

27 <Sec. ____ Section 135.107, subsection 5, paragraph
28 a, Code Supplement 2009, is amended to read as follows:

29 a. There is established an advisory committee to
30 the center for rural health and primary care consisting
31 of one representative, approved by the respective
32 agency, of each of the following agencies: the
33 department of agriculture and land stewardship, the
34 Iowa department of public health, the department of
35 inspections and appeals, the national institute for
36 rural health policy, the rural health resource center,
37 the institute of agricultural medicine and occupational
38 health, and the Iowa state association of counties.

39 The governor shall appoint two representatives of
40 consumer groups active in rural health issues and a
41 representative of each of two farm organizations active
42 within the state, a representative of an agricultural
43 business in the state, a representative of a critical
44 needs hospital, a practicing rural family physician,
45 a practicing rural physician assistant, a practicing
46 rural advanced registered nurse practitioner, and
47 a rural health practitioner who is not a physician,
48 physician assistant, or advanced registered nurse
49 practitioner, as members of the advisory committee.

50 The advisory committee shall also include as members

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1 two state representatives, one appointed by the speaker
 2 of the house of representatives and one by the minority
 3 leader of the house, and two state senators, one
 4 appointed by the majority leader of the senate and one
 5 by the minority leader of the senate.>

6 65. Page 247, by striking line 17 and inserting:
 7 <Sec. ____ REPEAL. Sections 135.28, 135N.1,
 8 135N.2, 135N.3, 135N.4, 135N.5, 135N.6, and 142C.16,
 9 Code 2009, are repealed.>

10 66. Page 248, after line 29 by inserting:

11 <DIVISION ____
 12 DEPARTMENT OF HUMAN
 13 SERVICES – LEVEL OF CARE
 14 Sec. ____ LEVEL OF CARE EVALUATION. The department
 15 of human services shall amend the medical assistance
 16 program home and community-based services waiver for
 17 persons with intellectual disabilities so that required
 18 evaluations performed subsequent to the initial
 19 diagnosis of mental retardation are for the purpose of
 20 determining the appropriate level of care rather than
 21 confirming the original diagnosis.>

22 67. Page 248, after line 29 by inserting:

23 <DIVISION ____
 24 DEPARTMENT OF HUMAN
 25 SERVICES – TRANSPORTATION SERVICES
 26 Sec. ____ INCLUSION OF TRANSPORTATION
 27 SERVICES. The department of human services shall amend
 28 the medical assistance program home and community-based
 29 services waiver for persons with intellectual
 30 disabilities as necessary for employment-related
 31 transportation to be covered by the supported community
 32 living services provider.>

33 68. By striking page 249, line 12, through page
 34 250, line 7.

35 69. Page 252, line 32, after <subdivision> by
 36 inserting <and hired by the political subdivision>

37 70. Page 253, after line 3 by inserting:
 38 <Sec. ____ Section 80B.11E, subsection 1, Code
 39 2009, is amended to read as follows:

40 1. Notwithstanding any other provision of law to
 41 the contrary, an individual who is not a certified law
 42 enforcement officer may apply for attendance at the
 43 law enforcement academy ~~at their own expense~~ if such
 44 individual is sponsored by a law enforcement agency
 45 that either intends to hire or has hired the individual
 46 as a law enforcement officer on the condition that the
 47 individual meets the minimum eligibility standards
 48 described in subsection 2. The costs for attendance by
 49 such an individual at the law enforcement academy shall
 50 be paid as provided in section 80B.11B.>

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1 71. Page 255, after line 14 by inserting:
 2 <DIVISION _____
 3 ONGOING PROGRAM REVIEW
 4 Sec. ____ NEW SECTION. 8.71 Ongoing program review –
 5 repeal dates.
 6 1. The general assembly finds that a regular review
 7 of the programs and projects administered by state
 8 government is necessary to determine whether each
 9 program and project is effectively and efficiently
 10 meeting the needs for which created and whether the
 11 needs remain in place. The general assembly further
 12 finds that a regular, systematic review process can
 13 identify the programs and projects that are no longer
 14 relevant or functioning at a desirable level and can
 15 eliminate or reorganize those programs and projects so
 16 that state resources can be used most effectively or
 17 diverted to other priorities.
 18 2. The committees on state government of the
 19 senate and house of representatives shall propose
 20 legislation for consideration by the Eighty-fourth
 21 General Assembly, 2011 Session, providing a staggered
 22 schedule for establishing an automatic repeal date for
 23 each program or project administered by a department of
 24 state government over the succeeding five-year period.
 25 The committees on state government shall consult with
 26 the office of the governor and the department of
 27 management in formulating the staggered schedule and
 28 the office and department shall cooperate in providing
 29 necessary information requested by either committee.
 30 The repeal date provisions shall be implemented
 31 in a manner so that any program or project that is
 32 reauthorized by law is again subject to automatic
 33 repeal five years after reauthorization.>
 34 72. By renumbering as necessary.

SPECIAL PRESENTATION

Grassley of Butler introduced to the House, his grandfather, U.S. Senator Charles Grassley.

The House rose and expressed its welcome.

Mascher of Johnson offered amendment H–8100, to the committee amendment H–8045, filed by her as follows:

H–8100

1 Amend the amendment, H–8045, to Senate File 2088,
 2 as amended, passed, and reprinted by the Senate, as

3 follows:

4 1. Page 1, by striking lines 1 through 50 and
5 inserting: ____.

6 By striking page 1, line 3, through page 9,
7 line 34, and inserting:

8 <Sec. ____ Section 8.6, Code Supplement 2009, is
9 amended by adding the following new subsection:
10 NEW SUBSECTION. 17. Provide such assistance and
11 administrative support services to the information
12 technology division, created in section 8B.2, as the
13 department and the division determine maximizes the
14 efficiency and effectiveness of both the department and
15 division.

16 Sec. ____ Section 8A.101, unnumbered paragraph 1,
17 Code 2009, is amended to read as follows:

18 As used in this chapter and chapter 8B, unless the
19 context otherwise requires:

20 Sec. ____ Section 8A.104, subsection 12, Code 2009,
21 is amended by striking the subsection.

22 Sec. ____ Section 8A.111, subsections 3, 4, and 5,
23 Code 2009, are amended by striking the subsections.

24 SUBCHAPTER I

25 ADMINISTRATION – GENERAL PROVISIONS

26 Sec. ____ NEW SECTION. 8B.1 Definitions.

27 As used in this chapter, unless the context
28 otherwise requires:

29 1. "Council" means the technology advisory council
30 created in section 8B.8.

31 2. "Division" means the information technology
32 division of the department of management.

33 3. "Information technology" means computing and
34 electronics applications used to process and distribute
35 information in digital and other forms and includes
36 information technology devices, information technology
37 services, infrastructure services, and value added
38 services.

39 4. "Information technology device" means equipment
40 or associated software, including programs, languages,
41 procedures, or associated documentation, used
42 in operating the equipment which is designed for
43 utilizing information stored in an electronic format.
44 "Information technology device" includes but is not
45 limited to computer systems, computer networks, and
46 equipment used for input, output, processing, storage,
47 display, scanning, and printing.

48 5. "Information technology services" means services
49 designed to do any of the following:

50 a. Provide functions, maintenance, and support of

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- 1 information technology devices.
- 2 b. Provide services including but not limited to
- 3 any of the following:
 - 4 (1) Computer systems application development and
 - 5 maintenance.
 - 6 (2) Systems integration and interoperability.
 - 7 (3) Operating systems maintenance and design.
 - 8 (4) Computer systems programming.
 - 9 (5) Computer systems software support.
 - 10 (6) Planning and security relating to information
 - 11 technology devices.
 - 12 (7) Data management consultation.
 - 13 (8) Information technology education and
 - 14 consulting.
 - 15 (9) Information technology planning and standards.
 - 16 (10) Establishment of workstation management
 - 17 standards.
- 18 6. "Infrastructure services" includes all of the
- 19 following:
 - 20 a. Data centers used to support mainframe and other
 - 21 computers and their associated components including
 - 22 servers, information networks, storage systems,
 - 23 redundant or backup power systems, redundant data
 - 24 communications connections, environmental controls, and
 - 25 security devices.
 - 26 b. Servers, mainframes, or other centralized
 - 27 processing systems.
 - 28 c. Storage systems, including but not limited to
 - 29 disk, tape, optical, and other structured repositories
 - 30 for storing digital information.
 - 31 d. Computer networks commonly referred to as local
 - 32 area networks.
 - 33 e. Network services, including equipment and
 - 34 software which support local area networks, campus
 - 35 area networks, wide area networks and metro area
 - 36 networks. Network services also include data network
 - 37 services such as routers, switches, firewalls, virtual
 - 38 private networks, intrusion detection systems, access
 - 39 control, internet protocol load balancers, event
 - 40 logging and correlation, and content caching. Network
 - 41 services do not include services provided by the Iowa
 - 42 communications network pursuant to chapter 8D or by
 - 43 the public broadcasting division of the department of
 - 44 education.
 - 45 f. Groupware applications used to facilitate
 - 46 collaboration, communication, and workflow, including
 - 47 electronic mail, directory services, calendaring and
 - 48 scheduling, and imaging systems.
 - 49 g. Information technology help desk services.
 - 50 h. Cyber security functions and equipment.

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1 i. Digital printing and printing procurement
2 services.

3 j. Data warehouses, including services that assist
4 in managing and locating digital information.

5 k. Disaster recovery technology and services.

6 l. Other similar or related services as determined
7 by the chief information officer.

8 7. "Participating agency" means any state agency,
9 except the state board of regents and institutions
10 operated under the authority of the state board of
11 regents.

12 8. "Value-added services" means services that
13 offer or provide unique, special, or enhanced value,
14 benefits, or features to the customer or user including
15 but not limited to services in which information
16 technology is specially designed, modified, or adapted
17 to meet the special or requested needs of the user or
18 customer; services involving the delivery, provision,
19 or transmission of information or data that require or
20 involve additional processing, formatting, enhancement,
21 compilation, or security; services that provide the
22 customer or user with enhanced accessibility, security,
23 or convenience; research and development services; and
24 services that are provided to support technological
25 or statutory requirements imposed on participating
26 agencies and other governmental entities, businesses,
27 and the public.

28 Sec. ____ **NEW SECTION.** 8B.2 Division created –
29 chief information officer appointed.

30 1. The information technology division is created
31 as an independent office within the department
32 of management. The division is to be headed and
33 administered by the chief information officer for
34 the state. The chief information officer shall be
35 appointed by the governor to serve at the pleasure of
36 the governor and is subject to confirmation by the
37 senate. If the office becomes vacant, the vacancy
38 shall be filled in the same manner as provided for the
39 original appointment.

40 2. The person appointed as the chief information
41 officer for the state shall be professionally qualified
42 by education and have no less than five years'
43 experience in the field of information technology, and
44 a working knowledge of financial management. The chief
45 information officer shall not be a member of any local,
46 state, or national committee of a political party,
47 an officer or member of a committee in any partisan
48 political club or organization, or hold or be a
49 candidate for a paid elective public office. The chief
50 information officer is subject to the restrictions on

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1 political activity provided in section 8A.416 and shall
2 not serve as an employee in any other executive branch
3 agency.

4 Sec. ____ NEW SECTION. 8B.3 Division – purpose –
5 mission.

6 1. The division is created for the purpose of
7 managing and coordinating the major information
8 technology resources of state government.

9 2. The mission of the division is to provide high
10 quality, customer focused information technology
11 services and business solutions to government and to
12 citizens.

13 Sec. ____ NEW SECTION. 8B.4 Powers and duties of
14 the chief information officer.

15 The chief information officer shall do all of the
16 following:

17 1. Coordinate the internal operations of
18 the division and develop and implement policies
19 and procedures designed to ensure the efficient
20 administration of the division.

21 2. Appoint all personnel deemed necessary for the
22 administration of the division's functions as provided
23 in this chapter.

24 3. Prepare an annual budget for the division.

25 4. Develop and recommend legislative proposals
26 deemed necessary for the continued efficiency of the
27 division's functions, and review legislative proposals
28 generated outside the division which are related to
29 matters within the division's purview.

30 5. Adopt rules deemed necessary for the
31 administration of this chapter in accordance with
32 chapter 17A.

33 6. Prescribe and adopt information technology
34 standards and rules.

35 7. Develop and recommend legislative proposals
36 deemed necessary for the continued efficiency of
37 the division in performing information technology
38 functions, and review legislative proposals generated
39 outside of the division which are related to matters
40 within the division's purview.

41 8. Provide advice to the governor on issues related
42 to information technology.

43 9. Consult with agencies and other governmental
44 entities on issues relating to information technology.

45 10. Work with all governmental entities in an
46 effort to achieve the information technology goals
47 established by the division.

48 11. Utilize, in a manner determined by the chief
49 information officer, such assistance and administrative
50 support services as provided by the department of

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1 management as the division determines maximizes the
2 efficiency and effectiveness of the division.

3 12. Enter into contracts for the receipt and
4 provision of services as deemed necessary. The chief
5 information officer and the governor may obtain and
6 accept grants and receipts to or for the state to be
7 used for the administration of the division's functions
8 as provided in this chapter.

9 13. Exercise and perform such other powers and
10 duties as may be prescribed by law.

11 Sec. ____ NEW SECTION. 8B.5 Prohibited interests –
12 penalty.

13 The chief information officer shall not have any
14 pecuniary interest, directly or indirectly, in any
15 contract for supplies furnished to the state, or in any
16 business enterprise involving any expenditure by the
17 state. A violation of the provisions of this section
18 is a serious misdemeanor, and upon conviction, the
19 chief information officer shall be removed from office
20 in addition to any other penalty.

21 Sec. ____ NEW SECTION. 8B.6 Acceptance of funds.
22 The division may receive and accept donations,
23 grants, gifts, and contributions in the form of moneys,
24 services, materials, or otherwise, from the United
25 States or any of its agencies, from this state or any
26 of its agencies, or from any other person, and may use
27 or expend such moneys, services, materials, or other
28 contributions, or issue grants, in carrying out the
29 operations of the division. All federal grants to and
30 the federal receipts of the division are appropriated
31 for the purpose set forth in such federal grants
32 or receipts. The division shall report annually to
33 the general assembly on or before September 1 the
34 donations, grants, gifts, and contributions with a
35 monetary value of one thousand dollars or more that
36 were received during the most recently concluded fiscal
37 year.

38 Sec. ____ NEW SECTION. 8B.7 Federal funds.

39 1. Neither the provisions of this chapter nor
40 rules adopted pursuant to this chapter shall apply
41 in any situation where such provision or rule is in
42 conflict with a governing federal regulation or where
43 the provision or rule would jeopardize the receipt of
44 federal funds.

45 2. If it is determined by the attorney general that
46 any provision of this chapter would cause denial of
47 funds or services from the United States government
48 which would otherwise be available to an agency of this
49 state, such provision shall be suspended as to such
50 agency, but only to the extent necessary to prevent

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1 denial of such funds or services.
2 Sec. ____ NEW SECTION. 8B.8 Technology advisory
3 council.
4 1. Definitions. For purposes of this section,
5 unless the context otherwise requires:
6 a. "Large agency" means a participating agency
7 with more than seven hundred full-time, year-round
8 employees.
9 b. "Medium-sized agency" means a participating
10 agency with at least seventy or more full-time,
11 year-round employees, but not more than seven hundred
12 permanent employees.
13 c. "Small agency" means a participating agency with
14 less than seventy full-time, year-round employees.
15 2. Membership.
16 a. The technology advisory council is composed of
17 ten members as follows:
18 (1) The chief information officer.
19 (2) The director of the department of management,
20 or the director's designee.
21 (3) Eight members appointed by the governor as
22 follows:
23 (a) Three representatives from large agencies.
24 (b) Two representatives from medium-sized agencies.
25 (c) One representative from a small agency.
26 (d) Two public members who are knowledgeable and
27 have experience in information technology matters.
28 b. (1) Members appointed pursuant to paragraph
29 "a", subparagraph (3), shall serve two-year staggered
30 terms. The division shall provide, by rule, for
31 the commencement of the term of membership for the
32 nonpublic members. The terms of the public members
33 shall be staggered at the discretion of the governor.
34 (2) Sections 69.16, 69.16A, and 69.19 shall apply
35 to the public members of the council.
36 (3) Public members appointed by the governor are
37 subject to senate confirmation.
38 (4) Public members appointed by the governor may be
39 eligible to receive compensation as provided in section
40 7E.6.
41 (5) Members shall be reimbursed for actual and
42 necessary expenses incurred in performance of the
43 members' duties.
44 (6) A director, deputy director, or employee
45 with information technology expertise of an agency
46 is preferred as an appointed representative for each
47 of the agency categories of membership pursuant to
48 paragraph "a", subparagraph (3).
49 c. The technology advisory council annually shall
50 elect a chair and a vice chair from among the members

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1 of the council, by majority vote, to serve one-year
2 terms.

3 d. A majority of the members of the council shall
4 constitute a quorum.

5 e. Meetings of the council shall be held at the
6 call of the chairperson or at the request of three
7 members.

8 3. Powers and duties of the council. The powers
9 and duties of the technology advisory council as they
10 relate to information technology services shall include
11 but are not limited to all of the following:

12 a. Advise the chief information officer in
13 developing and adopting information technology
14 standards pursuant to sections 8B.4 and 8B.23
15 applicable to all agencies.

16 b. Make recommendations to the chief information
17 officer regarding all of the following:

18 (1) Technology utility services to be implemented
19 by the division.

20 (2) Improvements to information technology service
21 levels and modifications to the business continuity
22 plan for information technology operations developed by
23 the division for agencies, and to maximize the value of
24 information technology investments by the state.

25 (3) Technology initiatives for the executive
26 branch.

27 c. Advise the division regarding rates to be
28 charged for access to and for value-added services
29 performed through IowAccess.

30 Sec. ____ NEW SECTION. 8B.9 Reports required.

31 The division shall provide all of the following
32 reports:

33 1. An annual report of the division.

34 2. Internal service fund service business plans
35 and financial reports as required under section 8B.13,
36 subsection 5, paragraph "a", and an annual internal
37 service fund expenditure report as required under
38 section 8B.13, subsection 5, paragraph "b".

39 3. An annual report regarding total spending on
40 technology as required under section 8B.21, subsection
41 6.

42 4. A technology audit of the electronic
43 transmission system as required under section 8B.33.

44 5. An annual report of expenditures from the
45 IowAccess revolving fund as provided in section 8B.34.

46 SUBCHAPTER II

47 SERVICES – PROVISION AND FUNDING

48 Sec. ____ NEW SECTION. 8B.11 Financing division
49 services.

50 1. The division shall establish a process by which

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1 the division shall determine which services provided
2 by the division shall be funded by an appropriation to
3 the division and which services shall be funded by the
4 governmental entity receiving the service.

5 2. a. For services which the division determines
6 shall be funded by the governmental entity receiving
7 the service, the division shall establish a process
8 for determining whether the division shall be the sole
9 provider of the service.

10 b. If the division determines that it shall be
11 the sole provider of a service, the division shall
12 establish a procedure for resolving complaints
13 concerning the service provided and shall set rates for
14 the service as provided in section 8B.21.

15 3. The division shall annually prepare a listing
16 separately identifying services to be provided by the
17 division and funded by an appropriation, services
18 to be provided by the division and funded by the
19 governmental entity receiving the service, and services
20 which the division is authorized to provide but which
21 governmental entities may provide on their own or
22 obtain from another provider of the service.

23 Sec. ____ NEW SECTION. 8B.12 Services to
24 governmental entities and nonprofit organizations.

25 1. The chief information officer shall enter
26 into agreements with state agencies, and may enter
27 into agreements with any other governmental entity
28 or a nonprofit organization, to furnish services
29 and facilities of the division to the applicable
30 governmental entity or nonprofit organization. The
31 agreement shall provide for the reimbursement to the
32 division of the reasonable cost of the services and
33 facilities furnished. All governmental entities
34 of this state may enter into such agreements. For
35 purposes of this subsection, "nonprofit organization"
36 means a nonprofit entity which is exempt from federal
37 income taxation pursuant to section 501(c)(3) of the
38 Internal Revenue Code and which is funded in whole or
39 in part by public funds.

40 2. This chapter does not affect any city civil
41 service programs established under chapter 400.

42 3. The state board of regents shall not be required
43 to obtain any service for the state board of regents or
44 any institution under the control of the state board
45 of regents that is provided by the division pursuant
46 to this chapter without the consent of the state board
47 of regents.

48 Sec. ____ NEW SECTION. 8B.13 Division internal
49 service funds.

50 1. Activities of the division shall be accounted

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1 for within the general fund of the state, except
2 that the chief information officer may establish and
3 maintain internal service funds in accordance with
4 generally accepted accounting principles, as defined
5 in section 8.57, subsection 5, for activities of the
6 division which are primarily funded from billings to
7 governmental entities for services rendered by the
8 division. The establishment of an internal service
9 fund is subject to the approval of the director of the
10 department of management and the concurrence of the
11 auditor of state. At least ninety days prior to the
12 establishment of an internal service fund pursuant
13 to this section, the chief information officer shall
14 notify in writing the general assembly, including the
15 legislative council, legislative fiscal committee, and
16 the legislative services agency.

17 2. Internal service funds shall be administered by
18 the division and shall consist of moneys collected by
19 the division from billings issued in accordance with
20 section 8B.15 and any other moneys obtained or accepted
21 by the division, including but not limited to gifts,
22 loans, donations, grants, and contributions, which are
23 designated to support the activities of the individual
24 internal service funds. The chief information officer
25 may obtain loans from the innovations fund created in
26 section 8.63 for deposit in an internal service fund
27 established pursuant to this section to provide seed
28 and investment capital to enhance the delivery of
29 services provided by the division.

30 3. The proceeds of an internal service fund
31 established pursuant to this section shall be used
32 by the division for the operations of the division
33 consistent with this chapter. The chief information
34 officer may appoint the personnel necessary to ensure
35 the efficient provision of services funded pursuant
36 to an internal service fund established under this
37 section. However, this usage requirement shall not
38 limit or restrict the division from using proceeds from
39 gifts, loans, donations, grants, and contributions
40 in conformance with any conditions, directions,
41 limitations, or instructions attached or related
42 thereto.

43 4. Section 8.33 does not apply to any moneys in
44 internal service funds established pursuant to this
45 section. Notwithstanding section 12C.7, subsection 2,
46 interest or earnings on moneys deposited in these funds
47 shall be credited to these funds.

48 5. a. The chief information officer shall annually
49 provide internal service fund service business plans
50 and financial reports to the department of management

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1 and the general assembly. The business plans may
2 include the recommendation that a portion of unexpended
3 net income be periodically returned to the appropriate
4 funding source.

5 b. The division shall submit an annual report not
6 later than October 1 to the members of the general
7 assembly and the legislative services agency of the
8 activities funded by and expenditures made from an
9 internal service fund established pursuant to this
10 section during the preceding fiscal year.

11 Sec. __. NEW SECTION. 8B.14 Additional personnel.

12 The division may employ, upon the approval of the
13 department of management, additional personnel in
14 excess of the number of full time equivalent positions
15 authorized by the general assembly if such additional
16 personnel are reasonable and necessary to perform such
17 duties as required to meet the needs of the division
18 to provide services to other governmental entities and
19 as authorized by this chapter. The chief information
20 officer shall notify in writing the department of
21 management, the legislative fiscal committee, and the
22 legislative services agency of any additional personnel
23 employed pursuant to this section.

24 Sec. __. NEW SECTION. 8B.15 Billing – credit
25 card payments.

26 1. The chief information officer may bill a
27 governmental entity for services rendered by the
28 division in accordance with the duties of the division
29 as provided in this chapter. Bills may include
30 direct, indirect, and developmental costs which have
31 not been funded by an appropriation to the division.
32 The division shall periodically render a billing
33 statement to a governmental entity outlining the cost
34 of services provided to the governmental entity. The
35 amount indicated on the statement shall be paid by
36 the governmental entity and amounts received by the
37 division shall be considered repayment receipts as
38 defined in section 8.2, and deposited into the accounts
39 of the division.

40 2. In addition to other forms of payment, a person
41 may pay by credit card for services provided by the
42 division, according to rules adopted by the treasurer
43 of state. The credit card fees to be charged shall
44 not exceed those permitted by statute. A governmental
45 entity may adjust its payment to reflect the costs of
46 processing as determined by the treasurer of state.
47 The discount charged by the credit card issuer may
48 be included in determining the fees to be paid for
49 completing a financial transaction under this section
50 by using a credit card. All credit card payments

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1 shall be credited to the fund used to account for the
2 services provided.

3 Sec. __. NEW SECTION. 8B.16 Division debts and
4 liabilities – appropriation request.

5 If a service provided by the division and funded
6 from an internal service fund established under
7 section 8B.13 ceases to be provided and insufficient
8 funds remain in the internal service fund to pay any
9 outstanding debts and liabilities relating to that
10 service, the chief information officer shall notify
11 the general assembly and request that moneys be
12 appropriated from the general fund of the state to pay
13 such debts and liabilities.

14 SUBCHAPTER III

15 INFORMATION TECHNOLOGY

16 Sec. __. NEW SECTION. 8B.21 Information
17 technology services – division powers and duties –
18 responsibilities.

19 1. Powers and duties of division. The powers and
20 duties of the division as it relates to information
21 technology services shall include but are not limited
22 to all of the following:

23 a. Providing information technology to agencies and
24 other governmental entities.

25 b. Implementing the strategic information
26 technology plan.

27 c. Developing and implementing a business
28 continuity plan, as the chief information officer
29 determines is appropriate, to be used if a disruption
30 occurs in the provision of information technology to
31 participating agencies and other governmental entities.

32 d. Prescribing standards and adopting rules
33 relating to information technology and procurement,
34 including but not limited to system design and systems
35 integration and interoperability, which shall apply
36 to all participating agencies except as otherwise
37 provided in this chapter. The division shall implement
38 information technology standards as established
39 pursuant to this chapter which are applicable to
40 information technology procurements for participating
41 agencies.

42 e. Developing and maintaining security policies
43 and systems to ensure the integrity of the state's
44 information resources and to prevent the disclosure of
45 confidential records.

46 f. Developing and implementing effective and
47 efficient strategies for the use and provision of
48 information technology for participating agencies and
49 other governmental entities.

50 g. Coordinating and managing the acquisition of

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1 information technology services by participating
2 agencies in furtherance of the purposes of this
3 chapter. The division shall institute procedures to
4 ensure effective and efficient compliance with the
5 applicable standards established pursuant to this
6 chapter.

7 h. Entering into contracts, leases, licensing
8 agreements, royalty agreements, marketing agreements,
9 memorandums of understanding, or other agreements as
10 necessary and appropriate to administer this chapter.

11 i. Requesting that a participating agency provide
12 such information as is necessary to establish and
13 maintain an inventory of information technology used by
14 participating agencies, and such participating agency
15 shall provide such information to the division in a
16 timely manner. The form and content of the information
17 to be provided shall be determined by the division.

18 j. Charging reasonable fees, costs, expenses,
19 charges, or other amounts to an agency, governmental
20 entity, public official, or person or entity related to
21 the provision, sale, use, or utilization of, or cost
22 sharing with respect to, information technology and
23 any intellectual property interests related thereto;
24 research and development; proprietary hardware,
25 software, and applications; and information technology
26 architecture and design. The division may enter into
27 nondisclosure agreements and take any other legal
28 action reasonably necessary to secure a right to an
29 interest in information technology development by
30 or on behalf of the state of Iowa and to protect the
31 state of Iowa's proprietary information technology
32 and intellectual property interests. The provisions
33 of chapter 23A relating to noncompetition by state
34 agencies and political subdivisions with private
35 enterprise shall not apply to division activities
36 authorized under this paragraph.

37 k. Charging reasonable fees, costs, expenses,
38 charges, or other amounts to an agency, governmental
39 entity, public official, or other person or entity to
40 or for whom information technology or other services
41 have been provided by or on behalf of, or otherwise
42 made available through, the division.

43 l. Providing, selling, leasing, licensing,
44 transferring, or otherwise conveying or disposing of
45 information technology, or any intellectual property
46 or other rights with respect thereto, to agencies,
47 governmental entities, public officials, or other
48 persons or entities.

49 m. Entering into partnerships, contracts, leases,
50 or other agreements with public and private entities

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1 for the evaluation and development of information
2 technology pilot projects.

3 n. Initiating and supporting the development
4 of electronic commerce, electronic government, and
5 internet applications across participating agencies and
6 in cooperation with other governmental entities. The
7 division shall foster joint development of electronic
8 commerce and electronic government involving the
9 public and private sectors, develop customer surveys
10 and citizen outreach and education programs and
11 material, and provide for citizen input regarding the
12 state's electronic commerce and electronic government
13 applications.

14 2. Responsibilities. The responsibilities of
15 the division as it relates to information technology
16 services include the following:

17 a. Coordinate the activities of the division in
18 promoting, integrating, and supporting information
19 technology in all business aspects of state government.

20 b. Provide for server systems, including mainframe
21 and other server operations, desktop support, and
22 applications integration.

23 c. Provide applications development, support, and
24 training, and advice and assistance in developing and
25 supporting business applications throughout state
26 government.

27 3. Information technology charges. The division
28 shall render a statement to an agency, governmental
29 entity, public official, or other person or entity
30 to or for whom information technology, value added
31 services, or other items or services have been provided
32 by or on behalf of, or otherwise made available
33 through, the division. Such an agency, governmental
34 entity, public official, or other person or entity
35 shall pay an amount indicated on such statement in a
36 manner determined by the division.

37 4. Dispute resolution. If a dispute arises between
38 the division and an agency for which the division
39 provides or refuses to provide information technology,
40 the dispute shall be resolved as provided in section
41 679A.19.

42 5. Waivers. a. The division shall adopt rules
43 allowing for participating agencies to seek a temporary
44 or permanent waiver from any of the requirements
45 of this subchapter concerning the acquisition,
46 utilization, or provision of information technology.
47 The rules shall provide that a waiver may be granted
48 upon a written request by a participating agency and
49 approval of the chief information officer. A waiver
50 shall only be approved if the participating agency

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1 shows that a waiver would be in the best interests of
2 the state.

3 b. Prior to approving or denying a request for a
4 waiver, the chief information officer shall consider
5 all of the following:

6 (1) Whether the failure to grant a waiver would
7 violate any state or federal law; or any published
8 policy, standard, or requirement established by a
9 governing body other than the department.

10 (2) Whether the failure to start a waiver would
11 result in the duplication of existing services,
12 resources, or support.

13 (3) Whether the waiver would obstruct the state's
14 information technology strategic plan, enterprise
15 architecture, security plans, or any other information
16 technology policy, standard, or requirement.

17 (4) Whether the waiver would result in excessive
18 expenditures or expenditures above market rates.

19 (5) The life cycle of the system or application for
20 which the waiver is requested.

21 (6) Whether the participating agency can show that
22 it can obtain or provide the information technology
23 more economically than the information technology
24 can be provided by the department. For purposes of
25 determining if the participating agency can obtain or
26 provide the information technology more economically,
27 the chief information officer shall consider the
28 impact on other participating agencies if the waiver is
29 approved or denied.

30 (7) Whether the failure to grant a waiver would
31 jeopardize federal funding.

32 c. Rules adopted pursuant to this subsection
33 relating to a request for a waiver, at a minimum, shall
34 provide for all of the following:

35 (1) The request shall be in writing and signed
36 by the head of the participating agency seeking the
37 waiver.

38 (2) The request shall include a reference to the
39 specific policy, standard, or requirement for which the
40 waiver is submitted.

41 (3) The request shall include a statement of
42 facts including a description of the problem or issue
43 prompting the request; the participating agency's
44 preferred solution; an alternative approach to be
45 implemented by the participating agency intended to
46 satisfy the waived policy, standard, or requirement;
47 the business case for the alternative approach; the
48 economic justification for the waiver or a statement
49 as to why the waiver is in the best interests of
50 the state; the time period for which the waiver

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1 is requested; and any other information deemed
2 appropriate.

3 d. A participating agency may appeal the decision
4 of the chief information officer to the director of
5 the department of management within seven calendar
6 days following the decision of the chief information
7 officer. The director of the department of management,
8 after consultation with the technology advisory
9 council, shall respond within fourteen days following
10 the receipt of the appeal.

11 e. The department of public defense, including both
12 the military division and the homeland security and
13 emergency management division, shall not be required to
14 obtain any information technology services pursuant to
15 this subchapter for the department of public defense
16 or its divisions that is provided by the department of
17 management pursuant to this chapter without the consent
18 of the adjutant general.

19 6. Annual report. On an annual basis, prepare a
20 report to the governor, the department of management,
21 and the general assembly regarding the total spending
22 on technology for the previous fiscal year, the total
23 amount appropriated for the current fiscal year, and
24 an estimate of the amount to be requested for the
25 succeeding fiscal year for all agencies. The report
26 shall include a five year projection of technology cost
27 savings, an accounting of the level of technology cost
28 savings for the current fiscal year, and a comparison
29 of the level of technology cost savings for the current
30 fiscal year with that of the previous fiscal year.
31 This report shall be filed as soon as possible after
32 the close of a fiscal year, and by no later than the
33 second Monday of January of each year.

34 Sec. ____ NEW SECTION. 8B.22 Digital government.

35 1. The division is responsible for initiating and
36 supporting the development of electronic commerce,
37 electronic government, and internet applications across
38 participating agencies and in cooperation with other
39 governmental entities.

40 2. In developing the concept of digital
41 government, the division shall do all of the following:

42 a. Establish standards, consistent with other state
43 law, for the implementation of electronic commerce,
44 including standards for electronic signatures,
45 electronic currency, and other items associated with
46 electronic commerce.

47 b. Establish guidelines for the appearance and
48 functioning of applications.

49 c. Establish standards for the integration of
50 electronic data across state agencies.

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- 1 d. Foster joint development of electronic commerce
2 and electronic government involving the public and
3 private sectors.
- 4 e. Develop customer surveys and citizen outreach
5 and education programs and material, and provide for
6 citizen input regarding the state's electronic commerce
7 and electronic government applications.
- 8 f. Assist participating agencies in converting
9 printed government materials to electronic materials
10 which can be accessed through an internet searchable
11 database.
- 12 g. Encourage participating agencies to utilize
13 a print on demand strategy to reduce publication
14 overruns, excessive inventory, and obsolete printed
15 materials.
- 16 Sec. ____ NEW SECTION. 8B.23 Information
17 technology standards.
- 18 1. The division, after consultation with the
19 council, shall develop and adopt information technology
20 standards applicable to the procurement of information
21 technology by all participating agencies. Such
22 standards, unless waived by the division, shall
23 apply to all information technology procurements for
24 participating agencies.
- 25 2. The office of the governor or the office of
26 an elective constitutional or statutory officer
27 shall consult with the division prior to procuring
28 information technology and consider the information
29 technology standards adopted by the division, and
30 provide a written report to the division relating to
31 the office's decision regarding such acquisitions.
- 32 Sec. ____ NEW SECTION. 8B.24 Procurement of
33 information technology.
- 34 1. Standards established by the division, unless
35 waived by the division, shall apply to all information
36 technology procurements for participating agencies.
- 37 2. The division shall institute procedures to
38 ensure effective and efficient compliance with
39 standards established by the division.
- 40 3. The division shall develop policies and
41 procedures that apply to all information technology
42 goods and services acquisitions, and shall ensure the
43 compliance of all participating agencies. The division
44 shall also be the sole provider of infrastructure
45 services for participating agencies.
- 46 4. The division, by rule, may implement a
47 prequalification procedure for contractors with which
48 the division has entered or intends to enter into
49 agreements regarding the procurement of information
50 technology.

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1 5. Notwithstanding the provisions governing
2 purchasing as provided in chapter 8A, subchapter III,
3 the division may procure information technology as
4 provided in this section. The division may cooperate
5 with other governmental entities in the procurement
6 of information technology in an effort to make such
7 procurements in a cost-effective, efficient manner as
8 provided in this section. The division, as deemed
9 appropriate and cost-effective, may procure information
10 technology using any of the following methods:
11 a. Cooperative procurement agreement. The division
12 may enter into a cooperative procurement agreement with
13 another governmental entity relating to the procurement
14 of information technology, whether such information
15 technology is for the use of the division or other
16 governmental entities. The cooperative procurement
17 agreement shall clearly specify the purpose of the
18 agreement and the method by which such purpose will be
19 accomplished. Any power exercised under such agreement
20 shall not exceed the power granted to any party to the
21 agreement.
22 b. Negotiated contract. The division may enter into
23 an agreement for the purchase of information technology
24 if any of the following applies:
25 (1) The contract price, terms, and conditions are
26 pursuant to the current federal supply contract, and
27 the purchase order adequately identifies the federal
28 supply contract under which the procurement is to be
29 made.
30 (2) The contract price, terms, and conditions
31 are no less favorable than the contractor's current
32 federal supply contract price, terms, and conditions;
33 the contractor has indicated in writing a willingness
34 to extend such price, terms, and conditions to the
35 division; and the purchase order adequately identifies
36 the contract relied upon.
37 (3) The contract is with a vendor which has a
38 current exclusive or nonexclusive price agreement
39 with the state for the information technology to be
40 procured, and such information technology meets the
41 same standards and specifications as the items to be
42 procured and both of the following apply:
43 (a) The quantity purchased does not exceed the
44 quantity which may be purchased under the applicable
45 price agreement.
46 (b) The purchase order adequately identifies the
47 price agreement relied upon.
48 c. Contracts let by another governmental
49 entity. The division, on its own behalf or on the
50 behalf of another participating agency or governmental

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1 entity, may procure information technology under a
2 contract let by another agency or other governmental
3 entity, or approve such procurement in the same manner
4 by a participating agency or governmental entity.

5 d. Reverse auction.

6 (1) The division may enter into an agreement for
7 the purchase of information technology utilizing a
8 reverse auction process. Such process shall result in
9 the purchase of information technology from the vendor
10 submitting the lowest responsible bid amount for the
11 information technology to be acquired. The division,
12 in establishing a reverse auction process, shall do all
13 of the following:

14 (a) Determine the specifications and requirements
15 of the information technology to be acquired.

16 (b) Identify and provide notice to potential
17 vendors concerning the proposed acquisition.

18 (c) Establish prequalification requirements to be
19 met by a vendor to be eligible to participate in the
20 reverse auction.

21 (d) Conduct the reverse auction in a manner as
22 deemed appropriate by the division and consistent with
23 rules adopted by the division.

24 (2) Prior to conducting a reverse auction, the
25 division shall establish a threshold amount which shall
26 be the maximum amount which the division is willing to
27 pay for the information technology to be acquired.

28 (3) The division shall enter into an agreement
29 with a vendor who is the lowest responsible bidder
30 which meets the specifications or description of the
31 information technology to be procured, or the division
32 may reject all bids and begin the process again. In
33 determining the lowest responsible bidder, the division
34 may consider various factors including but not limited
35 to the past performance of the vendor relative to
36 quality of product or service, the past experience of
37 the division in relation to the product or service, the
38 relative quality of products or services, the proposed
39 terms of delivery, and the best interest of the state.

40 e. Competitive bidding. The division may enter
41 into an agreement for the procurement or acquisition of
42 information technology in the same manner as provided
43 under chapter 8A, subchapter III, for the purchasing
44 of service.

45 f. Other agreement. In addition to the competitive
46 bidding procedure provided for under paragraph "e",
47 the division may enter into an agreement for the
48 purchase, disposal, or other disposition of information
49 technology in the same manner and subject to the same
50 limitations as otherwise provided in this chapter. The

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1 division, by rule, shall provide for such procedures.
2 6. The division shall adopt rules pursuant to
3 chapter 17A to implement the procurement methods and
4 procedures provided for in subsections 2 through 5.

5 SUBCHAPTER IV

6 IOWACCESS

7 Sec. ____ NEW SECTION. 8B.31 IowAccess – division
8 duties and responsibilities.

9 1. IowAccess. The division shall establish
10 IowAccess as a service to the citizens of this state
11 that is the gateway for one-stop electronic access
12 to government information and transactions, whether
13 federal, state, or local. Except as provided in
14 this section, IowAccess shall be a state-funded
15 service providing access to government information and
16 transactions. The division, in establishing the fees
17 for value-added services, shall consider the reasonable
18 cost of creating and organizing such government
19 information through IowAccess.

20 2. Duties. The division shall do all of the
21 following:

22 a. Establish rates to be charged for access to and
23 for value-added services performed through IowAccess.

24 b. Approve and establish the priority of projects
25 associated with IowAccess. The determination may also
26 include requirements concerning funding for a project
27 proposed by a political subdivision of the state or
28 an association, the membership of which is comprised
29 solely of political subdivisions of the state. Prior
30 to approving a project proposed by a political
31 subdivision, the division shall verify that all of the
32 following conditions are met:

33 (1) The proposed project provides a benefit to the
34 state.

35 (2) The proposed project, once completed, can be
36 shared with and used by other political subdivisions of
37 the state, as appropriate.

38 (3) The state retains ownership of any final
39 product or is granted a permanent license to the use
40 of the product.

41 c. Establish expected outcomes and effects of the
42 use of IowAccess and determine the manner in which such
43 outcomes are to be measured and evaluated.

44 d. Establish the IowAccess total budget request and
45 ensure that such request reflects the priorities and
46 goals of IowAccess as established by the division.

47 e. Advocate for access to government information
48 and services through IowAccess and for data privacy
49 protection, information ethics, accuracy, and security
50 in IowAccess programs and services.

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1 f. Receive status and operations reports associated
2 with IowAccess.

3 3. Data purchasing. This section shall not be
4 construed to impair the right of a person to contract
5 to purchase information or data from the Iowa court
6 information system or any other governmental entity.
7 This section shall not be construed to affect a data
8 purchase agreement or contract in existence on April
9 25, 2000.

10 Sec. __. NEW SECTION. 8B.32 Financial
11 transactions.

12 1. Moneys paid to a participating agency from
13 persons who complete an electronic financial
14 transaction with the agency by accessing IowAccess
15 shall be transferred to the treasurer of state for
16 deposit in the general fund of the state, unless the
17 disposition of the moneys is specifically provided for
18 under other law. The moneys may include all of the
19 following:

20 a. Fees required to obtain an electronic public
21 record as provided in section 22.3A.

22 b. Fees required to process an application or file
23 a document, including but not limited to fees required
24 to obtain a license issued by a licensing authority.

25 c. Moneys owed to a governmental entity by a
26 person accessing IowAccess in order to satisfy a
27 liability arising from the operation of law, including
28 the payment of assessments, taxes, fines, and civil
29 penalties.

30 2. Moneys transferred using IowAccess may include
31 amounts owed by a governmental entity to a person
32 accessing IowAccess in order to satisfy a liability of
33 the governmental entity. The moneys may include the
34 payment of tax refunds, and the disbursement of support
35 payments as defined in section 252D.16 or 598.1 as
36 required for orders issued pursuant to section 252B.14.

37 3. In addition to other forms of payment, credit
38 cards shall be accepted in payment for moneys owed to
39 or fees imposed by a governmental entity in the same
40 manner as provided in section 8B.15.

41 Sec. __. NEW SECTION. 8B.33 Audits required.

42 A technology audit of the electronic transmission
43 system by which government records are transmitted
44 electronically to the public shall be conducted not
45 less than once annually for the purpose of determining
46 that government records and other electronic data are
47 not misappropriated or misused by the division or a
48 contractor of the division.

49 Sec. __. NEW SECTION. 8B.34 IowAccess revolving
50 fund.

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1 1. An IowAccess revolving fund is created in
2 the state treasury. The revolving fund shall be
3 administered by the division and shall consist of
4 moneys collected by the division as fees, moneys
5 appropriated by the general assembly, and any other
6 moneys obtained or accepted by the division for
7 deposit in the revolving fund. The proceeds of the
8 revolving fund are appropriated to and shall be used
9 by the division to maintain, develop, operate, and
10 expand IowAccess consistent with this chapter, and for
11 the support of activities of the technology advisory
12 council pursuant to section 8B.8.

13 2. The division shall submit an annual report
14 not later than January 31 to the members of the
15 general assembly and the legislative services agency
16 of the activities funded by and expenditures made
17 from the revolving fund during the preceding fiscal
18 year. Section 8.33 does not apply to any moneys in
19 the revolving fund, and, notwithstanding section
20 12C.7, subsection 2, earnings or interest on moneys
21 deposited in the revolving fund shall be credited to
22 the revolving fund.

23 Sec. ____ Section 12C.1, subsection 2, paragraph
24 e, subparagraph (6), Code 2009, is amended to read as
25 follows:

26 (6) Moneys placed in a depository for the purpose
27 of completing an electronic financial transaction
28 pursuant to section ~~8A.222~~ 8B.32 or 331.427.

29 Sec. ____ Section 12C.4, Code 2009, is amended to
30 read as follows:

31 12C.4 Location of depositories.

32 Deposits by the treasurer of state shall be in
33 depositories located in this state; by a county
34 officer or county public hospital officer or merged
35 area hospital officer, in depositories located in the
36 county or in an adjoining county within this state;
37 by a memorial hospital treasurer, in a depository
38 located within this state which shall be selected by
39 the memorial hospital treasurer and approved by the
40 memorial hospital commission; by a city treasurer or
41 other city financial officer, in depositories located
42 in the county in which the city is located or in an
43 adjoining county, but if there is no depository in the
44 county in which the city is located or in an adjoining
45 county then in any other depository located in this
46 state which shall be selected as a depository by the
47 city council; by a school treasurer or by a school
48 secretary in a depository within this state which
49 shall be selected by the board of directors or the
50 trustees of the school district; by a township clerk

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1 in a depository located within this state which shall
 2 be selected by the township clerk and approved by the
 3 trustees of the township. However, deposits may be
 4 made in depositories outside of Iowa for the purpose of
 5 paying principal and interest on bonded indebtedness
 6 of any municipality when the deposit is made not
 7 more than ten days before the date the principal
 8 or interest becomes due. Further, the treasurer of
 9 state may maintain an account or accounts outside the
 10 state of Iowa for the purpose of providing custodial
 11 services for the state and state retirement fund
 12 accounts. Deposits made for the purpose of completing
 13 an electronic financial transaction pursuant to section
 14 ~~8A.222~~ 8B.32 or 331.427 may be made in any depository
 15 located in this state.

16 Sec. ____ Section 23A.2, subsection 10, paragraph
 17 o, Code Supplement 2009, is amended to read as follows:

18 o. The performance of an activity authorized
 19 pursuant to section ~~8A.202~~ 8B.21, subsection 2 1,
 20 paragraph "j".

21 Sec. ____ REPEAL. Sections 8A.201, 8A.202, 8A.203,
 22 8A.204, 8A.205, 8A.206, 8A.207, 8A.221, 8A.222, and
 23 8A.223, Code 2009, are repealed.

24 Sec. ____ REPEAL. Section 8A.224, Code Supplement
 25 2009, is repealed. > ____.

26 Page 9, line 35, by striking <DEPARTMENT OF
 27 ADMINISTRATIVE SERVICES> ____.

28 Page 10, line 1, after <TECHNOLOGY> by
 29 inserting <DIVISION> ____.

30 Page 10, line 2, by striking <department of
 31 administrative services> and inserting <information
 32 technology division of the department of management>

33 ____ Page 10, line 13, by striking <department> and
 34 inserting <information technology division>

35 ____ Page 35, line 4, by striking <~~2011~~ 2016> and
 36 inserting <2011> ____.

37 Page 35, by striking lines 11 through 20.>

38 2. Page 2, by striking lines 1 through 3.

39 3. Page 2, line 5, by striking <(ii) The> and
 40 inserting <(e) (1) Beginning July 1, 2011, the>

41 4. Page 2, line 9, after <board.> by inserting
 42 <In applying for a waiver, the director shall provide
 43 detailed documentation to the board describing the
 44 efforts that the executive branch agency has made in
 45 attempting to meet the applicable target aggregate
 46 ratio provided in this paragraph "g".>

47 5. Page 2, line 16, after <employees.> by inserting
 48 <However, if a department represented on the review
 49 board seeks a waiver, the member representing the
 50 department shall not participate in the decision on

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- 1 whether to grant a waiver for that department.>
 2 6. Page 2, after line 16 by inserting:
 3 <(2) Prior to determining whether to grant a
 4 waiver, the review board shall make an initial
 5 determination of whether the executive branch agency
 6 has provided sufficient information to conduct a
 7 review. If not, the review board shall deny the
 8 request and notify the executive branch agency of the
 9 information needed to consider the request for waiver.
 10 If a waiver is granted, the review board shall limit
 11 the waiver to only those operations within an executive
 12 branch agency in which adequate justification for
 13 granting a waiver has been established.>
 14 7. Page 2, line 18, by striking <(d)> and inserting
 15 <(f)>
 16 8. Page 2, line 20, by striking <(e)> and inserting
 17 <(g)>
 18 9. Page 2, after line 20 by inserting:
 19 ____ Page 36, after line 10 by inserting:
 20 <(h) The policy shall provide that in calculating
 21 the span of control ratio for an executive branch
 22 agency, unfunded full-time equivalent positions shall
 23 not be utilized. >>
 24 10. Page 2, line 22, by striking <(f)> and
 25 inserting <(j)>
 26 11. Page 2, after line 22 by inserting:
 27 ____ Page 36, line 14, by striking <2017> and
 28 inserting <2012>>
 29 12. Page 2, line 24, by striking <(g)> and
 30 inserting <(j)>
 31 13. Page 2, after line 24 by inserting:
 32 ____ Page 38, line 18, after <services> by
 33 inserting <, the chief information officer of the
 34 state,> ____
 35 Page 38, line 19, after <agencies> by
 36 inserting <authorized to purchase goods and services>
 37 ____ Page 38, line 29, after <agencies> by
 38 inserting <authorized to purchase goods and services>
 39 ____ Page 39, line 10, after <agency> by inserting
 40 <authorized to purchase goods and services>
 41 ____ Page 39, line 22, after <improvements> by
 42 inserting <, and shall seek input from the department
 43 of administrative services and the chief information
 44 officer of the state regarding specific areas of
 45 potential cooperation between the institutions
 46 under the control of the board and the department of
 47 ____ administrative services>
 48 Page 39, line 26, after <agency> by inserting
 49 <authorized to purchase goods and services> .
 50 ____ Page 39, line 29, by striking <July 1,> and

Page 24

- 1 inserting <July 1>>
- 2 14. Page 3, line 13, by striking <at a
- 3 micro-distillery> and inserting <on the licensed
- 4 premises of the micro-distillery where fermented,
- 5 distilled, or matured>
- 6 15. Page 3, line 39, by striking <prior to sale>
- 7 and inserting <as a part of a micro-distillery tour>
- 8 16. Page 3, line 42, by striking <made,> and
- 9 inserting <fermented, distilled, or matured,>
- 10 17. Page 4, after line 7 by inserting:
- 11 <8. Micro-distilled spirits purchased at a
- 12 micro-distillery shall not be consumed within three
- 13 hundred feet of a micro-distillery or on any property
- 14 owned, operated, or controlled by a micro-distillery.>
- 15 18. Page 5, line 11, after <sold> by inserting <by
- 16 the charity beer and wine auction permittee>
- 17 19. Page 6, line 15, by striking <ten> and
- 18 inserting <twelve>
- 19 20. Page 6, after line 44 by inserting:
- 20 <Sec. ____ Section 123.125, Code 2009, is amended
- 21 to read as follows:
- 22 123.125 Issuance of permits.
- 23 The administrator shall issue class "A", special
- 24 class "A", class "AA", special class "AA", class "B",
- 25 and class "C" beer permits and may suspend or revoke
- 26 permits for cause as provided in this chapter.
- 27 Sec. ____ Section 123.127, subsection 1, unnumbered
- 28 paragraph 1, Code Supplement 2009, is amended to read
- 29 as follows:
- 30 A class "A" or class "AA" permit shall be issued by
- 31 the administrator to any person who:
- 32 Sec. ____ Section 123.127, subsection 2, Code
- 33 Supplement 2009, is amended to read as follows:
- 34 2. An applicant for a special class "A" or
- 35 special class "AA" permit shall comply with the
- 36 requirements for a class "A" or class "AA" permit, as
- 37 applicable, and shall also state on the application
- 38 that the applicant holds or has applied for a class "C"
- 39 liquor control license or class "B" beer permit.>
- 40 21. By striking page 7, line 42, through page 8,
- 41 line 9.
- 42 22. By striking page 8, line 22, through page 9,
- 43 line 6.
- 44 23. Page 10, by striking lines 11 through 20 and
- 45 inserting:
- 46 4. Shipment of wine pursuant to this subsection>
- 47 24. Page 11, by striking lines 7 through 11.
- 48 25. Page 11, by striking lines 18 through 22.
- 49 26. By striking page 11, line 43, through page 17,
- 50 line 18, and inserting <line 15.>

Page 25

- 1 27. By striking page 20, line 4, through page 29,
2 line 21, and inserting:
3 <Sec. ____ NEW SECTION. 685.1 Definitions.
4 1. "Claim" means any request or demand, whether
5 pursuant to a contract or otherwise, for money or
6 property and whether the state has title to the
7 money or property, which is presented to an officer,
8 employee, agent, or other representative of the
9 state or to a contractor, grantee, or other person
10 if the money or property is to be spent or used on
11 the state's behalf or to advance a state program or
12 interest, and if the state provides any portion of
13 the money or property which is requested or demanded,
14 or if the state will reimburse directly or indirectly
15 such contractor, grantee, or other person for any
16 portion of the money or property which is requested
17 or demanded. "Claim" does not include any requests or
18 demands for money or property that the state has paid
19 to an individual as compensation for state employment
20 or as an income subsidy with no restrictions on that
21 individual's use of the money or property.
22 2. "Custodian" means the custodian, or any deputy
23 custodian, designated by the attorney general under
24 section 685.6.
25 3. "Documentary material" includes the original
26 or any copy of any book, record, report, memorandum,
27 paper, communication, tabulation, chart, or other
28 document, or data compilations stored in or accessible
29 through computer or other information retrieval
30 systems, together with instructions and all other
31 materials necessary to use or interpret such data
32 compilations, and any product of discovery.
33 4. "False claims law" means this chapter.
34 5. "False claims law investigation" means any
35 inquiry conducted by a false claims law investigator
36 for the purpose of ascertaining whether any person is
37 or has been engaged in any violation of a false claims
38 law.
39 6. "False claims law investigator" means any
40 attorney or investigator employed by the department
41 of justice who is charged with the duty of enforcing
42 or carrying into effect any false claims law, or
43 any officer or employee of the state acting under
44 the direction and supervision of such attorney or
45 investigator in connection with a false claims law
46 investigation.
47 7. a. "Knowing" or "knowingly" means that a person
48 with respect to information, does any of the following:
49 (1) Has actual knowledge of the information.
50 (2) Acts in deliberate ignorance of the truth or

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1 falsity of the information.

2 (3) Acts in reckless disregard of the truth or

3 falsity of the information.

4 b. "Knowing" or "knowingly" does not require proof
5 of specific intent to defraud.

6 8. "Material" means having a natural tendency to
7 influence, or be capable of influencing, the payment or
8 receipt of money or property.

9 9. "Obligation" means an established duty, whether
10 or not fixed, arising from an express or implied
11 contractual, grantor-grantee, or licensor-licensee
12 relationship, from a fee-based or similar relationship,
13 from statute or regulation, or from the retention of
14 any overpayment.

15 10. "Official use" means any use that is consistent
16 with the law, and the regulations and policies of the
17 department of justice, including use, in connection
18 with internal department of justice memoranda and
19 reports; communications between the department of
20 justice and a federal, state, or local government
21 agency or a contractor of a federal, state, or local
22 government agency, undertaken in furtherance of a
23 department of justice investigation or prosecution of
24 a case; interviews of any qui tam plaintiff or other
25 witness; oral examinations; depositions; preparation
26 for and response to civil discovery requests;
27 introduction into the record of a case or proceeding;
28 applications, motions, memoranda and briefs submitted
29 to a court or other tribunal; and communications with
30 government investigators, auditors, consultants and
31 experts, the counsel of other parties, and arbitrators
32 and mediators, concerning an investigation, case, or
33 proceeding.

34 11. "Original source" means an individual who has
35 direct and independent knowledge of the information on
36 which the allegations are based and has voluntarily
37 provided the information to the state before filing
38 an action under section 685.3 which is based on the
39 information.

40 12. "Person" means any natural person, partnership,
41 corporation, association, or other legal entity,
42 including any state or political subdivision of the
43 state.

44 13. "Product of discovery" includes all of the
45 following:

46 a. The original or duplicate of any deposition,
47 interrogatory, document, thing, result of the
48 inspection of land or other property, examination, or
49 admission, which is obtained by any method of discovery
50 in any judicial or administrative proceeding of an

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1 adversarial nature.

2 b. Any digest, analysis, selection, compilation, or
3 derivation of any item listed in paragraph "a".

4 c. Any index or other manner of access to any item
5 listed in paragraph "a".

6 14. "Qui tam plaintiff" means a private plaintiff who
7 brings an action under this chapter on behalf of the
8 state.

9 Sec. __. NEW SECTION. 685.2 Acts subjecting
10 person to treble damages, costs, and civil penalties –
11 exceptions.

12 1. A person who commits any of the following acts
13 is liable to the state for a civil penalty of not
14 less than five thousand dollars and not more than
15 ten thousand dollars, plus three times the amount of
16 damages which the state sustains because of the act of
17 that person:

18 a. Knowingly presents, or causes to be presented, a
19 false or fraudulent claim for payment or approval.

20 b. Knowingly makes, uses, or causes to be made or
21 used, a false record or statement material to a false
22 or fraudulent claim.

23 c. Conspires to commit a violation of paragraph
24 "a", "b", "d", "e", "f", or "g".

25 d. Has possession, custody, or control of property
26 or money used, or to be used, by the state and
27 knowingly delivers, or causes to be delivered, less
28 than all of that money or property.

29 e. Is authorized to make or deliver a document
30 certifying receipt of property used, or to be used, by
31 the state and, intending to defraud the state, makes or
32 delivers the receipt without completely knowing that
33 the information on the receipt is true.

34 f. Knowingly buys, or receives as a pledge of an
35 obligation or debt, public property from an officer or
36 employee of the state, or a member of the Iowa national
37 guard, who lawfully may not sell or pledge property.

38 g. Knowingly makes, uses, or causes to be made
39 or used, a false record or statement material to an
40 obligation to pay or transmit money or property to
41 the state, or knowingly conceals or knowingly and
42 improperly avoids or decreases an obligation to pay or
43 transmit money or property to the state.

44 2. Notwithstanding subsection 1, the court may
45 assess not less than two times the amount of damages
46 which the state sustains because of the act of the
47 person described in subsection 1, if the court finds
48 all of the following:

49 a. The person committing the violation furnished
50 officials of the state responsible for investigating

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1 false claims violations with all information known to
2 such person about the violation within thirty days
3 after the date on which the person first obtained the
4 information.

5 b. The person fully cooperated with the state
6 investigation of such violation.

7 c. At the time the person furnished the state
8 with the information about the violation, a criminal
9 prosecution, civil action, or administrative action
10 had not commenced under this chapter with respect to
11 such violation, and the person did not have actual
12 knowledge of the existence of an investigation into
13 such violation.

14 3. A person violating this section shall also be
15 liable to the state for the costs of a civil action
16 brought to recover any such penalty or damages.

17 4. Any information furnished pursuant to subsection
18 2 is deemed confidential information exempt from
19 disclosure pursuant to chapter 22.

20 5. This section shall not apply to claims, records,
21 or statements made under Tit. X relating to state
22 revenue and taxation.

23 Sec. __. NEW SECTION. 685.3 Investigations and
24 prosecutions – powers of prosecuting authority – civil
25 actions by individuals as qui tam plaintiffs and as
26 private citizens – jurisdiction of courts.

27 1. The attorney general shall diligently
28 investigate a violation under section 685.2. If the
29 attorney general finds that a person has violated or is
30 violating section 685.2, the attorney general may bring
31 a civil action under this section against that person.

32 2. a. A person may bring a civil action for a
33 violation of this chapter for the person and for
34 the state, in the name of the state. The person
35 bringing the action shall be referred to as the qui tam
36 plaintiff. Once filed, the action may be dismissed
37 only if the court and the attorney general provide
38 written consent to the dismissal and the reasons for
39 such consent.

40 b. A copy of the complaint and written disclosure
41 of substantially all material evidence and information
42 the person possesses shall be served on the attorney
43 general pursuant to the Iowa rules of civil procedure.
44 The complaint shall also be filed in camera, shall
45 remain under seal for at least sixty days, and shall
46 not be served on the defendant until the court so
47 orders. The state may elect to intervene and proceed
48 with the action within sixty days after the state
49 receives both the complaint and the material evidence
50 and the information.

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1 c. The state may, for good cause shown, move the
2 court for extensions of the time during which the
3 complaint remains under seal under paragraph "b".
4 Any such motions may be supported by affidavits or
5 other submissions in camera. The defendant shall not
6 be required to respond to any complaint filed under
7 this section until twenty days after the complaint is
8 unsealed and served upon the defendant pursuant to rule
9 1.302 of the Iowa rules of civil procedure.

10 d. Before the expiration of the sixty-day period or
11 any extensions obtained under paragraph "c", the state
12 shall do one of the following:

13 (1) Proceed with the action, in which case the
14 action shall be conducted by the state.

15 (2) Notify the court that the state declines
16 to take over the action, in which case the qui tam
17 plaintiff shall have the right to conduct the action.

18 e. When a person brings an action under this
19 section, no person other than the state may intervene
20 or bring a related action based on the facts underlying
21 the pending action.

22 3. a. If the state proceeds with the action,
23 the state shall have the primary responsibility for
24 prosecuting the action, and shall not be bound by an
25 act of the qui tam plaintiff. Such qui tam plaintiff
26 shall have the right to continue as a party to the
27 action, subject to the limitations specified in
28 paragraph "b".

29 b. (1) The state may move to dismiss the action,
30 notwithstanding the objections of the qui tam plaintiff
31 if the qui tam plaintiff has been notified by the state
32 of the filing of the motion and the court has provided
33 the qui tam plaintiff with an opportunity for a hearing
34 on the motion.

35 (2) The state may settle the action with the
36 defendant notwithstanding the objections of the qui tam
37 plaintiff if the court determines, after a hearing,
38 that the proposed settlement is fair, adequate, and
39 reasonable under all of the circumstances. Upon a
40 showing of good cause, such hearing may be held in
41 camera.

42 (3) Upon a showing by the state that unrestricted
43 participation during the course of the litigation by
44 the qui tam plaintiff would interfere with or unduly
45 delay the state's prosecution of the case, or would be
46 repetitious, irrelevant, or for purposes of harassment,
47 the court may, in its discretion, impose limitations on
48 the qui tam plaintiff's participation, including but
49 not limited to any of the following:

50 (a) Limiting the number of witnesses the qui tam

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1 plaintiff may call.

2 (b) Limiting the length of the testimony of such
3 witnesses.

4 (c) Limiting the qui tam plaintiff's
5 cross-examination of witnesses.

6 (d) Otherwise limiting the participation by the qui
7 tam plaintiff in the litigation.

8 (4) Upon a showing by the defendant that
9 unrestricted participation during the course of the
10 litigation by the qui tam plaintiff would be for
11 purposes of harassment or would cause the defendant
12 undue burden or unnecessary expense, the court may
13 limit the participation by the qui tam plaintiff in the
14 litigation.

15 c. If the state elects not to proceed with the
16 action, the qui tam plaintiff shall have the right to
17 conduct the action. If the state so requests, the
18 state shall be served with copies of all pleadings
19 filed in the action and shall be supplied with copies
20 of all deposition transcripts at the state's expense.
21 When a qui tam plaintiff proceeds with the action, the
22 court, without limiting the status and rights of the
23 qui tam plaintiff, may permit the state to intervene at
24 a later date upon a showing of good cause.

25 d. Whether or not the state proceeds with the
26 action, upon a showing by the state that certain
27 actions of discovery by the qui tam plaintiff would
28 interfere with the state's investigation or prosecution
29 of a criminal or civil matter arising out of the
30 same facts, the court may stay such discovery for a
31 period of not more than sixty days. Such a showing
32 shall be conducted in camera. The court may extend
33 the sixty-day period upon a further showing in camera
34 that the state has pursued the criminal or civil
35 investigation or proceedings with reasonable diligence
36 and any proposed discovery in the civil action
37 will interfere with the ongoing criminal or civil
38 investigation or proceedings.

39 e. Notwithstanding subsection 2, the state
40 may elect to pursue the state's claim through any
41 alternate remedy available to the state, including any
42 administrative proceeding to determine a civil penalty.
43 If any such alternate remedy is pursued in another
44 proceeding, the qui tam plaintiff shall have the same
45 rights in such proceeding as such qui tam plaintiff
46 would have had if the action had continued under this
47 section. Any finding of fact or conclusion of law
48 made in such other proceeding that has become final,
49 shall be conclusive as to all such parties to an action
50 under this section. For purposes of this paragraph, a

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1 finding or conclusion is final if it has been finally
2 determined on appeal to the appropriate court of the
3 state, if all time for filing such an appeal with
4 respect to the finding or conclusion has expired, or if
5 the finding or conclusion is not subject to judicial
6 review.

7 4. a. (1) If the state proceeds with an action
8 brought by a qui tam plaintiff under subsection 2, the
9 qui tam plaintiff shall, subject to subparagraph (2),
10 receive at least fifteen percent but not more than
11 twenty-five percent of the proceeds of the action or
12 settlement of the claim, depending upon the extent to
13 which the qui tam plaintiff substantially contributed
14 to the prosecution of the action.

15 (2) If the action is one which the court finds
16 to be based primarily on disclosures of specific
17 information, other than information provided by the qui
18 tam plaintiff, relating to allegations or transactions
19 in a criminal, civil, or administrative hearing, or
20 in a legislative, administrative or state auditor
21 report, hearing, audit, or investigation, or from
22 the news media, the court may award an amount the
23 court considers appropriate, but in no case more than
24 ten percent of the proceeds, taking into account the
25 significance of the information and the role of the qui
26 tam plaintiff in advancing the case to litigation.

27 (3) Any payment to a qui tam plaintiff under
28 subparagraph (1) or (2) shall be made from the
29 proceeds. Any such qui tam plaintiff shall also
30 receive an amount for reasonable expenses which the
31 appropriate court finds to have been necessarily
32 incurred, plus reasonable attorney fees and costs. All
33 such expenses, fees, and costs shall be awarded against
34 the defendant.

35 b. If the state does not proceed with an action
36 under this section, the qui tam plaintiff or person
37 settling the claim shall receive an amount which the
38 court decides is reasonable for collecting the civil
39 penalty and damages. The amount shall be not less than
40 twenty-five percent and not more than thirty percent
41 of the proceeds of the action or settlement and shall
42 be paid out of such proceeds. Such qui tam plaintiff
43 or person shall also receive an amount for reasonable
44 expenses which the court finds to have been necessarily
45 incurred, plus reasonable attorney fees and costs. All
46 such expenses, fees, and costs shall be awarded against
47 the defendant.

48 c. Whether or not the state proceeds with the
49 action, if the court finds that the action was brought
50 by a qui tam plaintiff who planned and initiated

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1 the violation of section 685.2 upon which the action
2 was brought, the court may, to the extent the court
3 considers appropriate, reduce the share of the proceeds
4 of the action which the qui tam plaintiff would
5 otherwise receive under paragraph "a" or "b", taking
6 into account the role of that qui tam plaintiff in
7 advancing the case to litigation and any relevant
8 circumstances pertaining to the violation. If the qui
9 tam plaintiff is convicted of criminal conduct arising
10 from the qui tam plaintiff's role in the violation of
11 section 685.2, the qui tam plaintiff shall be dismissed
12 from the civil action and shall not receive any share
13 of the proceeds of the action. Such dismissal shall
14 not prejudice the right of the state to continue the
15 action represented by the attorney general.

16 d. If the state does not proceed with the action
17 and the qui tam plaintiff conducts the action, the
18 court may award to the defendant reasonable attorney
19 fees and expenses if the defendant prevails in the
20 action and the court finds that the claim of the qui
21 tam plaintiff was clearly frivolous, clearly vexatious,
22 or brought primarily for purposes of harassment.

23 5. a. A court shall not have jurisdiction over an
24 action brought by a former or present member of the
25 Iowa national guard under this chapter against a member
26 of the Iowa national guard arising out of such person's
27 services in the Iowa national guard.

28 b. A qui tam plaintiff shall not bring an action
29 under subsection 2 which is based upon allegations or
30 transactions which are the subject of a civil suit or
31 an administrative civil penalty proceeding in which the
32 state is already a party.

33 c. A court shall not have jurisdiction over an
34 action under this section based upon the public
35 disclosure of allegations or transactions in a
36 criminal, civil, or administrative hearing, or in a
37 legislative, administrative, or state auditor report,
38 hearing, audit, or investigation, or from the news
39 media, unless the action is brought by the attorney
40 general or the qui tam plaintiff is an original source
41 of the information.

42 d. The state is not liable for expenses which a
43 person incurs in bringing an action under this section.

44 6. Any employee, contractor, or agent who is
45 discharged, demoted, suspended, threatened, harassed,
46 or in any other manner discriminated against in
47 the terms and conditions of employment because of
48 lawful acts performed by the employee, contractor,
49 or agent on behalf of the employee, contractor, or
50 agent or associated others in furtherance of other

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1 efforts to stop a violation of this chapter, shall
2 be entitled to all relief necessary to make the
3 employee, contractor, or agent whole. Such relief
4 shall include reinstatement with the same seniority
5 status such employee, contractor, or agent would have
6 had but for the discrimination, two times the amount of
7 back pay, interest on the back pay, and compensation
8 for any special damages sustained as a result of
9 the discrimination, including litigation costs and
10 reasonable attorney fees. An employee, contractor, or
11 agent may bring an action in the appropriate district
12 court of the state for the relief provided in this
13 subsection.

14 Sec. __. NEW SECTION. 685.4 Procedure – statute
15 of limitations.

16 1. A subpoena requiring the attendance of a witness
17 at a trial or hearing conducted under this chapter may
18 be served at any place in the state, or through any
19 means authorized in the Iowa rules of civil procedure.

20 2. A civil action under this chapter may not be
21 brought more than six years after the date on which
22 the violation of section 685.2 is committed, or more
23 than three years after the date when facts material
24 to the right of action are known or reasonably should
25 have been known by the official of state charged with
26 responsibility to act in the circumstances, but in no
27 event more than ten years after the date on which the
28 violation is committed, whichever occurs last.

29 3. If the state elects to intervene and proceed
30 with an action brought under this chapter, the state
31 may file its own complaint or amend the complaint of
32 a qui tam plaintiff to clarify or add detail to the
33 claims in which the state is intervening and to add
34 any additional claims with respect to which the state
35 contends it is entitled to relief. For statute of
36 limitations purposes, any such state pleading shall
37 relate back to the filing date of the complaint of the
38 qui tam plaintiff who originally brought the action, to
39 the extent that the claim of the state arises out of
40 the conduct, transactions, or occurrences set forth,
41 or attempted to be set forth, in the prior complaint
42 of that person.

43 4. In any action brought under section 685.3, the
44 state shall prove all essential elements of the cause
45 of action, including damages, by a preponderance of the
46 evidence.

47 5. Notwithstanding any other provision of law, the
48 Iowa rules of criminal procedure, or the Iowa rules of
49 evidence, a final judgment rendered in favor of the
50 state in any criminal proceeding charging fraud or

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1 false statements, whether upon a verdict after trial
2 or upon a plea of guilty or nolo contendere, shall
3 estop the defendant from denying the essential elements
4 of the offense in any action which involves the same
5 transaction as in the criminal proceeding and which is
6 brought under section 685.3.

7 Sec. ____ NEW SECTION. 685.5 Jurisdiction.

8 1. Any action under section 685.3 may be brought
9 in any county in which the defendant or, in the case
10 of multiple defendants, any one defendant can be
11 found, resides, transacts business, or in which any
12 act proscribed by section 685.2 occurred. An original
13 notice as required by the Iowa rules of civil procedure
14 shall be issued by the appropriate district court and
15 served in accordance with the Iowa rules of civil
16 procedure.

17 2. A seal on the action ordered by the court under
18 section 685.3 shall not preclude the state, local
19 government, or the qui tam plaintiff from serving
20 the complaint, any other pleadings, or the written
21 disclosure of substantially all material evidence and
22 information possessed by the qui tam plaintiff on the
23 law enforcement authorities that are authorized under
24 the law of the state or local government to investigate
25 and prosecute such actions on behalf of such
26 governments, except that such seal applies to the law
27 enforcement authorities so served to the same extent as
28 the seal applies to other parties in the action.

29 Sec. ____ NEW SECTION. 685.6 Civil investigative
30 demands.

31 1. Issuance and service.

32 a. If the attorney general, or a designee, for the
33 purposes of this section, has reason to believe that
34 any person may be in possession, custody, or control
35 of any documentary material or information relevant
36 to a false claims law investigation, the attorney
37 general, or a designee, may, before commencing a civil
38 proceeding under section 685.3, subsection 1, or other
39 false claims law, or making an election under section
40 685.3, subsection 2, issue in writing and cause to be
41 served upon such person, a civil investigative demand
42 requiring any of the following of such person:

43 (1) To produce such documentary material for
44 inspection and copying.

45 (2) To answer in writing, written interrogatories
46 with respect to such documentary material or
47 information.

48 (3) To give oral testimony concerning such
49 documentary material or information.

50 (4) To furnish any combination of such material,

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1 answers, or testimony.

2 b. The attorney general may delegate the authority
3 to issue civil investigative demands under this
4 subsection. If a civil investigative demand is an
5 express demand for any product of discovery, the
6 attorney general, a deputy attorney general, or an
7 assistant attorney general shall cause to be served,
8 in any manner authorized by this section, a copy of
9 such demand upon the person from whom the discovery
10 was obtained and shall notify the person to whom such
11 demand is issued of the date on which such copy was
12 served. Any information obtained by the attorney
13 general or a designee of the attorney general under
14 this section may be shared with any qui tam plaintiff
15 if the attorney general or designee determines
16 it is necessary as part of any false claims law
17 investigation.

18 2. Contents and deadlines.

19 a. Each civil investigative demand issued under
20 subsection 1 shall state the nature of the conduct
21 constituting the alleged violation of a false claims
22 law which is under investigation, and the applicable
23 provision of law alleged to be violated.

24 b. If such demand is for the production of
25 documentary material, the demand shall provide all of
26 the following:

27 (1) Describe each class of documentary material to
28 be produced with such definiteness and certainty as to
29 permit such material to be fairly identified.

30 (2) Prescribe a return date for each such class
31 which will provide a reasonable period of time within
32 which the material so demanded may be assembled and
33 made available for inspection and copying.

34 (3) Identify the false claims law investigator to
35 whom such material shall be made available.

36 c. If such demand is for answers to written
37 interrogatories, the demand shall provide for all of
38 the following:

39 (1) Set forth with specificity the written
40 interrogatories to be answered.

41 (2) Prescribe dates at which time answers to
42 written interrogatories shall be submitted.

43 (3) Identify the false claims law investigator to
44 whom such answers shall be submitted.

45 d. If such demand is for the giving of oral
46 testimony, the demand shall provide for all of the
47 following:

48 (1) Prescribe a date, time, and place at which oral
49 testimony shall be commenced.

50 (2) Identify a false claims law investigator who

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1 shall conduct the examination and the custodian to whom
2 the transcript of such examination shall be submitted.

3 (3) Specify that such attendance and testimony are
4 necessary to the conduct of the investigation.

5 (4) Notify the person receiving the demand of the
6 right to be accompanied by an attorney and any other
7 representative.

8 (5) Describe the general purpose for which the
9 demand is being issued and the general nature of the
10 testimony, including the primary areas of inquiry,
11 which will be taken pursuant to the demand.

12 e. Any civil investigative demand issued under this
13 section which is an express demand for any product of
14 discovery shall not be returned or returnable until
15 twenty days after a copy of such demand has been served
16 upon the person from whom the discovery was obtained.

17 f. The date prescribed for the commencement of oral
18 testimony pursuant to a civil investigative demand
19 issued under this section shall be a date which is not
20 less than seven days after the date on which demand is
21 received, unless the attorney general or an assistant
22 attorney general designated by the attorney general
23 determines that exceptional circumstances are present
24 which warrant the commencement of such testimony within
25 a lesser period of time.

26 g. The attorney general shall not authorize the
27 issuance under this section of more than one civil
28 investigative demand for oral testimony by the same
29 person, unless the person requests otherwise or unless
30 the attorney general, after investigation, notifies
31 that person in writing that an additional demand for
32 oral testimony is necessary.

33 3. Protected material or information.

34 a. A civil investigative demand issued under
35 subsection 1 shall not require the production of any
36 documentary material, the submission of any answers
37 to written interrogatories, or the giving of any oral
38 testimony if such material, answers, or testimony
39 would be protected from disclosure under any of the
40 following:

41 (1) The standards applicable to subpoenas or
42 subpoenas duces tecum issued by a court of the state to
43 aid in a grand jury investigation.

44 (2) The standards applicable to discovery requests
45 under the Iowa rules of civil procedure, to the
46 extent that the application of such standards to any
47 such demand is appropriate and consistent with the
48 provisions and purposes of this section.

49 b. Any such demand which is an express demand for
50 any product of discovery, supersedes any inconsistent

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1 order, rule, or provision of law, other than this
2 section, preventing or restraining disclosure of such
3 product of discovery to any person. Disclosure of
4 any product of discovery pursuant to any such express
5 demand does not constitute a waiver of any right or
6 privilege which the person making such disclosure may
7 be entitled to invoke to resist discovery of trial
8 preparation materials.

9 4. Service.

10 a. Any civil investigative demand issued under
11 subsection 1 may be served by a false claims law
12 investigator, or by any official authorized to issue
13 civil investigative demands.

14 b. Service of any civil investigative demand
15 issued under subsection 1 or of any petition filed
16 under subsection 9 may be made upon a partnership,
17 corporation, association, or other legal entity by any
18 of the following methods:

19 (1) Delivering an executed copy of such demand
20 or petition to any partner, executive officer,
21 managing agent, or general agent of the partnership,
22 corporation, association, or entity, or to any agent
23 authorized by appointment or by law to receive service
24 of process on behalf of such partnership, corporation,
25 association, or entity.

26 (2) Delivering an executed copy of such demand or
27 petition to the principal office or place of business
28 of the partnership, corporation, association, or
29 entity.

30 (3) Depositing an executed copy of such demand
31 or petition in the United States mails by registered
32 or certified mail, with a return receipt requested,
33 addressed to such partnership, corporation,
34 association, or entity at its principal office or place
35 of business.

36 c. Service of any such demand or petition may be
37 made upon any natural person by any of the following
38 methods:

39 (1) Delivering an executed copy of such demand or
40 petition to the person.

41 (2) Depositing an executed copy of such demand
42 or petition in the United States mails by registered
43 or certified mail, with a return receipt requested,
44 addressed to the person at the person's residence or
45 principal office or place of business.

46 d. A verified return by the individual serving any
47 civil investigative demand issued under subsection 1 or
48 any petition filed under subsection 9 setting forth the
49 manner of such service shall be proof of such service.
50 In the case of service by registered or certified mail,

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1 such return shall be accompanied by the return post
2 office receipt of delivery of such demand.

3 5. Documentary material.

4 a. The production of documentary material in
5 response to a civil investigative demand served under
6 this section shall be made under a sworn certificate,
7 in such form as the demand designates, by the following
8 persons, as applicable:

9 (1) In the case of a natural person, the person to
10 whom the demand is directed.

11 (2) In the case of a person other than a natural
12 person, a person having knowledge of the facts
13 and circumstances relating to such production and
14 authorized to act on behalf of such person.

15 b. The certificate shall state that all of the
16 documentary material required by the demand and in
17 the possession, custody, or control of the person to
18 whom the demand is directed has been produced and
19 made available to the false claims law investigator
20 identified in the demand.

21 c. Any person upon whom any civil investigative
22 demand for the production of documentary material has
23 been served under this section shall make such material
24 available for inspection and copying to the false
25 claims law investigator identified in such demand at
26 the principal place of business of such person, or at
27 such other place as the false claims law investigator
28 and the person agree and prescribe in writing, or as
29 the court may direct under subsection 9. Such material
30 shall be made available on the return date specified in
31 such demand, or on such later date as the false claims
32 law investigator may prescribe in writing. Such person
33 may, upon written agreement between the person and the
34 false claims law investigator, substitute copies for
35 originals of all or any part of such material.

36 6. Interrogatories.

37 a. Each interrogatory in a civil investigative
38 demand served under this section shall be answered
39 separately and fully in writing under oath and shall
40 be submitted under a sworn certificate, in such form
41 as the demand designates, by the following persons, as
42 applicable:

43 (1) In the case of a natural person, the person to
44 whom the demand is directed.

45 (2) In the case of a person other than a natural
46 person, the person or persons responsible for answering
47 each interrogatory.

48 b. If any interrogatory is objected to, the reasons
49 for the objection shall be stated in the certificate
50 instead of an answer. The certificate shall state

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1 that all information required by the demand and in
2 the possession, custody, control, or knowledge of
3 the person to whom the demand is directed has been
4 submitted. To the extent that any information is not
5 furnished, the information shall be identified and
6 reasons set forth with particularity regarding the
7 reasons why the information was not furnished.

8 7. Oral examinations.

9 a. The examination of any person pursuant to a
10 civil investigative demand for oral testimony served
11 under this section shall be taken before an officer
12 authorized to administer oaths and affirmations by
13 the laws of this state or of the place where the
14 examination is held. The officer before whom the
15 testimony is to be taken shall put the witness on oath
16 or affirmation and shall, personally or by someone
17 acting under the direction of the officer and in
18 the officer's presence, record the testimony of the
19 witness. The testimony shall be taken stenographically
20 and shall be transcribed. When the testimony is fully
21 transcribed, the officer before whom the testimony is
22 taken shall promptly transmit a copy of the transcript
23 of the testimony to the custodian. This subsection
24 shall not preclude the taking of testimony by any means
25 authorized by, and in a manner consistent with, the
26 Iowa rules of civil procedure.

27 b. The false claims law investigator conducting
28 the examination shall exclude from the place where
29 the examination is held all persons except the person
30 giving the testimony, the attorney for and any other
31 representative of the person giving the testimony, the
32 attorney for the state, any person who may be agreed
33 upon by the attorney for the state and the person
34 giving the testimony, the officer before whom the
35 testimony is to be taken, and any stenographer taking
36 such testimony.

37 c. The oral testimony of any person taken pursuant
38 to a civil investigative demand served under this
39 section shall be taken in any state in which such
40 person resides, is found, or transacts business, or in
41 such other place as may be agreed upon by the false
42 claims law investigator conducting the examination and
43 such person.

44 d. When the testimony is fully transcribed, the
45 false claims law investigator or the officer before
46 whom the testimony is taken shall afford the witness,
47 who may be accompanied by counsel, a reasonable
48 opportunity to examine and read the transcript, unless
49 such examination and reading are waived by the witness.
50 Any changes in form or substance which the witness

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1 desires to make shall be entered and identified upon
2 the transcript by the officer or the false claims law
3 investigator, with a statement of the reasons given by
4 the witness for making such changes. The transcript
5 shall then be signed by the witness, unless the witness
6 in writing waives the signing, is ill, cannot be found,
7 or refuses to sign. If the transcript is not signed by
8 the witness within thirty days after being afforded a
9 reasonable opportunity to examine the transcript, the
10 officer or the false claims law investigator shall sign
11 the transcript and state on the record the fact of the
12 waiver, illness, absence of the witness, or the refusal
13 to sign, together with the reasons, if any, for the
14 waiver, illness, absence, or refusal.

15 e. The officer before whom the testimony is taken
16 shall certify on the transcript that the witness was
17 sworn by the officer and that the transcript is a true
18 record of the testimony given by the witness, and the
19 officer or false claims law investigator shall promptly
20 deliver the transcript, or send the transcript by
21 registered or certified mail, to the custodian.

22 f. Upon payment of reasonable charges for a copy,
23 the false claims law investigator shall furnish a copy
24 of the transcript to the witness only, except that the
25 attorney general, the deputy attorney general, or an
26 assistant attorney general may, for good cause, limit
27 such witness to inspection of the official transcript
28 of the witness' testimony.

29 g. (1) Any person compelled to appear for oral
30 testimony under a civil investigative demand issued
31 under subsection 1 may be accompanied, represented, and
32 advised by counsel. Counsel may advise such person,
33 in confidence, with respect to any question asked of
34 such person. Such person or counsel may object on
35 the record to any question, in whole or in part, and
36 shall briefly state for the record the reason for the
37 objection. An objection may be made, received, and
38 entered upon the record when it is claimed that such
39 person is entitled to refuse to answer the question
40 on the grounds of any constitutional or other legal
41 right or privilege, including the privilege against
42 self-incrimination. Such person may not otherwise
43 object to or refuse to answer any question, and may not
44 directly or through counsel otherwise interrupt the
45 oral examination. If such person refuses to answer any
46 question, a petition may be filed in the district court
47 of the state under subsection 9 for an order compelling
48 such person to answer such question.

49 (2) If such person refuses to answer any
50 question on the grounds of the privilege against

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1 self-incrimination, the testimony of such person may be
2 compelled in accordance with applicable law.

3 h. Any person appearing for oral testimony under a
4 civil investigative demand issued under subsection 1
5 shall be entitled to the same fees and allowances which
6 are paid to witnesses in the district courts of the
7 state.

8 8. Custodians of documents, answers, and
9 transcripts.

10 a. The attorney general shall designate a false
11 claims law investigator to serve as custodian of
12 documentary material, answers to interrogatories, and
13 transcripts of oral testimony received under this
14 section, and shall designate such additional false
15 claims law investigators as the attorney general
16 determines from time to time to be necessary to serve
17 as deputies to the custodian.

18 b. (1) A false claims law investigator who
19 receives any documentary material, answers to
20 interrogatories, or transcripts of oral testimony under
21 this section shall transmit them to the custodian.
22 The custodian shall take physical possession of
23 such material, answers, or transcripts and shall
24 be responsible for their use and for the return of
25 documentary material under paragraph "d".

26 (2) The custodian may cause the preparation of
27 such copies of such documentary material, answers to
28 interrogatories, or transcripts of oral testimony as
29 may be required for official use by any false claims
30 law investigator, or other officer or employee of the
31 department of justice. Such material, answers, and
32 transcripts may be used by any such authorized false
33 claims law investigator or other officer or employee
34 in connection with the taking of oral testimony under
35 this section.

36 (3) Except as otherwise provided in this
37 subsection, documentary material, answers to
38 interrogatories, or transcripts of oral testimony,
39 or copies of documentary materials, answers or
40 transcripts, while in the possession of the custodian,
41 shall not be available for examination by any
42 individual other than a false claims law investigator
43 or other officer or employee of the department
44 of justice authorized under subparagraph 2. This
45 prohibition on the availability of material, answers,
46 or transcripts shall not apply if consent is given
47 by the person who produced such material, answers,
48 or transcripts, or, in the case of any product of
49 discovery produced pursuant to an express demand
50 for such material, consent is given by the person

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1 from whom the discovery was obtained. Nothing in
2 this subparagraph is intended to prevent disclosure
3 to the general assembly, including any committee
4 or subcommittee of the general assembly, or to any
5 other agency of the state for use by such agency in
6 furtherance of its statutory responsibilities.

7 (4) While in the possession of the custodian and
8 under such reasonable terms and conditions as the
9 attorney general shall prescribe all of the following
10 shall apply, as applicable:

11 (a) Documentary material and answers to
12 interrogatories shall be available for examination by
13 the person who produced such material or answers, or
14 by a representative of that person authorized by that
15 person to examine such material and answers.

16 (b) Transcripts of oral testimony shall be
17 available for examination by the person who produced
18 such testimony, or by a representative of that person
19 authorized by that person to examine such transcripts.

20 c. If an attorney of the department of justice
21 has been designated to appear before any court, grand
22 jury, state agency, or federal agency in any case or
23 proceeding, the custodian of any documentary material,
24 answers to interrogatories, or transcripts of oral
25 testimony received under this section may deliver to
26 such attorney such material, answers, or transcripts
27 for official use in connection with any such case or
28 proceeding as such attorney determines to be required.
29 Upon the completion of any such case or proceeding,
30 such attorney shall return to the custodian any such
31 material, answers, or transcripts delivered which have
32 not passed into the control of such court, grand jury,
33 or agency through introduction into the record of such
34 case or proceeding.

35 d. If any documentary material has been produced
36 by any person in the course of any false claims
37 law investigation pursuant to a civil investigative
38 demand under this section, and any case or proceeding
39 before the court or grand jury arising out of such
40 investigation, or any proceeding before any state
41 agency or federal agency involving such material,
42 has been completed, or a case or proceeding in which
43 such material may be used has not been commenced
44 within a reasonable time after completion of the
45 examination and analysis of all documentary material
46 and other information assembled in the course of such
47 investigation, the custodian shall, upon written
48 request of the person who produced such material,
49 return to such person any such material, other than
50 copies furnished to the false claims law investigator

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1 under subsection 5 or made for the department of
2 justice under paragraph "b" which has not passed
3 into the control of any court, grand jury, or agency
4 through introduction into the record of such case or
5 proceeding.

6 e. (1) In the event of the death, disability, or
7 separation from service in the department of justice
8 of the custodian of any documentary material, answers
9 to interrogatories, or transcripts of oral testimony
10 produced pursuant to a civil investigative demand under
11 this section, or in the event of the official relief
12 of such custodian from responsibility for the custody
13 and control of such material, answers, or transcripts,
14 the attorney general shall promptly do all of the
15 following:

16 (a) Designate another false claims law investigator
17 to serve as custodian of such material, answers, or
18 transcripts.

19 (b) Transmit in writing to the person who produced
20 such material, answers, or testimony notice of the
21 identity and address of the successor designated.

22 (2) Any person who is designated to be a successor
23 under this paragraph "e" shall have, with regard to
24 such material, answers, or transcripts, the same duties
25 and responsibilities as were imposed by this section
26 upon that person's predecessor in office, except that
27 the successor shall not be held responsible for any
28 default or dereliction which occurred before that
29 designation.

30 9. Judicial proceedings.

31 a. If a person fails to comply with any civil
32 investigative demand issued under subsection 1, or if
33 satisfactory copying or reproduction of any material
34 requested in such demand cannot be completed and such
35 person refuses to surrender such material, the attorney
36 general may file, in the district court of the state
37 for any county in which such person resides, is found,
38 or transacts business, and serve upon such person, a
39 petition for an order of such court for the enforcement
40 of the civil investigative demand.

41 b. (1) A person who has received a civil
42 investigative demand issued under subsection 1 may
43 file, in the district court of the state for the
44 county within which such person resides, is found, or
45 transacts business, and serve upon the false claims
46 law investigator identified in such demand, a petition
47 for an order of the court to modify or set aside such
48 demand. In the case of a petition addressed to an
49 express demand for any product of discovery, a petition
50 to modify or set aside such demand may be brought only

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1 in the district court of the state for the county
2 in which the proceeding in which such discovery was
3 obtained is or was last pending. Any petition under
4 this paragraph shall be filed in accordance with the
5 following, as applicable:

6 (a) Within twenty days after the date of service of
7 the civil investigative demand, or at any time before
8 the return date specified in the demand, whichever date
9 is earlier.

10 (b) Within such longer period as may be prescribed
11 in writing by any false claims law investigator
12 identified in the demand.

13 (2) The petition shall specify each ground upon
14 which the petitioner relies in seeking relief under
15 subparagraph (1), and may be based upon any failure
16 of the demand to comply with the provisions of this
17 section or upon any constitutional or other legal right
18 or privilege of such person. During the pendency of
19 the petition in the court, the court may stay, as it
20 deems proper, the running of the time allowed for
21 compliance with the demand, in whole or in part, except
22 that the person filing the petition shall comply with
23 any portions of the demand not sought to be modified
24 or set aside.

25 c. (1) In the case of any civil investigative
26 demand issued under subsection 1 which is an express
27 demand for any product of discovery, the person from
28 whom such discovery was obtained may file, in the
29 district court of the state for the county in which
30 the proceeding in which such discovery was obtained is
31 or was last pending, and serve upon any false claims
32 law investigator identified in the demand and upon the
33 recipient of the demand, a petition for an order of
34 such court to modify or set aside those portions of
35 the demand requiring production of any such product
36 of discovery. Any petition under this subparagraph
37 shall be filed in accordance with the following, as
38 applicable:

39 (a) Within twenty days after the date of service of
40 the civil investigative demand, or at any time before
41 the return date specified in the demand, whichever date
42 is earlier.

43 (b) Within such longer period as may be prescribed
44 in writing by any false claims law investigator
45 identified in the demand.

46 (2) The petition shall specify each ground upon
47 which the petitioner relies in seeking relief under
48 subparagraph (1), and may be based upon any failure of
49 the portions of the demand from which relief is sought
50 to comply with the provisions of this section, or upon

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1 any constitutional or other legal right or privilege of
2 the petitioner. During the pendency of the petition,
3 the court may stay, as it deems proper, compliance with
4 the demand and the running of the time allowed for
5 compliance with the demand.

6 d. At any time during which any custodian is in
7 custody or control of any documentary material or
8 answers to interrogatories produced, or transcripts of
9 oral testimony given, by any person in compliance with
10 any civil investigative demand issued under subsection
11 1, such person, and in the case of an express demand
12 for any product of discovery, the person from whom such
13 discovery was obtained, may file, in the district court
14 of state for the judicial district within which the
15 office of such custodian is located, and serve upon
16 such custodian, a petition for an order of such court
17 to require the performance by the custodian of any duty
18 imposed upon the custodian by this section.

19 e. If a petition is filed in any district court
20 of the state under this subsection, such court shall
21 have jurisdiction to hear and determine the matter so
22 presented, and to enter such order or orders as may be
23 required to carry out the provisions of this section.
24 Any final order so entered shall be subject to appeal
25 in accordance with the Iowa rules of civil procedure.
26 Any disobedience of any final order entered under this
27 section by any court shall be punished as a contempt
28 of the court.

29 f. The Iowa rules of civil procedure shall apply to
30 any petition under this subsection, to the extent that
31 such rules are not inconsistent with the provisions of
32 this section.

33 10. Disclosure exemption. Any documentary material,
34 answers to written interrogatories, or oral testimony
35 provided under any civil investigative demand issued
36 under subsection 1 shall be deemed confidential and
37 exempt from disclosure under chapter 22.

38 Sec. ____ NEW SECTION. 685.7 Rulemaking authority.

39 The attorney general may adopt such rules and
40 regulations as are necessary to effectuate the purposes
41 of this chapter.

42 Sec. ____ ANNUAL REPORTING REQUIREMENT. On the
43 thirtieth day after the effective date of this division
44 of this Act, and on the anniversary of the effective
45 date of this division of this Act each year thereafter,
46 the attorney general shall submit to the chairpersons
47 and ranking members of the house and senate committees
48 on judiciary, the legislative caucus staffs, and the
49 legislative services agency, in electronic format, a
50 report containing all of the following information:

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1 1. The number of cases the attorney general filed
2 during the previous calendar year under this chapter.

3 2. The number of cases qui tam plaintiffs filed
4 under this chapter during the previous calendar year,
5 including those cases that remain under seal, and
6 specifying all of the following for the cases:

7 a. The state or federal court in which each case
8 was filed and the total number filed in each court.

9 b. The state program or agency involved in each
10 case.

11 c. The number of cases filed by qui tam plaintiffs
12 who previously filed an action based on the same or
13 similar transaction or allegation under the federal
14 False Claims Act or the false claims act of another
15 state.

16 3. The amount recovered by the state in the form of
17 settlement, damages, penalties, and litigation costs,
18 if known, and specifying the following for each case:

19 a. The case number and parties for each case in
20 which there was a recovery.

21 b. The amount of funds recovered respectively for
22 damages, penalties, and litigation costs.

23 c. The percentage of the recovery and the amount
24 that the state paid to any qui tam plaintiff.

25 Sec. ____ DEPARTMENT OF JUSTICE – FALSE CLAIMS ACT

26 ENFORCEMENT. There is appropriated from the general

27 fund of the state to the department of justice for the
28 fiscal year beginning July 1, 2010, and ending June 30,
29 2011, the following amount, or so much thereof as is
30 necessary, to be used for the purposes designated:

31 For the general office of the attorney general,
32 including salaries, support, maintenance, miscellaneous
33 purposes, and for not more than the following full-time
34 equivalent positions:

35 \$ 60,000
36 FTEs 1.00 >>

37 28. By striking page 29, line 23, through page 30,
38 line 21, and inserting <222, line 2.>

39 29. Page 31, after line 50 by inserting:

40 ____ Page 253, line 19, by striking <four> and
41 inserting <two> ____.

42 Page 254, line 26, by striking <2014> and
43 inserting <2013> ____.

44 Page 254, line 27, by striking <fourth> and
45 inserting <second>>

46 30. Page 32, by striking lines 1 through 33.

47 31. By renumbering as necessary.

The House stood at ease at 10:24 a.m., until the fall of the gavel.

The House resumed session at 12:06 p.m., Speaker Murphy in the chair.

QUORUM CALL

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Raecker of Polk, Roberts of Carroll, Drake of Cass; Rayhons of Hancock and Helland of Polk, until their arrival, on request of Paulsen of Linn.

The House resumed consideration of Senate File 2088, and amendment H-8100 to the committee amendment H-8045.

Division was requested as follows:

Page 1, line 1 through Page 46 line 38 and Page 46 line 47, Division A.

Page 46 lines 39 through lines 46, Division B.

Mascher of Johnson moved the adoption of amendment H-8100A to the committee amendment H-8045.

Amendment H-8100A was adopted placing the following amendments to the committee amendment H-8045 out of order:

Amendment H-8060 filed by Rants of Woodbury and Struyk of Pottawattamie on February 9, 2010.

Amendment H-8061 filed by Rants of Woodbury on February 9, 2010.

Amendment H-8065 filed by Mascher of Johnson on February 9, 2010.

Amendment H-8084 filed by Smith of Marshall on February 10, 2010.

Masher of Johnson moved the adoption of amendment H-8100B, to the committee amendment H-8045.

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

On the question "Shall amendment H-8100B to the committee amendment H-8045 be adopted?" (S.F. 2088)

The ayes were, 54:

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

The nays were, 43:

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

Absent or not voting, 3:

Drake	Raecker	Shomshor
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Amendment H-8100B to the committee amendment H-8045 was adopted, placing out of order amendment H-8070 to the committee amendment H-8045, filed by Struyk of Pottawattamie on February 9, 2010.

Watts of Dallas asked and received unanimous consent that amendment H-8094 be deferred.

Sweeney of Hardin offered the following amendment H-8097, to the committee amendment H-8045, filed by her and moved its adoption:

H-8097

1 Amend the amendment, H-8045, to Senate File 2088,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 11, after line 41 by inserting:

5 <__.Page 118, after line 8 by inserting:

6 <DIVISION _____
7 DEPARTMENT OF NATURAL
8 RESOURCES RULEMAKING

9 Sec. ____. Section 455A.4, subsection 1, unnumbered
10 paragraph 1, Code Supplement 2009, is amended to read
11 as follows:

12 Except as otherwise provided by law ~~and subject to~~
13 ~~rules adopted by the natural resource commission and~~
14 ~~the environmental protection commission~~, the director
15 shall:

16 Sec. ____. Section 455A.4, subsection 1, paragraph
17 i, Code Supplement 2009, is amended to read as follows:

18 i. Adopt rules in accordance with chapter 17A
19 as necessary or desirable ~~for the organization or~~
20 ~~reorganization of the department to provide for the~~
21 administration of chapter 321G, 321I, 455B, 455C,
22 456A, 456B, 457A, 459, 459A, 461A, 462A, 462B, 464A,
23 465C, 481A, 481B, 483A, 484A, or 484B. Rulemaking
24 authority held by the natural resource commission or
25 the environmental protection commission is vested in
26 the director upon the effective date of this division
27 of this Act. Rules adopted by the natural resource
28 commission or the environmental protection commission
29 prior to the effective date of this division of this
30 Act, shall remain effective until modified or rescinded
31 by action of the director in accordance with the
32 provisions of chapter 17A.

33 Sec. ____. Section 455A.5, subsection 6, paragraph
34 a, Code 2009, is amended to read as follows:

35 a. ~~Establish Recommend policy and adopt rules,~~
36 ~~pursuant to chapter 17A, necessary~~ to provide for the
37 effective administration of chapter 321G, 321I, 456A,
38 456B, 457A, 461A, 462A, 462B, 464A, 465C, 481A, 481B,
39 483A, 484A, or 484B.

40 Sec. ____. Section 455A.5, subsection 6, paragraph
41 e, Code 2009, is amended by striking the paragraph.

42 Sec. ____. NEW SECTION. 455A.5A Schedule of fees
43 – rules.

44 1. The director shall adopt, by rule, a schedule
45 of fees for permits issued by the natural resource
46 commission, including conditional permits, and a

47 schedule of fees for administration of the permits.
48 The fees shall be collected by the department and used
49 to offset costs incurred in administrating a program
50 for which the issuance of the permit is made or under

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1 which enforcement is carried out.
2 2. In determining the fee schedule, the director
3 shall consider all of the following:
4 a. The reasonable costs associated with reviewing
5 applications, issuing permits, and monitoring
6 compliance with the terms of issued permits.
7 b. The relative benefits to the applicant and to
8 the public of a permit review, permit issuance, and
9 monitoring compliance with the terms of the permit.
10 c. The typical costs associated with a type of
11 project or activity for which a permit is required.
12 However, a fee shall not exceed the actual costs
13 incurred by the department.
14 Sec. ____ Section 455A.6, subsection 6, paragraph
15 a, Code 2009, is amended to read as follows:
16 a. ~~Establish~~ Recommend policy for the department
17 ~~and adopt rules, pursuant to chapter 17A,~~ necessary to
18 provide for the effective administration of chapter
19 455B, 455C, or 459.
20 Sec. ____ Section 455B.103, subsections 1 and
21 2, Code Supplement 2009, are amended by striking
22 the subsections and inserting in lieu thereof the
23 following:
24 1. Adopt, modify, or repeal rules necessary to
25 implement this chapter, chapter 455C, chapter 459,
26 and chapter 459A, only to the extent that the rules
27 are consistent with the provisions of these chapters.
28 Any rulemaking authority held by the commission is
29 vested in the director upon the effective date of this
30 division of this Act. Rules adopted by the commission
31 prior to the effective date of this division of this
32 Act shall remain in effect until modified or rescinded
33 by action of the director in accordance with the
34 provisions of chapter 17A.
35 a. The director shall include in the preamble of a
36 rule, a statement referencing the authority delegated
37 to the director pursuant to which the rule is adopted.
38 The preamble for the rule shall indicate when the
39 director is implementing a federal rule by reference
40 and include a financial impact statement detailing the
41 general impact of the rule upon the regulated parties.
42 b. When proposing or adopting rules to implement a
43 specific federal environmental program, the director
44 shall not impose requirements more restrictive than the
45 requirements of the federal program being implemented.

46 c. When proposing or adopting rules, the director
47 shall include departmental policy relating to the
48 disclosure of information concerning a violation or
49 alleged violation of the rules, standards, permits, or
50 orders issued by the department and the confidentiality

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1 of information obtained by the department in the
2 administration and enforcement of this chapter, chapter
3 455C, chapter 459, and chapter 459A.

4 Sec. ____ Section 455B.105, subsections 3 and
5 11, Code Supplement 2009, are amended by striking the
6 subsections.

7 Sec. ____ NEW SECTION. 455B.106 Schedule of fees
8 – rules.

9 1. The director shall adopt, by rule, procedures
10 and forms necessary to implement the provisions of this
11 chapter and chapters 459 and 459A relating to permits,
12 conditional permits, and general permits.

13 2. The director may also adopt, by rule, a schedule
14 of fees for permit and conditional permit applications
15 and a schedule of fees which may be periodically
16 assessed for administration of permits and conditional
17 permits. In determining the fee schedules, the
18 director shall consider:

19 a. The state's reasonable cost of reviewing
20 applications, issuing permits and conditional permits,
21 and checking compliance with the terms of the permits.

22 b. The relative benefits to the applicant and to
23 the public of permit and conditional permit review,
24 issuance, and monitoring compliance. It is the
25 intention of the general assembly that permit fees
26 shall not cover any costs connected with correcting
27 violation of the terms of any permit and shall not
28 impose unreasonable costs on any municipality.

29 c. The typical costs of the particular types of
30 projects or activities for which permits or conditional
31 permits are required, provided that in no circumstances
32 shall fees be in excess of the actual costs to the
33 department.

34 3. Except as otherwise provided in this chapter and
35 chapter 459, fees collected by the department under
36 this subsection shall be remitted to the treasurer of
37 state and credited to the general fund of the state.

38 4. The director shall adopt rules for applications
39 or permits related to the national pollutant discharge
40 elimination system (NPDES) coverage as described in
41 section 455B.197, including fees, only to the extent
42 that the rules are consistent with that section.

43 Sec. ____ INTENT. It is the intent of the
44 general assembly that upon the effective date of this

45 division of this Act, the director of the department
 46 of natural resources shall have the powers and duties
 47 and shall assume the sole responsibility for proposing
 48 and adopting rules as necessary for the effective
 49 administration of the duties of the department of
 50 natural resources. All references in statute or

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1 rules to the rulemaking authority of the natural
 2 resource commission or the environmental protection
 3 commission of the department of natural resources
 4 shall upon the effective date of this division of this
 5 Act be construed to refer only to the director of the
 6 department of natural resources.

7 Sec. __. APPLICABILITY. This division of this
 8 Act applies to all rules noticed or adopted after
 9 the effective date of this division of this Act. If
 10 a rule with an effective date prior to the effective
 11 date of this division of this Act is amended after the
 12 effective date of this division of this Act, then the
 13 provisions of this division of this Act are applicable
 14 to the entire rule being amended and not only to the
 15 precise portion of the rules that is being amended.
 16 For purposes of applying the provisions of this
 17 division, the effective date of the amendment to a rule
 18 shall be the new effective date of the rule as a whole.

19 Sec. __. EFFECTIVE UPON ENACTMENT. This division
 20 of this Act, being deemed of immediate importance,
 21 takes effect upon enactment. >>

22 2. By renumbering as necessary.

Roll call was requested by Sweeney of Hardin and Smith of Marshall.

Rule 75 was invoked.

On the question "Shall amendment H-8097 to the committee amendment H-8045 be adopted?" (S.F. 2088)

The ayes were, 46:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Huser	Kaufmann	Koester	Lukan
May	Mertz	Miller, L.	Olson, S.
Paulsen	Pettengill	Quirk	Raecker
Rants	Rayhons	Roberts	Sands

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

The nays were, 51:

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

Absent or not voting, 3:

Drake	Shomshor	Zirkelbach
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Amendment H-8097 lost.

Isenhart of Dubuque offered the following amendment H-8105, to the committee amendment H-8045, filed by him from the floor and moved its adoption:

H-8105

1 Amend the amendment, H-8045, to Senate File 2088,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 11, line 41, after <percent.> by inserting
 5 <Of the fees collected by the department, the amount
 6 collected representing the ten percent increase in fees
 7 authorized by this section shall not be deposited in
 8 the general fund of the state but shall be retained by
 9 the department for the purposes of the department.>

Amendment H-8105 was adopted.

Watts of Dallas asked and received unanimous consent to withdraw amendments H-8048 and H-8050, to the committee amendment H-8045, filed by him on February 8, 2010.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huser of Polk on request of McCarthy of Polk.

Tymeson of Madison offered the following amendment H-8083 to the committee amendment H-8045, filed by her and Wendt of Woodbury and moved its adoption:

H-8083

- 1 Amend the amendment, H-8045, to Senate File 2088,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 18, line 38, by striking <261D.1, 261D.2,>
- 5 2. Page 18, line 41, by striking <Sections 261D.3
- 6 and> and inserting <Section>
- 7 3. Page 18, line 42, by striking <are> and
- 8 inserting <is>

A non-record roll call was requested.

The ayes were 55, nays 18.

Amendment H-8083 was adopted.

Winckler of Scott offered the following amendment H-8096, to the committee amendment H-8045, filed by her and moved its adoption:

H-8096

- 1 Amend the amendment, H-8045, to Senate File 2088,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 18, by striking lines 44 through 47 and
- 5 inserting:
- 6 _____. Page 167, line 23, by striking <and school
- 7 district> _____.
- 8 Page 168, line 23, after <department.>
- 9 by inserting <The state council or subunit of the
- 10 council shall also serve as the Iowa head start
- 11 program advisory board, as authorized by the federal
- 12 government. For purposes of the head start advisory
- 13 board function, the membership shall comply with
- 14 federal requirements but the majority of the members
- 15 shall be citizen members.>

16 __. Page 168, by striking lines 24 through 35 and
17 inserting:

18 <2. a. The state council shall consist of fifteen
19 voting members with eight citizen members and seven
20 agency members. A citizen member shall not be an
21 elected official, public employee, or paid staff
22 member of an agency receiving funding through an
23 early childhood initiative stakeholder. The state
24 agency members shall be the director or administrator
25 of the following state agencies or units, or their
26 designees: the departments of economic development,
27 education, human services, public health, and workforce
28 development, and the head start collaboration office.
29 The state agency designees shall be selected on an
30 annual basis. The citizen members shall be appointed
31 by the governor, subject to confirmation by the
32 senate. The citizen member appointees shall include
33 representatives of institutions of higher education in
34 the state, local providers of early childhood services,
35 and head start program agencies. >

36 __. Page 169, by striking line 23 and inserting:

37 <5. The state council shall select a chairperson
38 from the state >

39 __. Page 172, after line 2 by inserting:

40 <__. Promote evidence-based practices and
41 programs, continuous improvement, and accountability.

42 __. Create advisory bodies of stakeholders to
43 address general or specific purposes. >

44 __. Page 172, line 3, by striking <Bureau> and
45 inserting <Early childhood Iowa administrative home –
46 bureau >

47 __. Page 172, by striking lines 5 through 8 and
48 inserting:

49 <The department shall serve as the administrative
50 home for the early childhood Iowa initiative and shall

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1 establish a bureau of early childhood services to
2 perform various departmental functions relating to the
3 initiative. The functions, which shall be performed
4 by the bureau in collaboration with the state agencies
5 participating in the initiative, the state council, and
6 early childhood Iowa areas, shall include but are not
7 limited to all of the following: >>

8 2. Page 19, after line 11 by inserting:

9 <__. Page 178, line 16, after <five.> by inserting
10 <The plan shall be submitted to the state council for
11 recommendation to the state board regarding approval of
12 the plan.>>

13 3. Page 19, after line 27 by inserting:

14 <__. Page 180, line 30, after <department> by

15 inserting <, in collaboration with the state council,>
 16 _____. Page 180, line 31, after <programs> by
 17 inserting <offered by school districts. The state
 18 council shall develop guidelines and adopt rules for
 19 family support programs offered by early childhood Iowa
 20 areas>>
 21 4. Page 19, after line 36 by inserting:
 22 _____. By striking page 185, line 35, through page
 23 186, line 1, and inserting <areas pursuant to criteria
 24 established by the department of human services in
 25 accordance with state and federal law. The criteria
 26 shall include but are not>>
 27 5. By renumbering as necessary.

Amendment H-8096 lost.

Tymeson of Madison asked and received unanimous consent that amendment H-8069 be deferred.

Koester of Polk asked and received unanimous consent that amendment H-8075 be deferred.

T. Olson of Linn offered the following amendment H-8076, to the committee amendment H-8045, filed by T. Olson, et al., and moved its adoption:

H-8076

1 Amend the amendment, H-8045, to Senate File 2088,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. By striking page 18, line 44, through page 19,
 5 line 49, and inserting: < ____.
 6 By striking page 166, line 25, through page
 7 198, line 6, and inserting:
 8 <DIVISION _____
 9 EARLY CHILDHOOD IOWA INITIATIVE
 10 Sec. _____. NEW SECTION. 256I.1 Definitions.
 11 For the purposes of this chapter, unless the context
 12 otherwise requires:
 13 1. "Department" means the department of management.
 14 2. "Desired results" means the set of desired
 15 results for improving the quality of life in this state
 16 for young children and their families identified in
 17 section 256I.2.
 18 3. "Early care", "early care services", or "early
 19 care system" means the programs, services, support, or
 20 other assistance made available to a parent or other
 21 person who is involved with addressing the health
 22 and education needs of a child from zero through age

23 five. "Early care", "early care services", or "early
 24 care system" includes but is not limited to public and
 25 private efforts and formal and informal settings.
 26 4. "Early childhood Iowa area" means a geographic
 27 area designated in accordance with this chapter.
 28 5. "Early childhood Iowa area board" or "area board"
 29 means the board for an early childhood Iowa area
 30 created in accordance with this chapter.
 31 6. "Early childhood Iowa state board" or "state
 32 board" means the early childhood Iowa state board
 33 created in section 256I.3.
 34 Sec. ____ NEW SECTION. 256I.2 Desired results –
 35 purpose and scope.
 36 1. It is intended that through the early childhood
 37 Iowa initiative every community in Iowa will develop
 38 the capacity and commitment for using local, informed
 39 decision making to achieve the following set of desired
 40 results for improving the quality of life in this state
 41 for young children and their families:
 42 a. Healthy children.
 43 b. Children ready to succeed in school.
 44 c. Safe and supportive communities.
 45 d. Secure and nurturing families.
 46 e. Secure and nurturing early learning
 47 environments.
 48 2. The purpose of creating the early childhood Iowa
 49 initiative is to empower individuals, communities, and
 50 state level partners to achieve the desired results.

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1 The desired results will be achieved as private and
 2 public entities work collaboratively. This initiative
 3 creates a partnership between communities and state
 4 level partners to support children zero through
 5 age five and their families. The role of the early
 6 childhood Iowa state board, area boards, and other
 7 state and local government agencies is to provide
 8 support, leadership, and facilitation of the growth
 9 of individual, community, and state responsibility in
 10 addressing the desired results.
 11 3. To achieve the desired results, the initiative's
 12 primary focus shall be on the efforts of the state and
 13 communities to work together to improve the efficiency
 14 and effectiveness of early care, education, health, and
 15 human services provided to families with children from
 16 zero through age five.
 17 Sec. ____ NEW SECTION. 256I.3 Early childhood Iowa
 18 state board created.
 19 1. The early childhood Iowa state board is
 20 created to promote a vision for a comprehensive early
 21 care, education, health, and human services system

22 in this state. The board shall oversee state and
23 local efforts. The vision shall be achieved through
24 strategic planning, funding identification, guidance,
25 and decision-making authority to assure collaboration
26 among state and local early care, education, health,
27 and human services systems.

28 2. a. The board shall consist of twenty-one voting
29 members with fifteen citizen members and six state
30 agency members. The six state agency members shall
31 be the directors or their designees of the following
32 departments: economic development, education, human
33 rights, human services, public health, and workforce
34 development. The designees of state agency directors
35 shall be selected on an annual basis. The citizen
36 members shall be appointed by the governor, subject
37 to confirmation by the senate. The governor's
38 appointments of citizen members shall be made in
39 a manner so that each of the state's congressional
40 districts is represented by at least two citizen
41 members and so that all the appointments as a whole
42 reflect the ethnic, cultural, social, and economic
43 diversity of the state.

44 b. The governor's appointees shall be selected from
45 individuals nominated by area boards. The nominations
46 shall reflect the range of interests represented on the
47 area boards so that the governor is able to appoint one
48 or more members each for early care, education, health,
49 human services, business, faith, and public interests.
50 At least one of the citizen members shall be a service

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1 consumer or the parent of a service consumer. The term
2 of office of the citizen members is three years. A
3 citizen member vacancy on the board shall be filled in
4 the same manner as the original appointment for the
5 balance of the unexpired term.

6 3. Citizen members shall be reimbursed for actual
7 and necessary expenses incurred in performance of their
8 duties. Citizen members shall be paid a per diem as
9 specified in section 7E.6.

10 4. In addition to the voting members, the state
11 board shall include four members of the general
12 assembly with not more than one member from each
13 chamber being from the same political party. The two
14 senators shall be appointed one each by the majority
15 leader of the senate and by the minority leader of the
16 senate. The two representatives shall be appointed one
17 each by the speaker of the house of representatives and
18 by the minority leader of the house of representatives.
19 Legislative members shall serve in an ex officio,
20 nonvoting capacity. A legislative member is eligible

21 for per diem and expenses as provided in section 2.10.

22 5. The state board shall elect a chairperson from
23 among the citizen members and may select other officers
24 from the voting members as determined to be necessary
25 by the board. The board shall meet regularly as
26 determined by the board, upon the call of the board's
27 chairperson, or upon the call of a majority of voting
28 members. The board shall meet at least quarterly.

29 Sec. ____ NEW SECTION. 256I.4 Early childhood Iowa
30 state board duties.

31 The state board shall perform the following duties:

32 1. Provide oversight of early childhood Iowa areas.

33 2. Manage and coordinate the provision of grant
34 funding and other moneys made available to early
35 childhood Iowa areas by combining all or portions of
36 appropriations or other revenues as authorized by law.

37 3. Approve the geographic boundaries for the early
38 childhood Iowa areas throughout the state and approve
39 any proposed changes in the boundaries.

40 4. Create a strategic plan that supports a
41 comprehensive system of early care, education, health,
42 and human services. The strategic plan shall be
43 developed with extensive community involvement.
44 The strategic plan shall be annually updated and
45 disseminated to the public. Specific items to be
46 addressed in the strategic plan shall include but are
47 not limited to all of the following:

48 a. Provisions to strengthen the state structure
49 including interagency levels of collaboration,
50 coordination, and integration.

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1 b. Provisions for building public-private
2 partnerships.

3 c. Provisions to support consolidating, blending,
4 and redistributing state-administered funding streams
5 and the coordination of federal funding streams. The
6 strategic plan shall also address integration of
7 services provided through area boards, other state and
8 local commissions, committees, and other bodies with
9 overlapping and similar purposes which contribute to
10 redundancy and fragmentation in early care, education,
11 health, and human services programs provided to the
12 public.

13 d. Provisions for improving the efficiency of
14 working with federally mandated bodies.

15 e. Identification of indicators that measure
16 the success of the various strategies that impact
17 communities, families, and children. The indicators
18 shall be developed with input from area boards.

19 5. Adopt common performance measures and data for

20 services, programs, and activities provided by area
21 boards. Data from common performance measures shall be
22 included in the state board's annual report.

23 6. Assist with the linkage of child welfare and
24 juvenile justice decategorization projects with early
25 childhood Iowa areas.

26 7. Coordinate and respond to requests from an area
27 board relating to any of the following:

28 a. Waiver of existing rules, federal regulation, or
29 amendment of state law, or removal of other barriers.

30 b. Pooling and redirecting of existing federal,
31 state, or other public or private funds.

32 c. Seeking of federal waivers.

33 d. Consolidating community-level committees,
34 planning groups, and other bodies with common
35 memberships formed in response to state requirements.

36 8. Develop and implement a levels of excellence
37 rating system for use with the state board's
38 designation process for area boards. Allow for
39 flexibility and creativity of area boards in
40 implementing area board responsibilities and
41 provide authority for the area boards to support
42 the communities in the areas served. The levels
43 of excellence rating system shall utilize a tiered
44 approach for recognizing the performance of an area
45 board. The system shall provide for action to address
46 poor performing areas as well as higher performing
47 areas. If an area board achieves the highest rating
48 level, the state board shall allow special flexibility
49 provisions in regard to the funding appropriated or
50 allocated for that area board. The state board may

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1 determine how often area boards are reviewed under the
2 system.

3 9. Adopt rules pursuant to chapter 17A as necessary
4 for the designation, governance, and oversight of area
5 boards and the administration of this chapter. The
6 state board shall provide for area board input in the
7 rules adoption process.

8 10. Develop guidelines for recommended insurance
9 or other liability coverage and take other actions to
10 assist area boards in acquiring such coverage at a
11 reasonable cost. Moneys expended by an area board to
12 acquire necessary insurance or other liability coverage
13 shall be considered an administrative cost.

14 11. In January each year, submit an annual report
15 to the governor and general assembly that includes but
16 is not limited to all of the following:

17 a. Any updates to the strategic plan.

18 b. The status and results of the early childhood

19 Iowa initiative efforts to engage the public regarding
20 the early care, education, health, human services, and
21 other needs of children zero through age five.
22 c. The status and results of the efforts to develop
23 and promote private sector involvement with the early
24 care system.
25 d. The status of the early childhood Iowa
26 initiative and the overall early care system in
27 achieving the set of desired results.
28 e. The data and common performance measures
29 addressed by the strategic plan, which shall include
30 but is not limited to funding amounts.
31 f. The indicators addressed by the strategic plan
32 along with associated data trends and their source.
33 12. Integrate statewide quality standards and
34 results indicators adopted by other boards and
35 commissions into the state board's funding requirements
36 for investments in early care, health, education, and
37 human services.
38 13. Ensure alignment of other state departments'
39 activities with the strategic plan.
40 14. Develop and keep current memoranda of
41 agreements between the state agencies represented
42 on the state board to promote system development
43 and integration and to clarify the roles and
44 responsibilities of partner agencies.
45 15. Work with the early childhood coordination
46 center in building public-private partnerships for
47 promoting the collaborative early care, education,
48 health, and human services system.
49 16. Support and align the early childhood Iowa
50 internet site with other agencies and improve internet

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1 communication.
2 17. Adopt rules to implement this chapter. The
3 rules shall include but are not limited to the
4 following:
5 a. Indicators of the effectiveness of early
6 childhood Iowa areas, area boards, and the services
7 provided under the auspices of the area boards. The
8 indicators shall be developed with input from area
9 boards and shall build upon the core indicators of
10 effectiveness for the school ready children grant
11 program.
12 b. Minimum standards to further the provision of
13 equal access to services subject to the authority of
14 area boards.
15 c. Core functions for family support services,
16 parent education programs, preschool services provided
17 under a school ready children grant, and other programs

18 and services provided under this chapter. The state
19 board shall also develop guidelines and standards for
20 state-supported family support programs, based upon
21 existing guidelines and standards for the services.

22 18. Address other measures to advance the
23 initiative. The measures may include any of the
24 following:

25 a. Advance the development of integrated data
26 systems.

27 b. Expand efforts to improve quality and utilize
28 evidence-based practices.

29 c. Further develop kindergarten assessment
30 approaches that are tied to state early learning
31 standards.

32 Sec. __. NEW SECTION. 256I.5 Early childhood
33 coordination center.

34 1. The department shall provide administrative
35 support for implementation of the early childhood Iowa
36 initiative and for the state board.

37 2. a. The early childhood coordination center
38 is established as a work unit of the department to
39 provide a center for facilitation, communication, and
40 coordination for early childhood Iowa activities and
41 funding and for improvement of the individual early
42 care, education, health, and human services systems and
43 the comprehensive system.

44 b. Staffing for the center shall be provided
45 by a project director, a deputy, a family support
46 coordinator, and a first years first coordinator.
47 Dedicated fiscal staff and support staff may be
48 designated, subject to an appropriation made for this
49 purpose. The project director shall be appointed by
50 the governor, subject to confirmation by the senate,

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1 and shall serve at the pleasure of the governor.
2 The center shall submit reports to the governor,
3 state board, and the general assembly. The project
4 director shall provide primary staffing to the board,
5 coordinate state technical assistance activities and
6 implementation of the technical assistance system, and
7 oversee other communication and coordination functions.

8 3. The state agencies represented on the state
9 board may designate additional staff, as part of
10 the early childhood Iowa initiative, to work as
11 a technical assistance team with the center in
12 providing coordination and other support to the state's
13 comprehensive early care, education, health, and human
14 services system.

15 4. The center shall work with the state and area
16 boards to provide leadership for comprehensive system

17 development. The center shall also do all of the
18 following:

- 19 a. Enter into memoranda of agreement with the
20 departments of economic development, education, human
21 rights, human services, public health, and workforce
22 development to formalize the respective departments'
23 commitments to collaborating with and integrating a
24 comprehensive early care, education, health, and human
25 services system. Items addressed in the memoranda
26 shall include but are not limited to data sharing and
27 providing staffing to the technical assistance team.
- 28 b. Work with private businesses, foundations, and
29 nonprofit organizations to develop sustained funding.
- 30 c. Maintain the internet site in accordance with
31 section 256I.10.
- 32 d. Propose any needed revisions to administrative
33 rules based on stakeholder input.
- 34 e. Provide technical support to the state and area
35 boards and to the early childhood Iowa areas through
36 staffing services made available through the state
37 agencies that serve on the state board.
- 38 f. Develop, collect, disseminate, and provide
39 guidance for common performance measures for the
40 programs receiving funding under the auspices of the
41 area boards.
- 42 g. If a disagreement arises within an early
43 childhood Iowa area regarding the interests represented
44 on the area's board, board decisions, or other disputes
45 that cannot be locally resolved, upon request, provide
46 state or regional technical assistance as deemed
47 appropriate by the center to assist the area in
48 resolving the disagreement.

49 Sec. __. NEW SECTION. 256I.6 Early childhood Iowa
50 areas.

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1 1. The purpose of an early childhood Iowa area is
2 to enable local citizens to lead collaborative efforts
3 involving early care, education, health, and human
4 services on behalf of the children, families, and other
5 citizens residing in the area. Leadership functions
6 may include but are not limited to strategic planning
7 for and oversight and managing of such programs and
8 the funding made available to the early childhood Iowa
9 area for such programs from federal, state, local,
10 and private sources. The focus of the area shall be
11 to achieve the desired results and to improve other
12 results for families with young children.

13 2. An early childhood Iowa area shall be designated
14 by using existing county boundaries to the extent
15 possible.

16 3. The designation of an early childhood Iowa
17 area boundaries and the creation of an area board
18 are both subject to the approval of the state board.
19 The state board shall determine if a proposed area
20 board can efficiently and effectively administer
21 the responsibilities and authority of the area to be
22 served. The state board may apply additional criteria
23 for designating areas and approving area boards, but
24 shall apply all of the following minimum criteria:
25 a. An area cannot encompass more than four
26 counties.
27 b. The counties encompassing a multicounty area
28 must have contiguous borders.
29 c. A single county area shall have a minimum
30 population of children zero through age five in excess
31 of five thousand, based on the most recent population
32 estimates issued by the United States bureau of the
33 census.
34 4. If the state board determines exceptional
35 circumstances exist, the state board may waive any of
36 the criteria otherwise specified in subsection 3.
37 Sec. __. NEW SECTION. 256L.7 Early childhood Iowa
38 area boards created.
39 1. a. The early childhood Iowa functions for
40 an area shall be performed under the authority of an
41 early childhood Iowa area board. A majority of the
42 members of an area board shall be elected officials
43 or members of the public who are not employed by a
44 provider of services to or for the area board. In
45 addition, the membership of an area board shall include
46 representation from early care, education, health,
47 human services, business, and faith interests, and at
48 least one parent, grandparent, or guardian of a child
49 from zero through age five. The education, health, and
50 human services agencies represented on an area board

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1 may receive funding from the area board.
2 b. Terms of office of area board members shall
3 be not more than three years and the terms shall be
4 staggered.
5 2. An area board may designate an advisory council
6 consisting of persons employed by or otherwise paid to
7 represent an entity listed in subsection 1 or other
8 provider of service. However, the deliberations of and
9 documents considered by such an advisory council shall
10 be public.
11 3. An area board shall elect a chairperson
12 from among the members who are citizens or elected
13 officials.
14 4. An area board is a unit of local government for

15 purposes of chapter 670, relating to tort liability
 16 of governmental subdivisions. For purposes of
 17 implementing a formal organizational structure, an area
 18 board may utilize recommended guidelines and bylaws
 19 established for this purpose by the state board.

20 5. All meetings of an area board or any committee
 21 or other body established by an area board at which
 22 public business is discussed or formal action taken
 23 shall comply with the requirements of chapter 21. An
 24 area board shall maintain its records in accordance
 25 with chapter 22.

26 Sec. ____ NEW SECTION. 256L.8 Early childhood Iowa
 27 area board duties.

28 1. An early childhood Iowa area board shall do all
 29 of the following:

30 a. Designate a fiscal agent for grant moneys or
 31 for other moneys administered by the area board. The
 32 fiscal agent shall meet the qualifications developed
 33 by the state board.

34 b. Administer early childhood Iowa grant moneys
 35 available from the state to the area board as provided
 36 by law and other federal, state, local, and private
 37 moneys made available to the area board. Eligibility
 38 for receipt of early childhood Iowa grant moneys shall
 39 be limited to those early childhood area boards that
 40 have developed an approved community plan in accordance
 41 with this chapter. An early childhood area board
 42 may apply to the state board for any private moneys
 43 received by the early childhood Iowa initiative outside
 44 of a state appropriation.

45 c. Develop a comprehensive community plan for
 46 providing services for children from zero through
 47 age five. At a minimum, the plan shall do all of the
 48 following:

49 (1) Describe community and area needs for children
 50 from zero through age five as identified through

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1 ongoing assessments.

2 (2) Describe the current and desired levels of
 3 community and area coordination of services for
 4 children from zero through age five, including the
 5 involvement and specific responsibilities of all
 6 related organizations and entities.

7 (3) Identify all federal, state, local, and private
 8 funding sources including funding estimates available
 9 in the early childhood Iowa area that will be used
 10 to provide services to children from zero through age
 11 five.

12 (4) Describe how funding sources will be used
 13 collaboratively and the degree to which the sources

14 can be combined to provide necessary services to young
15 children and their families.

16 (5) Identify the desired results and the
17 community-wide indicators the area board
18 expects to address through implementation of the
19 comprehensive community plan. The plan shall identify
20 community-specific, quantifiable performance measures
21 to be reported in the area board's annual report and
22 integration with the strategic plan adopted by the
23 state board.

24 (6) Describe the current status of support services
25 to prevent the spread of infectious diseases, prevent
26 child injuries, develop health emergency protocols,
27 help with medication, and care for children with
28 special health needs that are being provided to child
29 care facilities registered or licensed under chapter
30 237A within the early childhood Iowa area.

31 d. Submit an annual report on the effectiveness of
32 the community plan in addressing school readiness and
33 children's health and safety needs to the state board
34 and to the local government bodies in the area. The
35 annual report shall indicate the effectiveness of the
36 area board in addressing state and locally determined
37 goals.

38 e. Function as a coordinating body for services
39 offered by different entities directed to similar
40 purposes within the area.

41 f. Assume other responsibilities established by law
42 or administrative rule.

43 g. Cooperate with the state board, department
44 of education, and school districts and other local
45 education agencies in securing unique student
46 identifiers, in compliance with all applicable federal
47 and state confidentiality provisions.

48 2. An area board may do any of the following:

49 a. Designate one or more committees to assist with
50 area board functions.

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1 b. Utilize community bodies for input to the area
2 board and implementation of services.

3 Sec. __. NEW SECTION. 256I.9 School ready
4 children grant program.

5 1. The state board shall develop and promote a
6 school ready children grant program which shall provide
7 for all of the following components:

8 a. Identify the performance measures that will
9 be used to assess the effectiveness of the school
10 ready children grants, including the amount of early
11 intellectual stimulation of very young children, the
12 basic skill levels of students entering school, the

13 health status of children, the incidence of child
14 abuse and neglect, the level of involvement by parents
15 with their children, and the degree of quality of an
16 accessibility to child care.

17 b. Identify guidelines and a process to be used for
18 determining the readiness of an early childhood Iowa
19 area board for administering a school ready children
20 grant.

21 c. Provide for technical assistance concerning
22 funding sources, program design, and other pertinent
23 areas.

24 2. The state board shall provide maximum
25 flexibility to grantees for the use of the grant moneys
26 included in a school ready children grant.

27 3. A school ready children grant shall, to the
28 extent possible, be used to support programs that meet
29 quality standards identified by the state board. At a
30 minimum, a grant shall be used to provide all of the
31 following:

32 a. Preschool services provided on a voluntary basis
33 to children deemed at risk.

34 b. Family support services and parent education
35 programs promoted to parents of children from zero
36 through age five. Family support services shall
37 include but are not limited to home visitation.

38 c. Other services to support the strategic plan
39 developed by the state board.

40 d. Services to improve the quality and availability
41 of all types of child care. The services may include
42 but are not limited to making nurse consultants
43 available to support quality improvement.

44 4. a. A school ready children grant shall be
45 awarded to an area board annually, as funding is
46 available. Receipt of continued funding is subject
47 to submission of the required annual report and the
48 state board's determination that the area board is
49 measuring, through the use of performance measures
50 and community-wide indicators developed by the state

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1 board with input from area boards, progress toward and
2 is achieving the desired results and other results
3 identified in the community plan. Each area board
4 shall participate in the levels of excellence rating
5 system to measure the area's success. If the use of
6 performance measures and community-wide indicators does
7 not show that an area board has made progress toward
8 achieving the results identified in the community
9 plan, the state board may request a plan of corrective
10 action, withhold any increase in funding, or withdraw
11 grant funding.

12 b. The state board shall distribute school
13 ready children grant moneys to area boards with
14 approved comprehensive community plans based upon
15 a determination of an early childhood Iowa area's
16 readiness to effectively utilize the grant moneys.

17 The grant moneys shall be adjusted for other federal
18 and state grant moneys to be received by the area for
19 services to children from zero through age five.

20 c. An area board's readiness shall be determined
21 by evidence of successful collaboration among public
22 and private early care, education, health, and
23 human services interests in the area or a documented
24 program design that supports a strong likelihood of
25 a successful collaboration between these interests.
26 Other criteria which may be used by the state board
27 to determine readiness and evaluate the funding
28 flexibility for an area include one or more of the
29 following:

30 (1) The levels of excellence rating received by the
31 area.

32 (2) Experience or other evidence of the area's
33 capacity to successfully implement the services in the
34 area's community plan.

35 (3) Local public and private funding and other
36 resources committed to implementation of the community
37 plan.

38 (4) The adequacy of plans for commitment of local
39 funding and other resources for implementation of the
40 community plan.

41 d. The provisions for distribution of school ready
42 children grant moneys shall be determined by the state
43 board.

44 e. The amount of school ready children grant
45 funding an area board may carry forward from one fiscal
46 year to the succeeding fiscal year shall not exceed
47 twenty percent of the grant amount for the fiscal year.
48 All of the school ready children grant funds received
49 by an area board for a fiscal year which remain
50 unencumbered or unobligated at the close of a fiscal

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1 year shall be carried forward to the succeeding fiscal
2 year. However, the grant amount for the succeeding
3 fiscal year shall be reduced by the amount in excess
4 of twenty percent of the grant amount received for the
5 fiscal year.

6 Sec. __. NEW SECTION. 256I.10 Early childhood
7 Iowa internet site.

8 1. The department shall provide for the operation
9 of an internet site for purposes of widely distributing
10 information regarding early care, education, health,

11 and human services and other information provided
12 by the departments represented on the state board
13 and the public and private agencies addressing the
14 comprehensive system for such services.

15 2. Information provided on the internet site shall
16 include but is not limited to all of the following:

17 a. Information about the early childhood Iowa
18 initiative for state and local use.

19 b. A link to a special internet site directed to
20 parents, including parent-specific information on early
21 care, education, health, and human services and links
22 to other resources available on the internet and from
23 other sources.

24 c. Program standards for early care, education,
25 health, and human services that have been approved by
26 state agencies.

27 3. The department shall provide to the state board
28 information regarding the extent and frequency of usage
29 of the internet site or sites and this information
30 shall be included in the board's annual report to the
31 governor and general assembly.

32 Sec. __. NEW SECTION. 256I.11 Early childhood
33 Iowa fund.

34 1. An early childhood Iowa fund is created in
35 the state treasury. The moneys credited to the
36 fund are not subject to section 8.33 and moneys in
37 the fund shall not be transferred, used, obligated,
38 appropriated, or otherwise encumbered except as
39 provided by law. Notwithstanding section 12C.7,
40 subsection 2, interest or earnings on moneys deposited
41 in the fund shall be credited to the fund.

42 2. A school ready children grants account is
43 created in the fund under the authority of the director
44 of the department of education. Moneys credited to
45 the account shall be distributed by the department
46 in the form of grants to early childhood Iowa areas
47 pursuant to criteria established by the state board in
48 accordance with law.

49 3. Unless a different amount is authorized by law,
50 up to five percent of the school ready children grant

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1 moneys distributed to an area board may be used by the
2 area board for administrative costs.

3 4. a. An early childhood programs grants account
4 is created in the fund under the authority of the
5 director of the department of management. Moneys
6 credited to the account under the auspices of the
7 department of human services are appropriated to and
8 shall be distributed by the department of management
9 in the form of grants to early childhood Iowa areas

10 pursuant to criteria established by the state board
11 in accordance with law. The criteria shall include
12 but are not limited to a requirement that an early
13 childhood Iowa area must be designated by the state
14 board in order to be eligible to receive an early
15 childhood programs grant.

16 b. The maximum funding amount an early childhood
17 Iowa area is eligible to receive from the early
18 childhood programs grant account for a fiscal year
19 shall be determined by applying the area's percentage
20 of the state's average monthly family investment
21 program population in the preceding fiscal year to the
22 total amount credited to the account for the fiscal
23 year.

24 c. An early childhood Iowa area receiving funding
25 from the early childhood programs grant account
26 shall comply with any federal reporting requirements
27 associated with the use of that funding and other
28 results and reporting requirements established by the
29 state board. The early childhood coordination center
30 shall provide technical assistance in identifying and
31 meeting the federal requirements. The availability of
32 funding provided from the account is subject to changes
33 in federal requirements and amendments to Iowa law.

34 d. The moneys distributed from the early childhood
35 programs grant account shall be used by early childhood
36 Iowa areas for the purposes of enhancing quality child
37 care capacity in support of parent capability to obtain
38 or retain employment. The moneys shall be used with a
39 primary emphasis on low-income families and children
40 from zero to age five. Moneys shall be provided
41 in a flexible manner and shall be used to implement
42 strategies identified by the early childhood Iowa area
43 to achieve such purposes. The department of management
44 may use a portion of the funding appropriated to the
45 department under this subsection for provision of
46 technical assistance and other support to the early
47 childhood Iowa areas developing and implementing
48 strategies with grant moneys distributed from the
49 account.

50 e. Moneys from a federal block grant that are

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1 credited to the early childhood programs grant account
2 but are not distributed to an early childhood Iowa area
3 or otherwise remain unobligated or unexpended at the
4 end of the fiscal year shall revert to the fund created
5 in section 8.41 to be available for appropriation by
6 the general assembly in a subsequent fiscal year.

7 5. A first years first account is created in
8 the fund under the authority of the department of

9 management. The account shall consist of gift or grant
 10 moneys obtained from any source, including but not
 11 limited to the federal government. Moneys credited to
 12 the account are appropriated to the department to be
 13 used for the early childhood-related purposes for which
 14 the moneys were received.

15 Sec. ____ Section 135.106, subsection 3, Code 2009,
 16 is amended to read as follows:

17 3. It is the intent of the general assembly to
 18 provide communities with the discretion and authority
 19 to redesign existing local programs and services
 20 targeted at and assisting families expecting babies
 21 and families with children who are newborn through
 22 five years of age. The Iowa department of public
 23 health, department of human services, department of
 24 education, and other state agencies and programs, as
 25 appropriate, shall provide technical assistance and
 26 support to communities desiring to redesign their
 27 local programs and shall facilitate the consolidation
 28 of existing state funding appropriated and made
 29 available to the community for family support services.
 30 Funds which are consolidated in accordance with this
 31 subsection shall be used to support the redesigned
 32 service delivery system. In redesigning services,
 33 communities are encouraged to implement a single
 34 uniform family risk assessment mechanism and shall
 35 demonstrate the potential for improved outcomes for
 36 children and families. Requests by local communities
 37 for the redesigning of services shall be submitted to
 38 the Iowa department of public health, department of
 39 human services, and department of education, and are
 40 subject to the approval of the early childhood Iowa
 41 ~~empowerment state~~ board in consultation with the
 42 departments, based on the practices utilized with
 43 ~~community empowerment~~ early childhood Iowa areas under
 44 chapter ~~28~~ 256I.

45 Sec. ____ Section 135.119, subsection 2, paragraph
 46 d, Code Supplement 2009, is amended to read as follows:

47 d. The program plan shall incorporate a multiyear,
 48 collaborative approach for implementation of the
 49 plan. The plan shall address how to involve those who
 50 regularly work with parents and persons responsible for

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1 the care of a child, including but not limited to child
 2 abuse prevention programs, child care resource and
 3 referral programs, child care providers, family support
 4 programs, programs receiving funding through the
 5 ~~community empowerment~~ early childhood Iowa initiative
 6 public and private schools, health care providers,
 7 local health departments, birth centers, and birthing

8 hospitals.

9 Sec. ____ Section 135.159, subsection 3, paragraph
10 i, Code Supplement 2009, is amended to read as follows:

11 i. For children, coordinate with and integrate
12 guidelines, data, and information from existing newborn
13 and child health programs and entities, including but
14 not limited to the healthy opportunities for parents
15 to experience success - healthy families Iowa program,
16 the ~~community empowerment program~~ early childhood Iowa
17 initiative, the center for congenital and inherited
18 disorders screening and health care programs, standards
19 of care for pediatric health guidelines, the office of
20 multicultural health established in section 135.12, the
21 oral health bureau established in section 135.15, and
22 other similar programs and services.

23 Sec. ____ Section 135.173, Code 2009, is amended to
24 read as follows:

25 135.173 Early childhood ~~Iowa council~~ stakeholders
26 alliance.

27 1. Council Alliance created. An early childhood
28 ~~Iowa council stakeholders alliance~~ is created ~~as an~~
29 ~~alliance of stakeholders in to address the~~ early care,
30 health, and education systems that affect children ages
31 zero through five in Iowa.

32 2. Purpose. The purpose of the early childhood
33 ~~Iowa council stakeholders alliance~~ is to oversee and
34 provide broad input into the development of ~~an a high~~
35 quality Iowa early childhood system ~~by integrating~~
36 ~~the early care, health, and education systems~~
37 ~~addressing that meets~~ the needs of children ages
38 zero through five and their families and integrates
39 the early care, health, and education systems. The
40 ~~council alliance~~ shall advise the governor, general
41 assembly, and public and private policy bodies and
42 service providers in coordinating activities throughout
43 the state to fulfill its purpose.

44 3. Vision statement. All system development
45 activities addressed by the early childhood ~~Iowa~~
46 ~~council stakeholders alliance~~ shall be aligned around
47 the following vision statement for the children of
48 Iowa: "Every child, beginning at birth, will be
49 healthy and successful."

50 4. Membership. The early childhood ~~Iowa~~

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1 ~~council stakeholders alliance~~ membership shall
2 include a representative of any organization that
3 touches the lives of young children in the state
4 ages zero through five, has endorsed the purpose
5 and vision statement for the ~~council alliance~~,
6 has endorsed the guiding principles adopted by the

7 ~~council alliance~~ for the early childhood system,
 8 and has formally asked to be a member and remains
 9 actively engaged in ~~council alliance~~ activities.
 10 The ~~council alliance~~ shall work to ensure there is
 11 geographic, cultural, and ethnic diversity among the
 12 membership.

13 5. Procedure. Except as otherwise provided by
 14 law, the early childhood ~~Iowa council stakeholders~~
 15 ~~alliance~~ shall determine its own rules of procedure and
 16 operating provisions.

17 6. Steering committee. The early childhood
 18 ~~Iowa council stakeholders alliance~~ shall operate
 19 with a steering committee to organize, manage, and
 20 coordinate the activities of the ~~council alliance~~ and
 21 its component groups. The steering committee may act
 22 on behalf of the ~~council alliance~~ as necessary. The
 23 steering committee membership shall consist of the
 24 co-chairpersons of the ~~council's alliance's~~ component
 25 groups, ~~the chairperson of the state agency liaison~~
 26 ~~team, the community empowerment facilitator or the~~
 27 ~~facilitator's designee, the primary staff person~~
 28 ~~for the early childhood Iowa state board created~~
 29 ~~in chapter 256I, a staff member of the early~~
 30 ~~childhood coordination center of the department~~
 31 ~~of management,~~ and other leaders designated by the
 32 ~~council alliance.~~

33 7. Component groups. The early childhood ~~Iowa~~
 34 ~~council stakeholders alliance~~ shall maintain component
 35 groups to address the key components of the Iowa early
 36 childhood system. Each component group shall have one
 37 private and one public agency co-chairperson. The
 38 ~~council alliance~~ may change the component groups as
 39 deemed necessary by the ~~advisory council alliance.~~
 40 Initially, there shall be a component group for each
 41 of the following:

- 42 a. Governance planning and administration.
- 43 b. Professional development.
- 44 c. Public engagement.
- 45 d. Quality services and programs.
- 46 e. Resources and funding.
- 47 f. Results accountability.

48 8. State agency liaison team. A state agency
 49 liaison team shall provide input into the efforts of
 50 the early childhood ~~Iowa council stakeholders alliance.~~

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- 1 In addition to designees of the governor, the team
- 2 shall consist of the directors or chief administrators,
- 3 or their designees, from the following state agencies
- 4 and programs:
- 5 a. Child health specialty clinics.

- 6 ~~b. Office of community empowerment in the~~
7 ~~department of management~~ Early childhood Iowa state
8 board staff.
- 9 c. Department of education.
- 10 d. Department of education, office of head start
11 collaboration.
- 12 e. Division of libraries and information services
13 of the department of education.
- 14 ~~e. f.~~ Office of the governor.
- 15 ~~f. g.~~ Department of human rights.
- 16 ~~g. h.~~ Department of human services.
- 17 ~~h. i.~~ Postsecondary education institutions,
18 including but not limited to institutions of higher
19 learning under the control of the state board of
20 regents and Iowa community colleges.
- 21 j. Department of management.
- 22 ~~i. k.~~ Department of public health.
- 23 l. Department of workforce development.
- 24 9. Duties. ~~In addition to the advisory function~~
25 ~~specified in subsection 2, the~~ The early childhood Iowa
26 council's stakeholders alliance duties shall include
27 but are not limited to all of the following regarding
28 the Iowa early childhood system:
- 29 a. Coordinate with the early childhood Iowa state
30 board concerning the development and implementation of
31 ~~a~~ the strategic plan required under chapter 256I. The
32 coordination and development activities shall emphasize
33 strengthening the early childhood system components
34 enumerated in this section.
- 35 b. Serve as the state advisory council required
36 under the federal Improving Head Start for School
37 Readiness Act of 2007, Pub. L. No. 110-134, if
38 designated by the governor.
- 39 c. Work to secure necessary funding support for
40 strengthening the design and implementation of a
41 high quality early childhood system. The support may
42 include but is not limited to federal funding available
43 for planning under early childhood comprehensive
44 service system grants by the federal maternal and child
45 health bureau and federal early learning challenge
46 grants.
- 47 d. Assist in the development of responsibilities
48 across agencies and ~~other entities to achieve strategic~~
49 ~~goals~~ between the state board and area boards for the
50 early childhood Iowa initiative under chapter 256I to

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- 1 develop and maintain a high quality early childhood
2 system in the state.
- 3 ~~e. e.~~ Work with the early childhood Iowa
4 ~~empowerment board~~ state board in developing

5 public-private partnerships to support the early
 6 childhood system through the first years first account
 7 in the early childhood Iowa empowerment fund and other
 8 efforts for expanding investment of private funding
 9 in the early childhood system. ~~As this and similar~~
 10 ~~efforts to expand and coordinate investments from all~~
 11 ~~public and private sources evolve and mature, make~~
 12 ~~recommendations for designation of or contracting~~
 13 ~~with a private nonprofit organization to serve as a~~
 14 ~~fiscal agent for the early childhood system or another~~
 15 ~~approach for increasing public and private investment~~
 16 ~~in the system.~~

17 ~~d. f.~~ Report annually by December 31 to the
 18 governor and general assembly. The report content
 19 shall include but is not limited to all of the
 20 following:

21 (1) The status and results of the
 22 ~~council's alliance's~~ efforts to engage the public
 23 regarding the early care, health, and education needs
 24 of children ages zero through five and the efforts to
 25 develop and promote private sector involvement with the
 26 early childhood system.

27 (2) The status of the ~~community empowerment~~ early
 28 childhood Iowa initiative and the overall early
 29 childhood system in achieving the following initial set
 30 of desired results identified in ~~section 28.2~~ chapter
 31 256I:

- 32 (a) Healthy children.
- 33 (b) Children ready to succeed in school.
- 34 (c) Safe and supportive communities.
- 35 (d) Secure and nurturing families.
- 36 (e) Secure and nurturing early care and education
 37 environments.

38 10. Staff support for the early childhood
 39 stakeholders alliance shall be provided by the
 40 department of public health.

41 Sec. ____. Section 135.174, subsection 1, Code 2009,
 42 is amended to read as follows:

43 1. The lead agency for support of the early
 44 childhood ~~Iowa council~~ stakeholders alliance for state
 45 agency efforts to develop an early childhood system for
 46 Iowa shall be the department of public health.

47 Sec. ____. Section 135.174, subsection 2, unnumbered
 48 paragraph 1, Code 2009, is amended to read as follows:
 49 The department shall work with the early childhood
 50 ~~Iowa council~~ stakeholders alliance in integrating early

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1 care, health, and education systems to develop an early
 2 childhood system for Iowa. The department shall do all
 3 of the following in developing the system:

4 Sec. ____ Section 142A.4, subsection 8, Code
5 Supplement 2009, is amended to read as follows:
6 8. Assist with the linkage of the initiative with
7 child welfare and juvenile justice decategorization
8 projects, education programming, ~~community~~
9 ~~empowerment~~ early childhood Iowa areas, and other
10 programs and services directed to youth at the state
11 and community level.

12 Sec. ____ Section 142A.8, subsection 2, Code 2009,
13 is amended to read as follows:
14 2. A community partnership area shall encompass
15 a county or multicounty area, school district or
16 multischool district area, economic development
17 enterprise zone that meets the requirements of an urban
18 or rural enterprise community under ~~Title Tit.~~ Tit. XIII of
19 the federal Omnibus Budget Reconciliation Act of 1993,
20 or ~~community empowerment~~ early childhood Iowa area, in
21 accordance with criteria adopted by the commission for
22 appropriate population levels and size of geographic
23 areas.

24 Sec. ____ Section 216A.140, subsection 5, paragraph
25 j, Code Supplement 2009, is amended to read as follows:

26 j. ~~Office of community empowerment~~ Early childhood
27 coordination center in the department of management.

28 Sec. ____ Section 217.42, subsection 1, Code 2009,
29 is amended to read as follows:
30 1. The organizational structure to deliver the
31 department's field services shall be based upon service
32 areas. The service areas shall serve as a basis for
33 providing field services to persons residing in the
34 counties comprising the service area. The service
35 areas shall be those designated by the department
36 effective January 1, 2002. In determining the
37 service areas, the department shall consider other
38 geographic service areas including but not limited to
39 judicial districts and ~~community empowerment~~ early
40 childhood Iowa areas. The department shall consult
41 with the county boards of supervisors in a service
42 area with respect to the selection of the service
43 area manager responsible for the service area who is
44 initially selected for the service area designated
45 effective January 1, 2002, and any service area manager
46 selected for the service area thereafter. Following
47 establishment of the service areas effective January
48 1, 2002, if a county seeks to change the boundaries
49 of a service area, the change shall only take place
50 if the change is mutually agreeable to the department

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1 and all affected counties. If it is necessary for the
2 department to significantly modify its field operations

3 or the composition of a designated service area, or
 4 if it is necessary for the department to change the
 5 number of offices operating less than full-time, the
 6 department shall consult with the affected counties
 7 prior to implementing such action.

8 Sec. ____ Section 232.188, subsection 4, paragraph
 9 c, Code 2009, is amended to read as follows:

10 c. A decategorization governance board shall
 11 coordinate the project's planning and budgeting
 12 activities with the departmental service area manager
 13 for the county or counties comprising the project area
 14 and the ~~community empowerment~~ early childhood Iowa area
 15 board or boards for the ~~community empowerment~~ early
 16 childhood Iowa area or areas within which the
 17 decategorization project is located.

18 Sec. ____ Section 237A.21, subsection 3, paragraph
 19 n, Code Supplement 2009, is amended to read as follows:

20 n. One designee of the ~~community empowerment~~
 21 ~~office~~ early childhood coordination center of the
 22 department of management.

23 Sec. ____ Section 237A.21, subsection 3, paragraph
 24 q, Code Supplement 2009, is amended to read as follows:

25 q. One person who represents the early childhood
 26 Iowa ~~council~~ state board created in section
 27 ~~135-173 256L.3.~~

28 Sec. ____ Section 237A.22, subsection 1, paragraph
 29 j, Code Supplement 2009, is amended to read as follows:

30 j. Advise and assist the early childhood Iowa
 31 ~~council~~ state board in developing the strategic plan
 32 required pursuant to section ~~135-173 256L.4.~~

33 Sec. ____ Section 237A.26, subsection 8, Code 2009,
 34 is amended to read as follows:

35 8. For purposes of improving the quality and
 36 consistency of data collection, consultation, and other
 37 support to child care home and child development home
 38 providers, a resource and referral services agency
 39 grantee shall coordinate and assist with publicly
 40 and privately funded efforts administered at the
 41 community level to provide the support. The support
 42 and efforts addressed by a grantee may include but are
 43 not limited to community-funded child care home and
 44 child development home consultants. Community members
 45 involved with the assistance may include but are not
 46 limited to the efforts of a ~~community empowerment an~~
 47 early childhood Iowa area board under chapter ~~28 256L.~~
 48 and of community representatives of education, health,
 49 human services, business, faith, and public interests.

50 Sec. ____ Section 237A.30, subsection 1, Code 2009,

2 1. The department shall work with the ~~community~~
3 ~~empowerment office of early childhood coordination~~
4 ~~center in~~ the department of management established in
5 section ~~28.3~~ 256I.5 and the state child care advisory
6 council in designing and implementing a voluntary
7 quality rating system for each provider type of child
8 care facility.

9 Sec. ____ Section 256C.3, subsection 3, paragraph
10 e, Code 2009, is amended to read as follows:

11 e. Collaboration with participating families, early
12 care providers, and community partners including but
13 not limited to ~~community empowerment early childhood~~
14 Iowa area boards, head start programs, shared visions
15 and other programs provided under the auspices of the
16 child development coordinating council, licensed child
17 care centers, registered child development homes,
18 area education agencies, child care resource and
19 referral services provided under section 237A.26, early
20 childhood special education programs, services funded
21 by ~~Title Tit.~~ I of the federal Elementary and Secondary
22 Education Act of 1965, and family support programs.

23 Sec. ____ Section 256C.3, subsection 4, paragraph
24 a, Code 2009, is amended to read as follows:

25 a. Methods of demonstrating community readiness
26 to implement high-quality instruction in a local
27 program shall be identified. The potential provider
28 shall submit a collaborative program proposal that
29 demonstrates the involvement of multiple community
30 stakeholders including but not limited to, and only as
31 applicable, parents, the school district, accredited
32 nonpublic schools and faith-based representatives, the
33 area education agency, the ~~community empowerment early~~
34 childhood Iowa area board, representatives of business,
35 head start programs, shared visions and other programs
36 provided under the auspices of the child development
37 coordinating council, center-based and home-based
38 providers of child care services, human services,
39 public health, and economic development programs. The
40 methods may include but are not limited to a school
41 district providing evidence of a public hearing on
42 the proposed programming and written documentation of
43 collaboration agreements between the school district,
44 existing community providers, and other community
45 stakeholders addressing operational procedures and
46 other critical measures.

47 Sec. ____ Section 256C.4, subsection 2, paragraph
48 b, Code 2009, is amended to read as follows:

49 b. The enrollment count of eligible students shall
50 not include a child who is included in the enrollment

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1 count determined under section 257.6 or a child who is
 2 served by a program already receiving state or federal
 3 funds for the purpose of the provision of four-year-old
 4 preschool programming while the child is being served
 5 by the program. Such preschool programming includes
 6 but is not limited to child development assistance
 7 programs provided under chapter 256A, special education
 8 programs provided under section 256B.9, school ready
 9 children grant programs and other programs provided
 10 under chapter ~~28~~ 256I, and federal head start programs
 11 and the services funded by ~~Title~~ Tit. I of the federal
 12 Elementary and Secondary Education Act of 1965.

13 Sec. ____ Section 279.60, Code 2009, is amended to
 14 read as follows:

15 279.60 Kindergarten assessment – access to data –
 16 reports.

17 Each school district shall administer the dynamic
 18 indicators of basic early literacy skills kindergarten
 19 benchmark assessment or other kindergarten benchmark
 20 assessment adopted by the department of education
 21 in consultation with the early childhood Iowa
 22 ~~empowerment state~~ board to every kindergarten student
 23 enrolled in the district not later than the date
 24 specified in section 257.6, subsection 1. The school
 25 district shall also collect information from each
 26 parent, guardian, or legal custodian of a kindergarten
 27 student enrolled in the district, including but not
 28 limited to whether the student attended preschool,
 29 factors identified by the early ~~care staff~~ childhood
 30 coordination center pursuant to section ~~28.3~~ 256I.5,
 31 and other demographic factors. Each school district
 32 shall report the results of the assessment and the
 33 preschool information collected to the department of
 34 education in the manner prescribed by the department
 35 not later than January 1 of that school year. The
 36 ~~early care staff designated pursuant to section~~
 37 ~~28.3~~ early childhood coordination center in the
 38 department of management shall have access to the raw
 39 data. The department shall review the information
 40 submitted pursuant to this section and shall submit
 41 its findings and recommendations annually in a report
 42 to the governor, the general assembly, the early
 43 childhood Iowa ~~empowerment state~~ board, and the
 44 ~~community empowerment~~ early childhood Iowa area boards.

45 Sec. ____ Section 915.35, subsection 4, paragraph
 46 b, Code Supplement 2009, is amended to read as follows:

47 b. A child protection assistance team may also
 48 consult with or include juvenile court officers,
 49 medical and mental health professionals, physicians
 50 or other hospital-based health professionals,

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1 court-appointed special advocates, guardians ad litem,
2 and members of a multidisciplinary team created by
3 the department of human services for child abuse
4 investigations. A child protection assistance team
5 may work cooperatively with the ~~local community~~
6 ~~empowerment~~ early childhood Iowa area board established
7 under ~~section 28.6~~ chapter 256I. The child protection
8 assistance team shall work with the department of human
9 services in accordance with section 232.71B, subsection
10 3, in developing the protocols for prioritizing the
11 actions taken in response to child abuse reports and
12 for law enforcement agencies working jointly with the
13 department at the local level in processes for child
14 abuse reports. The department of justice may provide
15 training and other assistance to support the activities
16 of a child protection assistance team.

17 Sec. ____ REPEALS. Chapter 28, Code and Code
18 Supplement 2009, is repealed.

19 Sec. ____ IMPLEMENTATION OF ACT. Section 25B.2,
20 subsection 3, shall not apply to this division of this
21 Act.

22 Sec. ____ TRANSITION.

23 1. The initial membership of the early childhood
24 Iowa state board shall be composed of the membership of
25 the Iowa empowerment board.

26 2. Effective on or after July 1, 2011, as
27 determined by the early childhood Iowa state board
28 created pursuant to this division of this Act, the
29 designations granted by the Iowa empowerment board to
30 community empowerment areas and community empowerment
31 area boards under chapter 28, Code 2009, are withdrawn.
32 However, subject to the approval of the early childhood
33 Iowa state board in accordance with the area board
34 designation criteria established by this division
35 of this Act, all or a portion of the membership of a
36 community empowerment area board may be redesignated to
37 serve as the membership of the initial early childhood
38 Iowa area board for the relevant early childhood Iowa
39 area to be served. Subject to rules to be adopted by
40 the state board addressing redesignation of community
41 empowerment areas as early childhood Iowa areas,
42 existing multicounty community empowerment area boards
43 may choose to be redefined as early childhood Iowa area
44 boards.

45 3. Until the early childhood Iowa state board
46 has adopted administrative rules to implement the
47 provisions of chapter 256I, as enacted by this division
48 of this Act, the department of management shall apply
49 the relevant rules adopted to implement the community
50 empowerment initiative under chapter 28, Code 2009.

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- 1 The state board shall also adopt rules addressing
- 2 transition of contracts entered into by community
- 3 empowerment area boards that include provisions in
- 4 effect on or after July 1, 2012.>
- 5 2. By renumbering as necessary.

Amendment H-8076 was adopted, placing out of order the following amendments to the committee amendment H-8045. H-8069, previously deferred, filed by Tymeson of Madison on February 9, 2010, H-8075, previously deferred, filed by Koester of Polk, et al., on February 9, 2010 and H-8095 filed by Winckler of Scott on February 11, 2010.

L. Miller of Scott asked and received unanimous consent to withdraw amendment H-8101, to the committee amendment H-8045, filed by her on February 11, 2010.

Paulsen of Linn offered the following amendment H-8106, to the committee amendment H-8045, filed by him and Mascher of Johnson from the floor and moved its adoption:

H-8106

- 1 Amend the amendment, H-8045, to Senate File 2088,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, before line 4 by inserting: ____.
- 5 Page 30, line 4, after <2B.5A.> by inserting
- 6 <The agency shall also submit a copy of the notice to
- 7 the chairpersons and ranking members of the appropriate
- 8 standing committees of the general assembly for
- 9 additional study.>
- 10 ____ Page 31, after line 21 by inserting:
- 11 <Sec. ____ APPLICABILITY. The amendment to section
- 12 17A.4 in this division of this Act, establishing
- 13 requirements for an agency to submit copies of rule
- 14 notices to the chairpersons and ranking members of
- 15 the appropriate standing committees, is applicable
- 16 beginning January 11, 2011.>>
- 17 2. By renumbering as necessary.

Amendment H-8106 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Helland of Polk and Sorenson of Warren, until their return, on request of Paulsen of Linn.

Watts of Dallas offered the following amendment H-8094, previously deferred, to the committee amendment H-8045, filed by him and moved its adoption:

H-8094

1 Amend the amendment, H-8045, to Senate File 2088,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 11, after line 41 by inserting:

5 <_.Page 118, after line 8 by inserting:

6 <DIVISION _____

7 WIND ENERGY TAX CREDIT REPEAL

8 Sec. _____. Section 422.11J, Code 2009, is amended to
9 read as follows:

10 422.11J Tax credits for wind energy production and
11 renewable energy.

12 The taxes imposed under this division, less the
13 credits allowed under section 422.12, shall be reduced
14 by ~~the tax credits credit for wind energy production~~
15 ~~allowed under chapter 476B and for renewable energy~~
16 ~~allowed under chapter 476C.~~

17 Sec. _____. Section 422.33, subsection 16, Code
18 Supplement 2009, is amended to read as follows:

19 16. The taxes imposed under this division shall
20 be reduced by ~~the tax credits credit for wind energy~~
21 ~~production allowed under chapter 476B and for renewable~~
22 ~~energy allowed under chapter 476C.~~

23 Sec. _____. Section 422.60, subsection 8, Code
24 Supplement 2009, is amended to read as follows:

25 8. The taxes imposed under this division shall
26 be reduced by ~~the tax credits credit for wind energy~~
27 ~~production allowed under chapter 476B and for renewable~~
28 ~~energy allowed under chapter 476C.~~

29 Sec. _____. Section 423.4, subsection 4, Code
30 Supplement 2009, is amended to read as follows:

31 4. A person in possession of a ~~wind energy~~
32 ~~production tax credit certificate pursuant to chapter~~
33 ~~476B or a renewable energy tax credit certificate~~
34 ~~issued pursuant to chapter 476C~~ may apply to the
35 director for refund of the amount of sales or use tax
36 imposed and paid upon purchases made by the applicant.

37 a. The refunds may be obtained only in the
38 following manner and under the following conditions:

39 (1) On forms furnished by the department and filed
40 by January 31 after the end of the calendar year in
41 which the tax credit certificate is to be applied, the
42 applicant shall report to the department the total

43 amount of sales and use tax paid during the reporting
44 period on purchases made by the applicant.

45 (2) The applicant shall separately list the amounts
46 of sales and use tax paid during the reporting period.

47 (3) If required by the department, the applicant
48 shall prove that the person making the sales has
49 included the amount thereof in the computation of the
50 sales price of such person and that such person has

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1 paid the tax levied by this subchapter or subchapter
2 III, based upon such computation of the sales price.

3 (4) The applicant shall provide the tax credit
4 ~~certificates certificate~~ issued pursuant to chapter
5 ~~476B or 476C~~ to the department with the forms require
6 by this paragraph "a".

7 b. If satisfied that the foregoing conditions
8 and requirements have been complied with, the
9 director shall refund the amount claimed by the
10 applicant for an amount not greater than the
11 amount of tax ~~credits credit~~ issued in a tax credit
12 ~~certificates certificate~~ pursuant to chapter
13 ~~476B or 476C~~.

14 Sec. ____ Section 432.12E, Code 2009, is amended to
15 read as follows:

16 432.12E Tax credits for wind energy production and
17 renewable energy.

18 The taxes imposed under this chapter shall be
19 reduced by ~~the tax credits for wind energy production~~
20 ~~allowed under chapter 476B and credit~~ for renewable
21 energy allowed under chapter 476C.

22 Sec. ____ Section 437A.6, subsection 1, paragraph
23 c, Code Supplement 2009, is amended to read as follows:

24 c. Wind energy conversion property subject to
25 section 427B.26 ~~or eligible for a tax credit under~~
26 ~~chapter 476B~~.

27 Sec. ____ Section 437A.17B, Code 2009, is amended
28 to read as follows:

29 437A.17B Reimbursement for renewable energy.

30 A person in possession of ~~a wind energy tax credit~~
31 ~~certificate issued pursuant to chapter 476B or a~~
32 renewable energy tax credit certificate issued
33 pursuant to chapter 476C may apply to the director
34 for a reimbursement of the amount of taxes imposed
35 and paid by the person pursuant to this chapter in
36 an amount not more than the person received in ~~wind~~
37 ~~energy tax credit certificates pursuant to chapter~~
38 ~~476B or~~ renewable energy tax credit certificates
39 pursuant to chapter 476C. To obtain the reimbursement,
40 the person shall attach to the return required under
41 section 437A.8 ~~the wind energy tax credit certificates~~

42 ~~issued to the person pursuant to chapter 476B, or the~~
 43 renewable energy tax credit certificates issued to the
 44 person pursuant to chapter 476C, and provide any other
 45 information the director may require. The director
 46 shall direct a warrant to be issued to the person for
 47 an amount equal to the tax imposed and paid by the
 48 person pursuant to this chapter but for not more than
 49 the amount of the ~~wind energy tax credit certificates~~
 50 ~~or~~ renewable energy tax credit certificates attached to

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1 the return.
 2 Sec. ____ Section 476C.4, subsection 6, Code 2009,
 3 is amended by striking the subsection.
 4 Sec. ____ Section 524.802, subsection 14, Code
 5 2009, is amended by striking the subsection.
 6 Sec. ____ REPEAL. Section 476B.2, 476B.3, 476B.7,
 7 476B.8, 476B.9, and 476B.10, Code 2009, is repealed.
 8 Sec. ____ REPEAL. Sections 476B.1, 476B.4,
 9 476B.5, 476B.6, and 476B.6A, Code Supplement 2009, are
 10 repealed. >>

Roll call was requested by Bailey of Hamilton and Gayman of Scott.

Rule 75 was invoked.

On the question "Shall amendment H-8094 to the committee amendment H-8045 be adopted?" (S.F. 2088)

The ayes were, 1:

Watts

The nays were, 97:

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

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

Absent or not voting, 2:

Drake Helland

Amendment H-8094 lost.

On motion by Mascher of Johnson, the committee amendment H-8045, as amended, was adopted, placing out of order amendments H-8054 filed by Winckler of Scott and Wendt of Woodbury on February 9, 2010, H-8064 filed by Tymeson of Madison on February 9, 2010 and H-8074 filed by Horbach of Tama, et al., on February 9, 2010.

Rants of Woodbury offered the following amendment H-8053 filed by him and moved its adoption:

H-8053

1 Amend Senate File 2088, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 31, after line 21 by inserting:
 4 <DIVISION _____
 5 IOWA COMMUNICATIONS NETWORK
 6 Sec. ____ SALE OR LEASE OF IOWA COMMUNICATIONS
 7 NETWORK. The Iowa telecommunications and technology
 8 commission shall implement a request for proposals
 9 process to sell or lease the Iowa communications
 10 network. The request for proposals shall provide for
 11 the sale to be concluded or the lease to commence
 12 during the fiscal year beginning July 1, 2010. The
 13 commission shall condition the sale or lease of the
 14 Iowa communications network with terms that will allow
 15 existing authorized users of the network to continue
 16 such use at a lower overall long-term cost when
 17 compared to the anticipated operation and maintenance
 18 costs if state ownership and control were to continue.

19 The commission shall submit periodic status reports
20 to the general assembly at three-month intervals,
21 beginning on October 1, 2010, regarding progress made
22 toward selling or leasing the network.>

23 2. Page 33, after line 3 by inserting:

24 <Sec. ____ Section 68B.8, Code 2009, is amended by
25 adding the following new unnumbered paragraph:
26 NEW unnumbered PARAGRAPH A state agency of the
27 executive branch of state government shall not employ
28 a person through the use of its public funds whose
29 position with the agency is primarily representing the
30 agency relative to the passage, defeat, approval, or
31 modification of bills that are being considered by the
32 general assembly.>

33 3. Page 34, after line 21 by inserting:

34 <Sec. ____ OFFICE EXPENSES – MANDATORY
35 REDUCTION. For the fiscal year beginning July 1,
36 2010, and ending June 30, 2011, the appropriations
37 from the general fund of the state to a state
38 department or state agency to which appropriations
39 are made pursuant to the 2010 Regular Session of the
40 Eighty-Third General Assembly are reduced by such
41 amount, as necessary to effect a 50 percent reduction
42 in the amount appropriated for expenditures for office
43 supplies, services contracts, and equipment purchases.
44 The reduction of the individual appropriations
45 shall be determined by the department of management
46 in consultation with the affected departments and
47 agencies on the basis of the expected expenditures
48 for such items by the affected state department or
49 agency for the fiscal year without the deduction
50 required by this section. The specific amount that

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1 each individual appropriation is reduced shall be
2 outlined in a memorandum prepared by the department
3 of management which shall be submitted to the general
4 assembly and legislative services agency within 30
5 days of the effective date of this section of this
6 Act. The reduction of an individual appropriation
7 pursuant to this section shall be in addition to
8 any other reduction required by law and general fund
9 appropriations reduced pursuant to this section shall
10 not be expended for any other purposes but shall be
11 retained in the general fund of the state.>

12 4. Page 44, after line 32 by inserting:

13 <Sec. ____ DEPARTMENT OF ADMINISTRATIVE SERVICES –
14 STATE-OWNED PASSENGER VEHICLES – DISPOSITION AND SALE –
15 FLEET PRIVATIZATION.

16 1. Consistent with the requirements of section
17 8A.361, the department of administrative services shall

18 be the sole department authorized to operate a pool of
 19 passenger vehicles located in Polk county for temporary
 20 assignment to multiple drivers of a state department
 21 or agency that is located within Polk county. By
 22 September 30, 2010, all passenger vehicles located
 23 in Polk county and designated for use by multiple
 24 drivers that are assigned to a state department or
 25 agency within Polk county on January 1, 2010, or later,
 26 shall be returned to the department of administrative
 27 services for use and disposition as provided by this
 28 section.

29 2. On or before December 31, 2010, the department
 30 of administrative services shall sell at auction
 31 passenger vehicles returned to the department of
 32 administrative services pursuant to subsection 1
 33 and passenger vehicles otherwise under the control
 34 of the department for use by multiple drivers of
 35 state departments or agencies within Polk county.
 36 Notwithstanding the provisions of section 8A.364 to the
 37 contrary, proceeds from the sale of motor vehicles as
 38 provided by this subsection shall be credited to the
 39 fund from which the motor vehicles were purchased.

40 3. On or before December 31, 2010, the department
 41 of administrative services shall implement a request
 42 for proposal process and shall enter into a contract
 43 for the purposes of outsourcing state vehicle leasing
 44 to a private entity.

45 4. For purposes of this section, "passenger
 46 vehicles" means United States environmental protection
 47 agency designated compact sedans, compact wagons,
 48 midsize sedans, midsize wagons, full-size sedans,
 49 and passenger minivans. "Passenger vehicles" does
 50 not mean utility vehicles, vans other than passenger

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1 minivans, fire trucks, ambulances, motor homes, buses,
 2 medium-duty and heavy-duty trucks, heavy construction
 3 equipment, and other highway maintenance vehicles,
 4 vehicles assigned for law enforcement purposes, and
 5 any other classes of vehicles of limited application
 6 approved by the director of the department of
 7 administrative services.>

8 5. Page 112, after line 5 by inserting:

9 <DIVISION _____
 10 REBUILD IOWA OFFICE

11 Sec. _____. Section 16.191, subsection 2, paragraph
 12 e, Code Supplement 2009, is amended to read as follows:
 13 e. The executive director of the rebuild Iowa
 14 office or the director's designee until June 30, 2011,
 15 and then the administrator of the homeland security
 16 and emergency management division of the department of

17 public defense or the administrator's designee.
 18 Sec. ____ Section 103A.8C, subsection 1, Code
 19 Supplement 2009, is amended to read as follows:
 20 1. The commissioner, after consulting with
 21 and receiving recommendations from the department
 22 of public defense, and the department of natural
 23 resources, ~~and the rebuild Iowa office~~, shall adopt
 24 rules pursuant to chapter 17A specifying standards and
 25 requirements for design and construction of safe rooms
 26 and storm shelters. In developing these standards,
 27 the commissioner shall consider nationally recognized
 28 standards. The standards and requirements shall be
 29 incorporated into the state building code established
 30 in section 103A.7, but shall not be interpreted
 31 to require the inclusion of a safe room or storm
 32 shelter in a building construction project unless such
 33 inclusion is expressly required by another statute
 34 or by a federal statute or regulation. However,
 35 if a safe room or storm shelter is included in any
 36 building construction project which reaches the
 37 design development phase on or after January 1, 2011,
 38 compliance with the standards developed pursuant to
 39 this section shall be required.

40 Sec. ____ Section 466B.3, subsection 4, paragraph
 41 n, Code Supplement 2009, is amended by striking the
 42 paragraph.

43 Sec. ____ 2009 Iowa Acts, chapter 169, section 10,
 44 subsection 6, is amended to read as follows:

- 45 6. a. This section is repealed June 30, 2011.
- 46 b. On July 1, 2010, the rebuild Iowa office shall
 47 cease functioning and dissolve, and the homeland
 48 security and emergency management division of the
 49 department of public defense shall assume all duties of
 50 the rebuild Iowa office designated in this section.

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1 Sec. ____ 2009 Iowa Acts, chapter 181, section 25,
 2 is amended to read as follows:

3 SEC. 25. REBUILD IOWA OFFICE. There is
 4 appropriated from the general fund of the state to
 5 the rebuild Iowa office for the fiscal year beginning
 6 July 1, 2009, and ending June 30, 2010, the following
 7 amount, or so much thereof as is necessary, to be used
 8 for the purposes designated:

9 For salaries, support, maintenance, miscellaneous
 10 purposes, and for not more than the following full-time
 11 equivalent positions:

12 \$ 198,277
 13 FTEs 12.00

14 It is the intent of the general assembly that,
 15 pursuant to 2009 Iowa Acts, chapter 169, House File

16 64, as amended by this 2010 Iowa Act, the rebuild
 17 Iowa office shall ~~be repealed~~ cease functioning and
 18 dissolve effective ~~June 30, 2011~~ July 1, 2010, and
 19 shall not receive an appropriation from the general
 20 fund of the state after that date.>

21 6. Page 161, after line 5 by inserting:

22 <DIVISION _____

23 OFFICE OF ENERGY INDEPENDENCE AND IOWA POWER FUND

24 Sec. ____ Section 7E.5, subsection 1, paragraph q,
 25 Code Supplement 2009, is amended to read as follows:

26 q. The department of natural resources, created in
 27 section 455A.2, which has primary responsibility for
 28 state parks and forests, protecting the environment,
 29 and managing energy, fish, wildlife, and land and water
 30 resources.

31 Sec. ____ Section 11.5B, subsection 15, Code 2009,
 32 is amended by striking the subsection.

33 Sec. ____ Section 15H.6, subsection 1, Code

34 Supplement 2009, is amended to read as follows:

35 1. The Iowa commission on volunteer service, in
 36 collaboration with the department of natural resources,
 37 the department of workforce development, ~~the office~~
 38 ~~of energy independence~~, and the utilities board of
 39 the department of commerce, shall establish an Iowa
 40 green corps program. The commission shall work with
 41 the collaborating agencies and nonprofit agencies
 42 in developing a strategy for attracting additional
 43 financial resources for the program from other sources
 44 which may include but are not limited to utilities,
 45 private sector, and local, state, and federal
 46 government funding sources. The financial resources
 47 received shall be credited to the community programs
 48 account created pursuant to section 15H.5.

49 Sec. ____ Section 22.7, subsection 60, Code
 50 Supplement 2009, is amended by striking the subsection.

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1 Sec. ____ Section 103A.8B, Code 2009, is amended to
 2 read as follows:

3 103A.8B Sustainable design or green building
 4 standards.

5 The commissioner, after consulting with and
 6 receiving recommendations from the department
 7 of natural resources ~~and the office of energy~~
 8 ~~independence~~, shall adopt rules pursuant to chapter 17A
 9 specifying standards and requirements for sustainable
 10 design and construction based upon or incorporating
 11 nationally recognized ratings, certifications, or
 12 classification systems, and procedures relating
 13 to documentation of compliance. The standards and
 14 requirements shall be incorporated into the state

15 building code established in section 103A.7, but
 16 in lieu of general applicability shall apply to
 17 construction projects only if such applicability is
 18 expressly authorized by statute, or as established by
 19 another state agency by rule.

20 Sec. ____. Section 268.6, subsection 2, Code
 21 Supplement 2009, is amended to read as follows:

22 2. The university is encouraged to cooperate with
 23 agricultural and energy efficiency advocates and
 24 governmental entities in administering the program,
 25 ~~including the office of energy independence established~~
 26 ~~pursuant to section 469.2.~~

27 Sec. ____. Section 455A.2, Code Supplement 2009, is
 28 amended to read as follows:

29 455A.2 Department of natural resources.
 30 A department of natural resources is created, which
 31 has the primary responsibility for state parks and
 32 forests, protecting the environment, and managing'
 33 energy, fish, wildlife, and land and water resources in
 34 this state.

35 Sec. ____. Section 455B.851, subsection 2, paragraph
 36 a, subparagraph (17), Code 2009, is amended by striking
 37 the subparagraph.

38 Sec. ____. Section 470.1, Code Supplement 2009, is
 39 amended by adding the following new subsection:
 40 NEW SUBSECTION. 1A. "Department" means the
 41 department of natural resources.

42 Sec. ____. Section 470.1, subsection 2, Code
 43 Supplement 2009, is amended to read as follows:

44 2. "Director" means the director of the ~~office of~~
 45 ~~energy independence~~ department of natural resources.

46 Sec. ____. Section 470.1, subsection 8, Code
 47 Supplement 2009, is amended by striking the subsection.

48 Sec. ____. Section 473.1, Code Supplement 2009, is
 49 amended by adding the following new subsection:
 50 NEW SUBSECTION. 2A. "Department" means the

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1 department of natural resources.

2 Sec. ____. Section 473.1, subsection 3, Code
 3 Supplement 2009, is amended to read as follows:

4 3. "Director" means the director of the
 5 ~~office~~ department or a designee.

6 Sec. ____. Section 473.1, subsection 5, Code
 7 Supplement 2009, is amended by striking the subsection.

8 Sec. ____. REPEAL. Sections 469.1, 469.2, 469.5,
 9 469.7, and 469.8, Code 2009, are repealed.

10 Sec. ____. REPEAL. Sections 469.3, 469.4, 469.6,
 11 469.9, 469.10, and 469.11, Code Supplement 2009, are
 12 repealed.

13 Sec. ____. CODE EDITOR DIRECTIVE.

14 1. The Code editor is directed to change the
 15 words "office of energy independence" to "department
 16 of natural resources" in Code sections 7D.34, 7D.35,
 17 8A.362, 72.5, 103A.8, 103A.27, 159A.3, 159A.4, 159A.6B,
 18 266.39C, 272C.2, 279.44, 323A.2, 441.21, 476.6, and
 19 476.63.

20 2. The Code editor is directed to change the word
 21 "office" to "department" in Code sections 470.3, 470.7,
 22 473.7, 473.8, 473.10, 473.13A, 473.15, 473.19, 473.19A,
 23 473.20, 473.20A, and 473.41.

24 Sec. ____ . TRANSITION PROVISIONS – CONTINUATION OF
 25 GRANTS.

26 1. Any moneys remaining in any account or fund
 27 under the control of the office of energy independence
 28 on the effective date of this division of this Act
 29 relative to the provisions of this division of this
 30 Act shall be transferred to a comparable fund or
 31 account under the control of the department of natural
 32 resources for such purposes. Notwithstanding section
 33 8.33, the moneys transferred in accordance with this
 34 subsection shall not revert to the account or fund from
 35 which appropriated or transferred.

36 2. Any license, permit, or contract issued or
 37 entered into by the office of energy independence
 38 relative to the provisions of this division of this
 39 Act in effect on the effective date of this division
 40 of this Act shall continue in full force and effect
 41 pending transfer of such licenses, permits, or
 42 contracts to the department of natural resources.

43 3. Grants or loans awarded from the Iowa power
 44 fund pursuant to section 469.9 prior to the effective
 45 date of this division of this Act shall continue as
 46 provided by the terms of the grants or loans and shall
 47 be administered by the department of natural resources.

48 4. Federal funds utilized by the director of the
 49 office of energy independence prior to the effective
 50 date of this division of this Act to employ personnel

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1 necessary to administer the provisions of this division
 2 of this Act shall be applicable to the transfer of such
 3 personnel from the office of energy independence to the
 4 department of natural resources.

5 Sec. ____ . TRANSITION PROVISIONS – EMERGENCY
 6 RULEMAKING. Not later than July 1, 2010, the
 7 department of natural resources shall adopt
 8 administrative rules previously adopted by the office
 9 of energy independence relative to the provisions of
 10 this division of this Act in existence on the effective
 11 date of this division of this Act by emergency
 12 rulemaking pursuant to section 17A.4, subsection 3,

13 and section 17A.5, subsection 2, paragraph "b". The
 14 rules shall be effective immediately upon filing unless
 15 a later date is specified in the rules. Any rules
 16 adopted in accordance with this section shall also be
 17 published as a notice of intended action as provided
 18 in section 17A.4. Any rule, regulation, form, order,
 19 or directive promulgated by the office relative to the
 20 provisions of this division of this Act shall continue
 21 in full force and effect until such emergency rules are
 22 adopted.

23 Sec. ____ EFFECTIVE UPON ENACTMENT. The section
 24 of this division of this Act providing for emergency
 25 rulemaking, being deemed of immediate importance, takes
 26 effect upon enactment.>

27 7. Page 166, before line 25 by inserting:

28 <DIVISION _____
 29 CORE CURRICULUM

30 Sec. ____ Section 280.3, subsection 3, paragraphs a
 31 and b, Code 2009, are amended to read as follows:

32 a. Adopt an implementation plan by July 1,
 33 ~~2010~~ 2011, which provides for the adoption of at
 34 least one core curriculum subject area each year
 35 as established by the state board of education for
 36 grades nine through twelve pursuant to section 256.7,
 37 subsection 26. The core curriculum established for
 38 grades nine through twelve by the state board of
 39 education pursuant to section 256.7, subsection 26,
 40 shall be fully implemented by each school district and
 41 school by July 1, ~~2012~~ 2013.

42 b. Adopt an implementation plan, by July 1,
 43 ~~2012~~ 2013, which provides for the full implementation
 44 of the core curriculum established for kindergarten
 45 through grade eight by the state board of education
 46 pursuant to section 256.7, subsection 26, by the
 47 ~~2014-2015~~ 2015-2016 school year.

48 Sec. ____ CORE CURRICULUM APPROPRIATION FOR FISCAL
 49 YEAR 2010-2011. State funds shall not be appropriated
 50 or allocated to, or used by, the department of

Page 8

1 education for the fiscal year beginning July 1, 2010,
 2 and ending June 30, 2011, for purposes of developing or
 3 implementing the core curriculum established pursuant
 4 to section 256.7, subsection 26.

5 Sec. ____ PROFESSIONAL DEVELOPMENT FOR CORE
 6 CURRICULUM INFUSION AND IMPLEMENTATION – REDUCTION IN
 7 STATE AID PAYMENT. Notwithstanding section 257.10,
 8 subsection 10, paragraph "a" and section 257.37A,
 9 subsection 1, paragraph "a", for the fiscal year
 10 beginning July 1, 2010, the professional development
 11 allocation made to a school district or area education

12 agency pursuant to section 257.10, subsection 10,
 13 paragraph "a", or section 257.37A, subsection 1,
 14 paragraph "a", shall be reduced by the proportion of
 15 the professional development allocation designated
 16 for model core curriculum made in the fiscal year
 17 beginning July 1, 2008, and specified in section
 18 284.13, subsection 1, paragraph "d", subparagraph (1),
 19 as enacted by 2008 Iowa Acts, chapter 1181, subsection
 20 83, to the total professional development allocation
 21 made in the fiscal year beginning July 1, 2008,
 22 pursuant to section 284.13, subsection 1, paragraph
 23 "d", subparagraph (1), as enacted by 2008 Iowa Acts,
 24 chapter 1181, subsection 83.>

25 8. Page 166, before line 25 by inserting:

26 <DIVISION _____
 27 CORE CURRICULUM

28 Sec. ____ Section 280.3, subsection 3, paragraphs a
 29 and b, Code 2009, are amended to read as follows:

30 a. Adopt an implementation plan by July 1,
 31 ~~2010 2011~~, which provides for the adoption of at
 32 least one core curriculum subject area each year
 33 as established by the state board of education for
 34 grades nine through twelve pursuant to section 256.7,
 35 subsection 26. The core curriculum established for
 36 grades nine through twelve by the state board of
 37 education pursuant to section 256.7, subsection 26,
 38 shall be fully implemented by each school district and
 39 school by July 1, ~~2012 2013~~.

40 b. Adopt an implementation plan, by July 1,
 41 ~~2012 2013~~, which provides for the full implementation
 42 of the core curriculum established for kindergarten
 43 through grade eight by the state board of education
 44 pursuant to section 256.7, subsection 26, by the
 45 ~~2014 2015 2015-2016~~ school year.>

46 9. Page 166, before line 25 by inserting:

47 <DIVISION _____
 48 STATEWIDE PRESCHOOL PROGRAM FOR FOUR-YEAR-OLD CHILDREN
 49 REPEAL

50 Sec. ____ Section 237A.21, subsection 3, paragraph

Page 9

1 p, Code 2009, is amended by striking the paragraph.

2 Sec. ____ Section 256.11, subsection 1, paragraph

3 c, Code 2009, is amended by striking the paragraph.

4 Sec. ____ Section 256A.3, subsection 9, Code 2009,
 5 is amended by striking the subsection.

6 Sec. ____ Section 257.16, subsection 1, Code 2009,
 7 is amended to read as follows:

8 1. There is appropriated each year from the
 9 general fund of the state an amount necessary to pay
 10 the foundation aid under this chapter, ~~the preschool~~

11 ~~foundation aid under chapter 256C~~, supplementary
12 aid under section 257.4, subsection 2, and adjusted
13 additional property tax levy aid under section 257.15,
14 subsection 4.

15 Sec. ____ Section 272.2, subsection 18, Code
16 Supplement 2009, is amended to read as follows:

17 18. May adopt rules for practitioners who are not
18 eligible for a statement of professional recognition
19 under subsection 10, but have received a baccalaureate
20 degree and provide a service to students at any or all
21 levels from prekindergarten through grade twelve for a
22 school district, accredited nonpublic school, or area
23 education agency, ~~or preschool program established~~
24 ~~pursuant to chapter 256C.~~

25 Sec. ____ Section 285.1, subsection 1, paragraph
26 a, subparagraph (3), Code Supplement 2009, is amended
27 to read as follows:

28 (3) Children attending prekindergarten programs
29 offered or sponsored by the district or nonpublic
30 school and approved by the department of education or
31 department of human services ~~or children participating~~
32 ~~in preschool in an approved local program under chapter~~
33 ~~256C~~ may be provided transportation services. However,
34 transportation services provided to nonpublic school
35 children are not eligible for reimbursement under this
36 chapter.

37 Sec. ____ STATEWIDE PRESCHOOL FUNDING TO SCHOOL
38 READY CHILDREN PROGRAM.

39 1. There is appropriated from the general fund
40 of the state to the department of education for the
41 fiscal year beginning July 1, 2010, and ending June 30,
42 2011, the following amount, or so much thereof as is
43 necessary, to be used for the purposes designated:

44 For deposit in the school ready children grants
45 account of the Iowa empowerment fund created in section
46 28.9:
47\$ 27,000,000

48 If an enactment in this Act or another Act repeals
49 the Iowa empowerment fund and creates a school ready
50 children account in the early childhood Iowa fund or in

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1 another fund, the appropriation made in this section
2 shall be credited to such account and used in addition
3 to other appropriations for the school ready children
4 grant program in order to expand services under the
5 program to additional four-year-old children.

6 2. The appropriation made in this section replaces
7 a portion of the funding that would have otherwise
8 been appropriated for the statewide preschool program
9 for four-year-old children but for the repeal of that

10 program in accordance with this division of this Act.
 11 It is the intent of the general assembly to continue
 12 the supplemental funding provided in this section in
 13 succeeding fiscal years.

14 Sec. ____ REPEAL. Sections 256C.1, 256C.2, 256C.3,
 15 256C.4, 256C.5, 256C.6, and 279.51, Code 2009, are
 16 repealed.>

17 10. Page 198, after line 24 by inserting:

18 <DIVISION _____

19 REGENTS INSTITUTIONS

20 Sec. ____ Section 262.12, Code 2009, is amended to
 21 read as follows:

22 262.12 Committees and administrative offices under
 23 board.

24 1. The state board of regents shall ~~also~~ have and
 25 exercise all the powers necessary and convenient for
 26 the effective administration of its office and of the
 27 institutions under its control, and to this end may
 28 create such committees, offices, and agencies from its
 29 own members or others, and employ ~~persons to staff the~~
 30 ~~same~~, fix ~~their staff~~ compensation and tenure, and
 31 delegate ~~thereto, to staff~~ or to the administrative
 32 officers and faculty of the institutions under its
 33 control, such part of the authority and duties vested
 34 by statute in the state board, and shall formulate
 35 and establish such rules, outline such policies, and
 36 prescribe such procedures ~~therefor, all~~ as may be
 37 desired or determined by the state board as recorded
 38 in ~~their~~ its minutes.

39 2. Notwithstanding subsection 1, the state board of
 40 regents shall consolidate into one system all of the
 41 operational functions of the institutions of higher
 42 education the board governs, including but not limited
 43 to communication and information technology, personnel
 44 and fiscal management systems, and legal services.
 45 This single system shall be administered by the state
 46 board and shall provide services uniformly to all
 47 of the institutions of higher education governed by
 48 the state board. An institution of higher education
 49 governed by the state board shall not administer any of
 50 these operational services independently, and shall not

Page 11

1 procure operational services from any entity unless the
 2 system administered by the state board does not offer
 3 substantially the same service.

4 Sec. ____ REGENTS UNIVERSITY LEAVE LIMITATION –
 5 FISCAL YEAR 2011-2012. For the fiscal year beginning
 6 July 1, 2011, and ending June 30, 2012, the state board
 7 of regents shall limit the number of leaves of absence
 8 granted to faculty members employed by an institution

9 pursuant to section 262.9, subsection 14, to not more
10 than the equivalent of 3.7 percent of the faculty
11 members employed by the institution on September 1,
12 2010.

13 Sec. ____ REGENTS INSTITUTIONS. The amounts
14 appropriated from the general fund of the state to
15 the state board of regents for the state university
16 of Iowa, the Iowa state university of science and
17 technology, and the university of northern Iowa, by any
18 legislation enacted during the 2010 Regular Session of
19 the Eighty-Third General Assembly, for the fiscal year
20 beginning July 1, 2010, and ending June 30, 2011, are
21 reduced by the following amount:

22 \$ 62,000,000

23 The state board of regents shall apply the reduction
24 made in this section to the appropriations made to
25 the indicated institutions in a manner so that an
26 institution's appropriation is reduced in proportion
27 to the amount the institution's appropriation in 2009
28 Iowa Acts, chapter 177, section 10, bears to the
29 total amount appropriated in that section to all three
30 institutions.>

31 11. Page 247, after line 22 by inserting:

32 <DIVISION ____
33 DEPARTMENT OF PUBLIC HEALTH – TOBACCO
34 USE PREVENTION AND CONTROL

35 Sec. ____ YOUTH PROGRAM COMPONENT – COMMUNITY
36 PARTNERSHIPS – TOBACCO USE PREVENTION AND CONTROL –
37 FISCAL YEAR 2010-2011. For the fiscal year beginning
38 July 1, 2010, the department of public health's
39 contracts with community partnership areas relating
40 to the tobacco use prevention and control initiative
41 established pursuant to chapter 142A shall no longer
42 allow state payment for the youth program component.

43 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
44 of this Act, being deemed of immediate importance,
45 takes effect upon enactment.>

46 12. Page 249, after line 11 by inserting:

47 <DIVISION ____
48 SHELTER CARE

49 Sec. ____ SHELTER CARE CONTRACTS – FY
50 2010-2011. For the fiscal year beginning July 1, 2010,

Page 12

1 the shelter care provider contracts with the department
2 of human services applicable to that fiscal year shall
3 no longer allow state payment for guaranteed shelter
4 beds in order for such payment to be provided only for
5 beds that are actually used during the fiscal year.

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

8 takes effect upon enactment.>

9 13. Page 249, after line 11 by inserting:

10 <DIVISION _____

11 DEPARTMENT OF HUMAN SERVICES – FAMILY PLANNING WAIVER

12 Sec. ____ MEDICAL ASSISTANCE FAMILY PLANNING WAIVER –

13 FY2010-2011. For the fiscal year beginning July 1,

14 2010, the department of human services shall no longer

15 allow payment for the state share under the medical

16 assistance Iowa family planning network waiver.

17 Sec. ____ EFFECTIVE UPON ENACTMENT. This division

18 of this Act, being deemed of immediate importance,

19 takes effect upon enactment.>

20 14. Page 249, after line 11 by inserting:

21 <DIVISION _____

22 PUBLIC BENEFITS FOR UNAUTHORIZED ALIENS

23 Sec. ____ NEW SECTION. 234.15 Citizenship

24 verification program – public benefits.

25 1. Except as provided in subsection 3 or where

26 exempted by federal law, every state agency and

27 political subdivision shall verify the lawful presence

28 in the United States of any natural person eighteen

29 years of age or older who has applied for state

30 or local public benefits, as defined in 8 U.S.C. §

31 1621, or for federal public benefits, as defined in 8

32 U.S.C. § 1611, that are administered by an agency or a

33 political subdivision of this state.

34 2. The provisions of this section shall be enforced

35 without regard to race, religion, gender, ethnicity,

36 or national origin.

37 3. Verification of a person's lawful presence in

38 the United States under the provisions of this section

39 shall not be required for the following:

40 a. For any purpose for which lawful presence in the

41 United States is not restricted by law.

42 b. For assistance for health care items and

43 services that are necessary for the treatment of an

44 emergency medical condition, as defined in 42 U.S.C. §

45 1396b(v)(3), of the unauthorized alien involved and are

46 not related to an organ transplant procedure.

47 c. For short-term, noncash, in-kind emergency

48 disaster relief.

49 d. For public health assistance for immunizations

50 with respect to diseases and for testing and treatment

Page 13

1 of symptoms of communicable diseases whether or not
2 such symptoms are caused by a communicable disease.

3 e. For programs, services, or assistance such as
4 soup kitchens, crisis counseling and intervention,
5 and short-term shelter specified by the United

6 States attorney general, in the sole and unreviewable

7 discretion of the United States attorney general after
8 consultation with appropriate federal agencies and
9 departments, which:

10 (1) Deliver in-kind services at the community
11 level, including through public or private nonprofit
12 agencies.

13 (2) Do not condition the provision of assistance,
14 the amount of assistance provided, or the cost of
15 assistance provided on the income or resources of the
16 individual recipient.

17 (3) Are necessary for the protection of life or
18 safety.

19 f. For prenatal care.

20 4. To verify a natural person's lawful presence in
21 the United States in order to receive benefits, the
22 agency or political subdivision required to make such
23 verification shall require that the applicant execute
24 an affidavit under penalty of perjury that makes one of
25 the following assertions:

26 a. The applicant is a United States citizen.

27 b. The applicant is a qualified alien under the
28 federal Immigration and Nationality Act, and is
29 lawfully present in the United States.

30 5. For any applicant who has executed the affidavit
31 described in subsection 4, paragraph "b", eligibility
32 for benefits shall be verified through the federal
33 systematic alien verification for entitlement program
34 operated by the United States department of homeland
35 security or a successor program designated by the
36 United States department of homeland security.
37 Until such eligibility verification is completed,
38 the affidavit may be presumed to be proof of lawful
39 presence for the purposes of this section.

40 6. a. A person who knowingly and willfully
41 makes a false, fictitious, or fraudulent statement
42 of representation in an affidavit executed pursuant
43 to subsection 4 is guilty of a fraudulent practice
44 pursuant to section 714.8, subsection 3.

45 b. If the affidavit constitutes a false claim of
46 United States citizenship under 18 U.S.C. § 911, a
47 complaint shall be filed by the agency requiring the
48 affidavit with the appropriate Iowa district of the
49 United States attorney's office.

50 7. An agency or political subdivision of this

Page 14

1 state may adopt variations to the requirements of this
2 section which demonstrably improve the efficiency or
3 reduce delay in the verification process, or to provide
4 for adjudication of unique individual circumstances
5 where the verification procedures in this section would

6 impose unusual hardship on a legal resident of Iowa.

7 8. An agency or political subdivision of this state
8 shall not provide any state, local, or federal benefit,
9 as defined in 8 U.S.C. § 1621 or 8 U.S.C. § 1611, in
10 violation of the provisions of this section.

11 9. Each state agency or department which
12 administers any program of state or local public
13 benefits shall provide an annual report to the
14 secretary of state with respect to its compliance with
15 the provisions of this section. Any and all errors
16 shall be reported to the United States department of
17 homeland security by the secretary of state. The
18 secretary of state shall monitor the federal systematic
19 alien verification for entitlement program and its
20 verification application errors and significant delays
21 and shall issue an annual report to the governor and
22 the general assembly on such errors and significant
23 delays, and recommendations to ensure that the
24 application of the systematic alien verification of
25 entitlement program is not erroneously denying benefits
26 to legal residents of Iowa.>

27 15. By renumbering as necessary.

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

On the question "Shall amendment H-8053 be adopted?" (S.F. 2088)

The ayes were, 43:

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

The nays were, 54:

Abdul-Samad	Bailey	Beard	Bell
Bukta	Burt	Cphoon	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	Quirk	Reasoner
Reichert	Running-Marquardt	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Zirkelbach	Mr. Speaker Murphy		

Absent or not voting, 3:

Berry	Drake	Olson, R.
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Amendment H-8053 lost.

Watts of Dallas asked and received unanimous consent to withdraw amendment H-8047 filed by him on February 8, 2010.

Kaufmann of Cedar offered the following amendment H-8059 filed by him and moved its adoption:

H-8059

- 1 Amend Senate File 2088, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 36, line 18, by striking <not> and
- 4 inserting <not>
- 5 2. By striking page 37, line 4, through page 38,
- 6 line 4.
- 7 3. By renumbering as necessary.

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

On the question "Shall amendment H-8059 be adopted?" (S.F. 2088)

The ayes were, 43:

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

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

The nays were, 55:

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

Absent or not voting, 2:

Drake Olson, R.

Amendment H-8059 lost.

Raecker of Polk asked and received unanimous consent to withdraw amendment H-8057 filed by him on February 9, 2010.

Pettengill of Benton offered the following amendment H-8072 filed by her and moved its adoption:

H-8072

- 1 Amend Senate File 2088, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 36, line 33, by striking <noncontract>

Amendment H-8072 was adopted.

Petersen of Polk asked and received unanimous consent to withdraw amendment H-8077 filed by her on February 9, 2010, placing out of order amendment H-8093 filed by her on February 11, 2010.

Rants of Woodbury offered the following amendment H-8062 filed by him and moved its adoption:

H-8062

1 Amend Senate File 2088, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 44, after line 3 by inserting:
 4 <DIVISION _____
 5 ETHICS AND CAMPAIGN DISCLOSURE
 6 BOARD – CIVIL PENALTIES
 7 Sec. ____ Section 68A.401, subsection 3, Code
 8 Supplement 2009, is amended to read as follows:
 9 3. The candidate of a candidate's committee, or
 10 the chairperson of any other committee, is responsible
 11 for filing statements and reports under this chapter.
 12 The board shall send notice to a committee that has
 13 failed to file a disclosure report at the time required
 14 under section 68A.402. A Notwithstanding section
 15 68B.32D, subsection 1, paragraph "h", a candidate of
 16 a candidate's committee, or the chairperson of any
 17 other committee, may be subject to a civil penalty'
 18 of not more than ten thousand dollars for failure to'
 19 timely file a disclosure report required under section
 20 68A.402.>

21 2. By renumbering as necessary.

Amendment H-8062 lost.

Watts of Dallas asked and received unanimous consent to withdraw amendment H-8078 filed by him on February 9, 2010.

Watts of Dallas asked and received unanimous consent to withdraw amendment H-8049 filed by him on February 8, 2010.

Sands of Louisa offered the following amendment H-8092 filed by him and moved its adoption:

H-8092

1 Amend Senate File 2088, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 158, after line 15 by inserting:
 4 <DIVISION _____
 5 NATURAL RESOURCES FUNDS
 6 Sec. ____ NEW SECTION. 455A.4A Department of
 7 natural resources fund.
 8 1. A department of natural resources fund is

9 created in the state treasury as a separate fund under
10 the control of the department of natural resources.
11 The fund shall be composed of moneys appropriated to
12 the fund by the general assembly and moneys available
13 to and obtained or accepted by the department from the
14 United States or from private sources for placement in
15 the fund.

16 2. a. Notwithstanding any other provision to the
17 contrary, it is the intent of the general assembly that
18 all revenue appropriated to a fund contained in Title
19 XI, with the exception of revenue that is appropriated
20 to the fish and wildlife protection fund pursuant to
21 Article VII, section 9, of the Constitution of the
22 State of Iowa, is appropriated to and shall be credited
23 by the treasurer of state to the department of natural
24 resources fund, including but not limited to all
25 revenue in the following funds:

26 (1) Special snowmobile fund created in section
27 321G.7.

28 (2) Special all-terrain vehicle fund created in
29 section 321I.8.

30 (3) Iowa resources enhancement and protection fund
31 created in section 455A.18.

32 (4) Environmental crimes investigation and
33 prosecution fund created in section 455B.112A.

34 (5) Air contaminant source fund created in section
35 455B.133B.

36 (6) Septic management fund and toilet unit fund
37 created in section 455B.172.

38 (7) Water quality protection fund created in
39 section 455B.183A.

40 (8) National pollutant discharge elimination system
41 permit fund created in section 455B.196.

42 (9) Sewage works construction fund created in
43 section 455B.241.

44 (10) Water use permit fund created in section
45 455B.265A.

46 (11) Water pollution control works revolving loan
47 fund, water pollution control works administration
48 fund, drinking water facilities revolving loan fund,
49 and drinking water facilities administration fund
50 created in section 455B.295.

Page 2

1 (12) Hazardous substance remedial fund created in
2 section 455B.423.

3 (13) Waste management assistance trust fund created
4 in section 455B.484.

5 (14) Independent redemption center grant fund
6 created in section 455C.17.

7 (15) Waste tire management fund created in section

- 8 455D.11C.
9 (16) Waste volume reduction and recycling fund
10 created in section 455D.15.
11 (17) Groundwater protection fund created in section
12 455E.11.
13 (18) Iowa comprehensive petroleum underground
14 storage tank fund created in section 455G.3.
15 (19) Marketability fund created in section 455G.21.
16 (20) Land recycling fund created in section
17 455H.401.
18 (21) Forestry management and enhancement fund
19 created in section 456A.21.
20 (22) Remedial action fund created in section
21 457B.1, subsection 3, paragraph "p".
22 (23) Animal agriculture compliance fund created in
23 section 459.401.
24 (24) Manure storage indemnity fund created in
25 section 459.501.
26 (25) Agricultural drainage well water quality
27 assistance fund created in section 460.303.
28 (26) Missouri river preservation and land use fund
29 created in section 463B.3.
30 (27) Honey creek premier destination park bond fund
31 created in section 463C.11.
32 (28) On-site wastewater systems assistance fund
33 created in section 466.9.
34 (29) Watershed improvement fund created in section
35 466A.2.
36 (30) Building energy management fund created in
37 section 473.19A.
38 b. The revenue so appropriated to the department of
39 natural resources fund shall be used only as provided
40 in appropriations made from the fund by the general
41 assembly which may include for purposes relating to the
42 statutory purposes set forth for the funds contained
43 in Title XI.
44 c. This subsection is applicable to all
45 appropriations to the Title XI funds beginning on July
46 1, 2010, and ending on June 30, 2015.
47 3. a. Notwithstanding any other provision to the
48 contrary it is the intent of the general assembly
49 that all provisions that impose fees in Title XI and
50 that are appropriated to funds contained in Title XI,

Page 3

- 1 with the exception of state license fees for hunting,
2 fishing, and trapping that are appropriated to the fish
3 and wildlife protection fund pursuant to Article VII,
4 section 9, of the Constitution of the State of Iowa,
5 shall be repealed on June 30, 2015.
6 b. Beginning on July 1, 2010, and each year

7 thereafter until July 1, 2015, the department of
 8 natural resources shall submit an annual report to
 9 the general assembly which discusses, explains, and
 10 justifies the purposes and amounts of twenty percent of
 11 the fees imposed pursuant to Title XI so that by July
 12 1, 2015, all fees imposed pursuant to Title XI have
 13 been reported on.

14 4. Notwithstanding section 8.33, any balance in
 15 the fund on June 30 of each fiscal year shall not
 16 revert to the general fund of the state, but shall be
 17 available for purposes of this section in subsequent
 18 fiscal years. Notwithstanding section 12C.7, interest
 19 and earnings on moneys in the fund shall be credited
 20 to the fund.

21 5. This section is repealed July 15, 2015.

22 Sec. ____ EFFECTIVE UPON ENACTMENT. This Act,
 23 being deemed of immediate importance, takes effect upon
 24 enactment.>

25 2. By renumbering as necessary.

Kressig of Black Hawk in the chair at 4:36 p.m.

Amendment H-8092 lost.

Struyk of Pottawattamie asked and received unanimous consent
 that amendment H-8071 be deferred.

Chambers of O'Brien offered the following amendment H-8086
 filed by him and moved its adoption:

H-8086

1 Amend Senate File 2088, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 198, after line 6 by inserting:

4 <DIVISION _____

5 STATE BOARD OF REGENTS – COST SAVINGS TASK FORCE

6 Sec. ____ NEW SECTION. 11.51 Cost savings task
 7 force – regents board office and regents institutions
 8 of higher education.

9 1. There is established a cost savings task force
 10 composed of nine members to identify examples of
 11 inefficiency and waste in the administration of the
 12 office of the board of regents, the committees and
 13 administrative offices under the board created pursuant
 14 to section 262.12, and of the regents universities.
 15 The task force shall be located for administrative
 16 purposes within the office of the auditor of state.
 17 The auditor of state shall provide office space, staff

18 assistance, and necessary supplies and equipment for
19 the task force. The auditor of state shall budget
20 moneys to pay the expenses of the task force, including
21 the actual expenses of the auditor of state incurred
22 while engaged in the performance of official task force
23 duties. In performing its functions, the task force is
24 performing a public function on behalf of the state and
25 is a public instrumentality of the state.

26 2. a. Membership of the task force shall include
27 the auditor of state, two members appointed by the
28 governor subject to confirmation by the senate, two
29 members appointed by the auditor, and four legislative
30 members. The legislative members are two state
31 senators, one appointed by the president of the senate
32 after consultation with the majority leader of the
33 senate, and one appointed by the minority leader of
34 the senate from their respective parties; and two
35 state representatives, one appointed by the speaker of
36 the house of representatives and one appointed by the
37 minority leader of the house of representatives from
38 their respective parties.

39 b. The members appointed by the governor shall
40 possess experience and expertise in the field of
41 economics.

42 c. The members shall be appointed to three-year
43 staggered terms and the terms shall commence and end
44 as provided by section 69.19. If a vacancy occurs, a
45 successor shall be appointed in the same manner and
46 subject to the same qualifications as the original
47 appointment to serve the unexpired term.

48 3. The chairperson of the task force shall be
49 the auditor of state. A majority of the task force
50 constitutes a quorum. The task force shall meet at

Page 2

1 least four times each year and may meet at the call of
2 the chairperson.

3 4. The task force shall examine all financial
4 affairs of the state board of regents and the
5 institutions of higher education governed by the state
6 board, as well as the board office and institutions'
7 programs, and shall identify examples of inefficiency
8 and waste in the administration of the board office
9 and of the regents universities. The task force
10 shall have access to all state board and institution
11 records. The task force shall submit its findings and
12 recommendations in a report to the general assembly,
13 the governor, and the state board of regents by
14 December 1 annually.

15 5. The members of the commission shall receive no
16 compensation but may be reimbursed for actual expenses

17 incurred while engaged in the performance of official
18 duties.>

19 2. Page 198, before line 7 by inserting:

20 <DIVISION _____

21 STATE BOARD OF REGENTS – PUBLIC HEARINGS

22 Sec. ____ Section 262.9, subsection 19, paragraph

23 a, Code Supplement 2009, is amended to read as follows:

24 a. Not less than thirty days prior to action

25 by the board on any proposal to increase tuition,
26 fees, or charges at one or more of the institutions
27 of higher education under its control, schedule and
28 conduct at least three public hearings on the proposed
29 increase in different geographic regions of the
30 state, and send written notification of the amount

31 of the proposed increase including a copy of the
32 proposed tuition increase docket memorandum prepared
33 for its consideration to the presiding officers of

34 the student government organization of the affected

35 institutions. The final decision on an increase in

36 tuition or mandatory fees charged to all students at

37 an institution for a fiscal year shall be made at a

38 regular meeting and shall be reflected in a final

39 docket memorandum that states the estimated total

40 cost of attending each of the institutions of higher

41 education under the board's control. The regular

42 meeting shall be held in Ames, Cedar Falls, or Iowa

43 City and shall not be held during a period in which

44 classes have been suspended for university holiday or

45 break. A proposed tuition increase shall be limited

46 to an amount equivalent to the increase in the most

47 recent higher education price index issued by the

48 nationally recognized nonprofit investment manager that

49 in 2005 assumed responsibility for maintaining the

50 higher education price index. The state board shall

Page 3

1 not increase tuition or mandatory fees in response
2 to action taken by the governor to implement uniform
3 reductions in appropriations pursuant to section 8.31.>

4 3. Page 198, after line 24 by inserting:

5 <DIVISION _____

6 STATE BOARD OF REGENTS – COMPREHENSIVE PLAN

7 Sec. ____ Section 262.9, Code Supplement 2009, is

8 amended by adding the following new subsection:

9 NEW SUBSECTION. 36. Direct the president of

10 each institution of higher education governed by the

11 board to develop a biennial comprehensive plan with

12 benchmarks on measures to reduce tuition and mandatory

13 fees, reduce administrative costs, and attain higher

14 graduation rates.>

15 4. Page 198, before line 25 by inserting:

16 <DIVISION _____
 17 STATE BOARD OF REGENTS – FACULTY WORKLOAD ANALYSIS
 18 Sec. ____ Section 262.25, Code 2009, is amended by
 19 adding the following new subsection:
 20 NEW SUBSECTION. 4A. The number of professors
 21 who are teaching courses and an analysis comparing
 22 the number of hours tenured professors teach in the
 23 classroom compared to the number of hours teaching
 24 assistants teach in the classroom.>
 25 5. By renumbering as necessary.

Roll call was requested by Chambers of O'Brien and Paulsen of Linn.

On the question "Shall amendment H-8086 be adopted?" (S.F. 2088)

The ayes were, 43:

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

The nays were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Ficken	Ford	Frevrt	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	Isenhardt	Jacoby	Kearns
Kelley	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	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	Wendt
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Zirkelbach	Kressig, Presiding	

Absent or not voting, 2:

Drake

Olson, R.

Amendment H-8086 lost.

Struyk of Pottawattamie offered the following amendment H-8087 filed by him and Forristall of Pottawattamie and moved its adoption:

H-8087

1 Amend Senate File 2088, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 198, after line 6 by inserting:
 4 <DIVISION _____
 5 COMMUNITY COLLEGE ACCREDITATION
 6 Sec. ____ Section 260C.47, subsection 1, unnumbered
 7 paragraph 1, Code 2009, is amended to read as follows:
 8 The state board of education shall establish by
 9 rule an accreditation process for community college
 10 programs by July 1, 1997. The process shall be
 11 jointly developed and agreed upon by the department
 12 of education and the community colleges. The state
 13 accreditation process shall be integrated with the
 14 accreditation process of the north central association
 15 of colleges and schools, including the evaluation
 16 cycle, the self study process, and the criteria for
 17 evaluation, which shall incorporate the standards for
 18 community colleges developed under section 260C.48;
 19 and shall identify and make provision for the needs
 20 of the state that are not met by the association's
 21 accreditation process. For the academic year
 22 commencing July 1, 1998, and in succeeding school
 23 years, the department of education shall use a
 24 two component process for the continued accreditation
 25 of community college programs. Beginning July 1,
 26 2006, the The state accreditation process shall
 27 incorporate the standards developed pursuant to section
 28 260C.48, subsection 4 and shall include but not be
 29 limited to procedures for correcting deficiencies,
 30 appropriate due process procedures including a
 31 hearing, consequences for failure to meet accreditation
 32 standards, notification procedures, and a timeline for
 33 the process. Action taken by the state board pursuant
 34 to this section for failure to meet accreditation
 35 standards is final agency action for purposes of
 36 chapter 17A.
 37 Sec. ____ Section 260C.47, subsection 1, paragraphs
 38 a, b, and c, Code 2009, are amended by striking the
 39 paragraphs.
 40 Sec. ____ Section 260C.47, subsections 2 through 7,

41 Code 2009, are amended by striking the subsections.
 42 Sec. ____ Section 260C.48, subsection 1, unnumbered
 43 paragraph 1, Code 2009, is amended to read as follows:
 44 The state board shall develop standards and
 45 adopt rules for ~~the accreditation of~~ community college
 46 instructors and programs. Except as provided in
 47 subsection 4, the standards and rules developed and
 48 adopted shall not duplicate rules adopted for the
 49 accreditation process established pursuant to section
 50 260C.47. The department shall monitor and evaluate

Page 2

1 the standards through a process jointly developed
 2 and agreed upon by the department and the community
 3 colleges. Except as provided in this subsection
 4 and subsection 4, standards developed shall be
 5 general in nature so as to apply to more than one
 6 specific program of instruction. With regard to
 7 community college-employed instructors, the standards
 8 adopted shall at a minimum require that community
 9 college instructors who are under contract for at
 10 least half-time or more, and by July 1, 2011, all
 11 instructors, meet the following requirements:>
 12 2. Page 198, before line 7 by inserting:
 13 <Sec. ____ Section 260C.48, subsection 2, Code
 14 2009, is amended to read as follows:
 15 2. Standards developed shall include a provision
 16 that the standard academic workload for an instructor
 17 in arts and science courses shall be fifteen credit
 18 hours per school term, and the maximum academic
 19 workload for any instructor shall be sixteen credit
 20 hours per school term, for classes taught during
 21 the normal school day. ~~In addition thereto, If~~
 22 requested by the community college, any faculty
 23 ~~member instructor~~ may teach a course or courses at
 24 ~~times other than the regular school week, involving~~
 25 ~~total class instruction time equivalent to not more~~
 26 ~~than a three credit hour course. The total workload~~
 27 ~~for such instructors shall not exceed the equivalent~~
 28 ~~of eighteen credit hours per school term beyond the~~
 29 standard workload at the discretion of the instructor.>
 30 3. By renumbering as necessary.

Speaker Murphy in the chair at 4:56 p.m.

McCarthy of Polk asked and received unanimous consent that Senate File 2088 be deferred and that the bill retain its place on the unfinished business calendar. (Amendment H-8087 deferred)

RULE 60 INVOKED

Paulsen of Linn moved to invoke Rule 60 to immediately withdraw House Files 2057, 2214, 2218, 2219 and 2262 from committee and place them on the calendar.

Roll call was requested by Paulsen of Linn and McCarthy of Polk.

On the question "Shall House Files 2057, 2214, 2218, 2219 and 2262 be removed from committee and placed on the calendar?"

The ayes were, 44:

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

The nays were, 53:

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

Absent or not voting, 3:

Drake	Huser	Olson, R.
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The motion failed.

INTRODUCTION OF BILLS

House File 2420, by committee on labor, a bill for an act concerning public employee collective bargaining, including provisions allowing reasonable reimbursement for employee organization services provided to certain executive branch employees, and including applicability provisions.

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

House File 2421, by committee on labor, a bill for an act requiring that prevailing wage rates by locality be paid to persons working on public improvements for public bodies, unless by public resolution a political subdivision of the state chooses not to utilize the prevailing wage rate for a public improvement project, providing penalties, and including effective date and applicability provisions.

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

House File 2422, by committee on rebuild Iowa and disaster recovery, a bill for an act relating to disaster recovery case management.

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

House File 2423, by committee on rebuild Iowa and disaster recovery, a bill for an act relating to loan forgiveness under the residential landlord business support program and including effective date and applicability provisions.

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

House File 2424, by Rants, a bill for an act relating to the establishment, funding, and bonding authority of public charter schools.

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

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 723

Judiciary: Wessel-Kroeschell, Chair; Baudler and Mertz.

House Study Bill 725

Economic Growth: Wenthe, Chair; Schultz and Steckman.

House Study Bill 726

Labor: Huser, Chair; Horbach and Hunter.

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 COMMERCE

Committee Bill (Formerly House File 430), relating to boards of administration for horizontal property.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 2010.

Committee Bill (Formerly House Study Bill 523), relating to the consumer credit code by increasing dollar amount limitations for transactions governed by the consumer credit code, establishing an exemption from the definition of a consumer loan for specified debts secured by real property, and modifying filing fees and a penalty for creditors and debt collectors.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

Committee Bill (Formerly House File 2062), relating to the installation of certain fire suppression systems in residential construction and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

Committee Bill (Formerly House File 2112), concerning choice of automobile repair facilities under automobile liability insurance policies.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

Committee Bill (Formerly House File 2166), requiring provision of deliverable fuels to customers under specified circumstances, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

Committee Bill (Formerly House File 2181), establishing a targeted personal savings program and task force within the office of the treasurer of state.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

COMMITTEE ON ECONOMIC GROWTH

House File 2370, a bill for an act relating to enterprise zones by extending the application deadline for certification of enterprise zones and by updating certain fiscal year limitations.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 2010.

Committee Bill (Formerly House Study Bill 680), authorizing creation of consumption tax bonding districts and providing for the issuance of bonds secured by certain tax revenues collected within a district.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 12, 2010.

Committee Bill (Formerly House Study Bill 725), relating to the allocation of moneys under the grow Iowa values fund for purposes of making grants to certain microenterprise development organizations.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 2010.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 623), relating to the duties and operations of the department of education and local school boards.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

Committee Bill (Formerly House Study Bill 624), relating to special education rights and duties and to the related duties and operations of the department of education and local school boards.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

COMMITTEE ON LABOR

Committee Bill (Formerly House Study Bill 702), concerning public employee collective bargaining, including provisions allowing reasonable reimbursement for employee organization services provided to certain executive branch employees, and including applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

Committee Bill (Formerly House Study Bill 726), relating to public employee collective bargaining.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 2010.

COMMITTEE ON NATURAL RESOURCES

House File 2017, a bill for an act requiring certain canoes and kayaks to be registered and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 2010.

House File 2310, a bill for an act relating to raising or releasing pen-reared pheasants originating from a hatchery approved by the department of natural resources.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 2010.

Committee Bill (Formerly House Study Bill 700), creating a natural resources and outdoor recreation trust fund to implement a proposed amendment to the Constitution of the State of Iowa, and providing for contingent implementation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

Committee Bill (Formerly House File 2293), exempting certain boat harbors from certain dock requirements and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

COMMITTEE ON REBUILD IOWA AND DISASTER RECOVERY

Committee Bill (Formerly House Study Bill 592), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

Committee Bill (Formerly House Study Bill 707), relating to the allocation, issuance, reporting, recapture, and reallocation of recovery zone bonds, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

Committee Bill (Formerly House File 2173), relating to purchasing preferences for disaster recovery products.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

Committee Bill (Formerly House File 2174), relating to the purchase and sale of disaster-affected property by local governments.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2010.

Committee Bill (Formerly House File 2215), enhancing criminal fines and penalties in disaster areas, providing penalties, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House Study Bill 667), relating to the administration of the election laws by the secretary of state and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 2010.

Committee Bill (Formerly House Study Bill 683), relating to election laws by making changes to voter registration, absentee voting, and election day procedures, providing a penalty, and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 12, 2010.

AMENDMENTS FILED

H—8107	S.F.	2117	Thede of Scott
H—8108	H.F.	2413	Raecker of Polk

On motion by McCarthy of Polk the House adjourned at 5:08 p.m., until 10:00 a.m., Monday, February 15, 2010

JOURNAL OF THE HOUSE

Thirty-sixth Calendar Day - Twenty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 15, 2010

The House met pursuant to adjournment at 10:11 a.m., Speaker Murphy in the chair.

Prayer was offered by the Honorable Pat Murphy, Speaker of the House.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ashby Creighton Crum, he is the grandson of Mary Daily-Lange, the secretary of Representative Marcella Frevert, from Palo Alto County.

The Journal of Friday, February 12, 2010 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Alons of Sioux and Soderberg of Plymouth, on request of Roberts of Carroll; Helland of Polk, Kaufmann of Cedar, Raecker of Polk and Rants of Woodbury, on request of Deyoe of Story.

INTRODUCTION OF BILLS

House Joint Resolution 2016, by De Boef, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the power of the people to approve or reject certain acts of the General Assembly by referendum.

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

House File 2425, by De Boef, a bill for an act removing an exemption for specified electric public utilities from the regulatory authority of the utilities board of the department of commerce.

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

House File 2426, by De Boef, a bill for an act relating to the dissemination or exhibition of obscene material to a minor, and providing penalties.

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

House File 2427, by De Boef, a bill for an act providing for a study of the economic impact of Iowa's whitetail deer population, and including effective date provisions.

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

House File 2428, by Schueller, a bill for an act relating to the valuation of commercial property for purposes of property assessment and taxation, duties of the department of revenue, and including applicability provisions.

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

House File 2429, by committee on veterans affairs, a bill for an act relating to an additional homestead credit available to disabled veterans and including effective date and applicability provisions.

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

CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **Senate File 2088**, a bill for an act concerning state government reorganization and efficiency, making appropriations, establishing fees and penalties, and providing effective and applicability provisions, and amendment H-8087. (Previously deferred and found on pages 343-485 of the House Journal)

Paulsen of Linn asked and received unanimous consent to defer amendment H-8087.

Mascher of Johnson offered amendment H-8066 filed by her as follows:

H-8066

1 Amend Senate File 2088, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 198, after line 24 by inserting:

4 <DIVISION _____
5 LIBRARY SERVICE AREAS

6 Sec. ____ Section 8A.454, subsection 2, Code

7 Supplement 2009, is amended to read as follows:

8 2. A monthly per contract administrative charge
9 shall be assessed by the department on all health
10 insurance plans administered by the department in which
11 the contract holder has a state employer to pay the
12 charge. The amount of the administrative charge shall
13 be established by the general assembly. The department
14 shall collect the administrative charge from each
15 department utilizing the centralized payroll system and
16 shall deposit the proceeds in the fund. In addition,
17 the state board of regents, ~~all library service~~
18 ~~areas~~, the state fair board, the state department of
19 transportation, and each judicial district department
20 of correctional services shall remit the administrative
21 charge on a monthly basis to the department and shall
22 submit a report to the department containing the number
23 and type of health insurance contracts held by each of
24 its employees whose health insurance is administered by
25 the department.

26 Sec. ____ Section 8D.2, subsection 5, paragraph a,
27 Code 2009, is amended to read as follows:

28 a. "Public agency" means a state agency, an
29 institution under the control of the board of regents,
30 the judicial branch as provided in section 8D.13,
31 subsection 17, a school corporation, a city library,
32 ~~a library service area as provided in chapter 256,~~ a
33 county library as provided in chapter 336, or a
34 judicial district department of correctional services
35 established in section 905.2, to the extent provided in
36 section 8D.13, subsection 15, an agency of the federal
37 government, or a United States post office which
38 receives a federal grant for pilot and demonstration
39 projects.

40 Sec. ____ Section 8D.9, subsection 1, Code 2009, is
41 amended to read as follows:

42 1. A private or public agency, other than a state
43 agency, local school district or nonpublic school, city
44 library, ~~library service area~~, county library, judicial
45 branch, judicial district department of correctional
46 services, agency of the federal government, a hospital
47 or physician clinic, or a post office authorized to be
48 offered access pursuant to this chapter as of May 18,
49 1994, shall certify to the commission no later than
50 July 1, 1994, that the agency is a part of or intends

Page 2

1 to become a part of the network. Upon receiving such
 2 certification from an agency not a part of the network
 3 on May 18, 1994, the commission shall provide for the
 4 connection of such agency as soon as practical. An
 5 agency which does not certify to the commission that
 6 the agency is a part of or intends to become a part of
 7 the network as required by this subsection shall be
 8 prohibited from using the network.

9 Sec. ____ Section 8D.11, subsection 4, Code 2009,
 10 is amended to read as follows:

11 4. A political subdivision receiving communications
 12 services from the state as of April 1, 1986, may
 13 continue to do so but communications services shall
 14 not be provided or resold to additional political
 15 subdivisions other than a school corporation, a city
 16 library, ~~a library service area as provided in chapter~~
 17 ~~256~~, and a county library as provided in chapter 336.
 18 The rates charged to the political subdivision shall be
 19 the same as the rates charged to state agencies.

20 Sec. ____ Section 256.51, subsection 1, paragraphs
 21 a, d, and j, Code 2009, are amended to read as follows:

22 a. Determine policy for providing information
 23 service to the three branches of state government and
 24 to the legal and medical ~~communities~~ community in this
 25 state.

26 d. ~~Develop, in consultation with the library~~
 27 ~~service areas and the area education agency media~~
 28 ~~centers~~, a biennial unified plan of service and service
 29 delivery for the division of libraries and information
 30 services.

31 j. Establish and administer standards for state
 32 agency libraries, ~~the library service areas~~, and public
 33 libraries.

34 Sec. ____ Section 256.51, subsection 1, Code 2009,
 35 is amended by adding the following new paragraph:

36 NEW PARAGRAPH. k. Provide supporting services to
 37 libraries, including but not limited to consulting,
 38 continuing education, and interlibrary loan and
 39 references services to assure consistency of service
 40 statewide and to encourage local financial support for
 41 library services.

42 Sec. ____ Section 256.52, subsection 1, Code 2009,
 43 is amended to read as follows:

44 1. The state commission of libraries consists of
 45 one member appointed by the supreme court, the director
 46 of the department of education, or the director's
 47 designee, and six members appointed by the governor to
 48 serve four-year terms beginning and ending as provided
 49 in section 69.19. ~~Of the~~ The governor's appointees,
 50 ~~one member shall be from the medical profession and~~

Page 3

1 ~~five members~~ selected at large. ~~Not more than three of~~
2 ~~the members appointed by the governor shall be of the~~
3 ~~same gender.~~ The members shall be reimbursed for their
4 actual expenditures necessitated by their official
5 duties. Members may also be eligible for compensation
6 as provided in section 7E.6.

7 Sec. ____ Section 256.52, subsection 3, paragraph
8 d, Code 2009, is amended to read as follows:

9 d. Appoint and approve the technical, professional,
10 excepting the ~~medical librarian and the law librarian,~~
11 secretarial, and clerical staff necessary to accomplish
12 the purposes of the division subject to chapter 8A,
13 subchapter IV.

14 Sec. ____ Section 256.52, subsection 3, Code 2009,
15 is amended by adding the following new paragraph:

16 NEW PARAGRAPH. Oe. Assume all of the outstanding
17 obligations of the library service areas and be liable
18 for and recognize, assume, and carry out all valid
19 contracts and obligations of the library service
20 areas that are consolidated under the commission
21 and administered by the division of libraries and
22 information services effective beginning July 1, 2010.
23 Each library service area shall transfer, prior to
24 July 1, 2010, its state-funded assets and title to any
25 state-funded real estate owned by the library service
26 area to the commission.

27 Sec. ____ Section 256.54, unnumbered paragraph 1,
28 Code 2009, is amended to read as follows:

29 The state library includes, but is not limited to,
30 ~~a medical library,~~ a law library, and the state data
31 center.

32 Sec. ____ Section 256.54, subsection 1, Code 2009,
33 is amended by striking the subsection.

34 Sec. ____ Section 273.2, subsection 4, Code
35 Supplement 2009, is amended to read as follows:

36 4. The area education agency board shall provide
37 for special education services and media services
38 for the local school districts in the area and shall
39 encourage and assist school districts in the area to
40 establish programs for gifted and talented children.
41 The board shall assist in facilitating interlibrary
42 loans of materials between school districts and other
43 libraries. ~~Each area education agency shall include~~
44 ~~as a member of its media center advisory committee a~~
45 ~~library service area trustee or library service area~~
46 ~~staff member, who is appointed to the committee by the~~
47 ~~commission of libraries.~~

48 Sec. ____ Section 669.2, subsection 5, Code 2009,
49 is amended to read as follows:

50 5. "State agency" includes all executive

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1 departments, agencies, boards, bureaus, and commissions
 2 of the state of Iowa, and corporations whose
 3 primary function is to act as, and while acting as,
 4 instrumentalities or agencies of the state of Iowa,
 5 whether or not authorized to sue and be sued in
 6 their own names. This definition does not include
 7 a contractor with the state of Iowa. Soil and
 8 water conservation districts as defined in section
 9 161A.3, subsection 6, judicial district departments
 10 of correctional services as established in section
 11 905.2, ~~and library service area boards of trustees~~
 12 ~~as established in chapter 256~~ are state agencies for
 13 purposes of this chapter.

14 Sec. ____ REPEAL. Sections 256.60, 256.61, 256.66,
 15 256.67, 256.67A, 256.68, Code 2009, are repealed.

16 Sec. ____ LIBRARY SERVICE AREA EMPLOYEES – LENGTH
 17 OF SERVICE – TRANSFER OF PERSONNEL RECORDS.

18 1. The length of service of a permanent full-time
 19 employee of a library service area who is employed by a
 20 library service area on June 30, 2010, and who is hired
 21 by the division of libraries and information services
 22 on or after July 1, 2010, shall be credited as state
 23 employment service for purposes of vacation and sick
 24 leave accrual.

25 2. The area administrator of each library service
 26 area shall submit to the division of libraries and
 27 information services the personnel records of each
 28 permanent full-time employee of the library service
 29 area by July 1, 2010.

30 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
 31 of this Act, being deemed of immediate importance,
 32 takes effect upon enactment.

33 DIVISION _____

34 LIBRARY DISTRICTS

35 Sec. ____ Section 336.2, unnumbered paragraphs 2
 36 and 6, Code 2009, are amended to read as follows:

37 Eligible electors residing within the proposed
 38 district in a number not less than five percent of
 39 those voting for president of the United States or
 40 governor, as the case may be, within the district at
 41 the last general election may petition the board of
 42 supervisors of the county, or the city council, for the
 43 establishment of the library district. The petition
 44 shall clearly designate the area to be included in the
 45 district, the total number of board members, and how
 46 representation on the board shall be divided among the
 47 jurisdictions.

48 After the establishment of a library district other
 49 areas may be included ~~by mutual agreement~~ subject to
 50 the approval of the board of trustees of the library

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1 district and the ~~governing body~~ passage of a referendum
2 by the electors of the area sought to be included.

3 Sec. ____ Section 336.4, Code 2009, is amended to
4 read as follows:

5 336.4 Library trustees.

6 In any area in which a library district has been
7 established in accordance with this chapter, a board
8 of library trustees, consisting of five, seven, or
9 nine ~~electors of~~ members who resident within the
10 library district, shall be appointed by the ~~board of~~
11 ~~supervisors of any county or city~~ governing bodies of
12 the jurisdictions comprising the library district.
13 ~~Membership on the library board shall be apportioned~~
14 ~~between the rural and city areas of the district in~~
15 ~~proportion to the population in each of such areas. In~~
16 ~~the event the library district is composed of two or~~
17 ~~more counties, two or more cities, or any combination~~
18 ~~of counties and cities, representation on the library~~
19 ~~board shall be equitably divided between or among the~~
20 ~~counties and cities in proportion to the population in~~
21 ~~each of the counties and cities.~~

22 Sec. ____ Section 336.5, Code 2009, is amended to
23 read as follows:

24 336.5 Terms – vacancies.

25 1. Of said the trustees so appointed in accordance
26 with section 336.4 on boards ~~to consist~~ consisting of
27 nine members, three shall hold office for two years,
28 three for four years, and three for six years;
29 on boards ~~to consist~~ consisting of seven members,
30 two shall hold office for two years, two for four
31 years, and three for six years; and on boards ~~to~~
32 ~~consist~~ consisting of five members, one shall hold
33 office for two years, two for four years, and two
34 for six years, from the first day of July following
35 their appointment in each case. At ~~their the~~ first
36 meeting ~~they of the board,~~ members shall cast lots for
37 their respective terms, reporting the result of such
38 lot to ~~the board of supervisors~~ the governing body of
39 each jurisdiction forming the library district. All
40 subsequent appointments, whatever the size of the
41 board, shall be for terms of six years each.

42 2. A vacancy exists when a member ceases to be a
43 resident of the jurisdiction the member represents or
44 is absent for six consecutive regular meetings of the
45 board.

46 3. Vacancies shall be filled for unexpired terms
47 by the governing body of the ~~taxing unit of the~~
48 ~~district jurisdiction~~ represented by the retiring
49 member vacancy.

50 Sec. ____ Section 336.8, Code 2009, is amended to

Page 6

1 read as follows:

2 336.8 Powers.

3 ~~Said The~~ board of library trustees shall have and
4 exercise the following powers:

5 1. To meet and ~~organize by the election of one~~
6 ~~of their number as~~ elect from among its members
7 a president of the board, and by the election of a
8 secretary and such other officers as the board may deem
9 necessary.

10 2. To direct and control all affairs of the library
11 district, as well as to have charge, and supervision of
12 the public library, and its rooms, appurtenances, and
13 fixtures, and rooms containing the same, directing and
14 controlling all the affairs of such library.

15 3. To employ a librarian, and authorize the
16 librarian to employ such assistants and employees
17 as may be necessary for the proper management of
18 ~~said the~~ library, and district. The board shall fix
19 ~~their the~~ compensation, but, prior of such employees,
20 Prior to such employment, the compensation of
21 such the librarian, assistants, and employees shall be
22 fixed ~~for the term of employment~~ by a majority of the
23 members of ~~said the~~ board voting in favor thereof.

24 4. To remove ~~such,~~ by a two-thirds vote of the
25 board, the librarian, and provide procedures for
26 the removal of assistants, or employees by a vote of
27 two thirds of such board for misdemeanor, incompetency,
28 or inattention to the duties of such employment duty.

29 5. To authorize the librarian to select and
30 make purchases of books, ~~pamphlets,~~ magazines,
31 periodicals, papers, maps, journals, furniture,
32 fixtures, ~~stationery~~ technology, and supplies for
33 ~~such the~~ library district.

34 6. To authorize the use of ~~such libraries by school~~
35 ~~corporations or~~ the public library by nonresidents of
36 the area which is taxed to support ~~such libraries~~ the
37 public library and to fix charges ~~therefor~~ for library
38 services.

39 7. To make and adopt, amend, modify, or repeal
40 bylaws, rules, and regulations, not inconsistent with
41 law, for the care, use, government, and management
42 of ~~such the~~ public library and the business of
43 ~~said the~~ board, fixing and enforcing penalties for ~~the~~
44 ~~violation thereof~~ violations. The board shall keep a
45 record of its proceedings.

46 8. To have exclusive control of ~~the~~
47 ~~expenditures~~ all funds allocated for public library
48 purposes, as provided by law, and of the expenditures
49 ~~of~~ all moneys available by gift or otherwise for the
50 erection of public library buildings, and all other

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1 moneys belonging to the public library, including
2 fines and rental fees collected, under the rules
3 of the board. The board shall keep a record of its
4 proceedings.

5 9. To accept gifts of ~~any~~ real property,
6 personal property, or mixed property, and devises
7 and bequests, including trust funds; to take the
8 title to ~~said the~~ property in the name of ~~said he~~
9 public library; to execute deeds and bills of sale for
10 the conveyance of ~~said the~~ property; and to expend the
11 funds ~~received by them~~ generated from ~~such the~~ gifts,
12 for the improvement of ~~said the~~ public library.

13 10. To make agreements with local county historical
14 associations to set apart the necessary room and to
15 care for articles that come into the possession of
16 the association. The board may purchase necessary
17 receptacles and materials for the preservation and
18 protection of articles which are of an historical and
19 educational nature.

20 Sec. ____ Section 336.10, Code 2009, is amended to
21 read as follows:

22 336.10 Library fund.

23 1. All moneys received and set apart appropriated
24 or received for the maintenance of the public library
25 shall be deposited in the treasury of the county or
26 city, as determined by the board of library trustees,
27 and ~~paid out upon warrants drawn by the county or city~~
28 ~~auditor upon requisition of~~ expenditures shall be paid
29 by the treasurer of the county or city in which the
30 moneys are deposited on warrants ordered by the board
31 of trustees, signed by its the board's president and
32 secretary.

33 Provided that where a free public library is
34 maintained jointly by two or more counties or cities
35 or any combination of counties and cities, the library
36 trustees may elect a library treasurer, and it shall be
37 the duty of the city and county treasurers to pay over
38 to the library treasurer any and all library taxes that
39 may be collected by them monthly.

40 2. The library treasurer of the county or city in
41 which the public library moneys are deposited pursuant
42 to subsection 1 shall be required to furnish a bond
43 conditioned as provided by section 64.2 in an amount as
44 agreed upon by the participating boards of supervisors
45 and city councils and the cost shall be paid by the
46 participating counties and cities.

47 Sec. ____ Section 336.11, Code 2009, is amended to
48 read as follows:

49 336.11 Annual report.

50 The board of library trustees shall, ~~immediately~~

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1 ~~after within ninety days after~~ the close of each
 2 fiscal year, submit a report to the board of
 3 ~~supervisors, and the city council, as appropriate, a~~
 4 ~~report containing~~ governing bodies of the respective
 5 jurisdictions comprising the library district. The
 6 report shall contain a statement of the condition
 7 of the library, the number of books and other
 8 resources added ~~thereto~~, the number of books and
 9 other resources circulated, the number of books and
 10 other resources not returned or lost, the amount of
 11 fines collected, and the amount of money expended in
 12 the maintenance ~~thereof~~ of the public library during
 13 ~~such the preceding fiscal~~ year, together with ~~such~~
 14 ~~further any other~~ information ~~as it may deem the board~~
 15 deems important.

16 Sec. ____ Section 336.12, Code 2009, is amended to
 17 read as follows:

18 336.12 Real estate acquired.

19 ~~In any county or city in which a free library~~
 20 ~~has been established, the~~ The board of library
 21 trustees may purchase real estate in the name of the
 22 ~~county or city~~ library district for the location of
 23 public library buildings and branch libraries, and for
 24 the purpose of enlarging the grounds.

25 Sec. ____ Section 336.13, Code 2009, is amended to
 26 read as follows:

27 336.13 Maintenance expense on proportionate basis.

28 1. The maintenance of a public library established
 29 in accordance with this chapter shall be on the basis
 30 of each participating unit bearing its share of the
 31 total cost in proportion to its population as compared
 32 to the total population of the library district.

33 2. The board of library trustees shall make an
 34 estimate of the amount necessary for the maintenance
 35 of the library, the sources of direct library revenue,
 36 and the amount to be contributed from taxes or other
 37 revenues by the participating city or county and
 38 hold a hearing on the estimate after notice of the
 39 hearing is published as provided in section 331.305 or
 40 section 362.3, as appropriate. On or before January
 41 10 of each year, the board of library trustees shall
 42 transmit the estimate in dollars to the ~~board of~~
 43 ~~supervisors and to the cities~~ governing bodies of the
 44 jurisdictions participating in the library district.

45 ~~The unincorporated area of each county in the library~~
 46 ~~district shall be considered as a separate supporting~~
 47 ~~unit.~~ Each board of supervisors participating shall
 48 review the estimate and appropriate for library
 49 purposes its share ~~in from~~ the county rural services
 50 fund budget. Each city council participating shall

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1 review the estimate for the city and appropriate for
2 library purposes its share ~~in~~ from the city general
3 fund budget. Each participating city or county
4 shall contribute its share from taxation or from
5 other sources available for library purposes on an
6 equitable basis. With approval of a city council, the
7 county treasurer may withhold a reasonable portion
8 of the taxes collected for a city to meet the city's
9 contribution for library purposes and deliver a receipt
10 to the city clerk for the amount withheld.

11 This section shall not affect the taxing authority
12 provided under section 256.69.

13 Sec. ____ Section 336.15, Code 2009, is amended to
14 read as follows:

15 336.15 Existing contracts assumed.

16 Whenever a library district is established in
17 accordance with this chapter, its board of trustees
18 shall assume all the obligations of the existing'
19 library service contracts made by ~~cities, townships,~~
20 ~~school corporations, or counties to receive library~~
21 ~~service from free public libraries jurisdictions~~
22 participating in the library district.

23 Sec. ____ Section 336.16, Code 2009, is amended to
24 read as follows:

25 336.16 Withdrawal from district – termination.

26 1. A city may withdraw from the library district
27 upon a majority vote in favor of withdrawal by the
28 electorate of the city in an election held on a
29 motion by the city council. The election shall be
30 held simultaneously with a general or city election.
31 Notice of a favorable vote to withdraw shall be sent by
32 certified mail to the board of library trustees of the
33 library district and the county auditor or city clerk,
34 as appropriate, prior to January 10, and the withdrawal
35 shall be effective on July 1.

36 2. A county may withdraw from the district after a
37 majority of the voters of the unincorporated area of
38 the county voting on the issue favor the withdrawal.

39 The board of supervisors shall call for the election
40 which shall be held at the next general election.

41 3. A city or county election shall not be called
42 until a hearing has been held on the proposal to submit
43 a proposition of withdrawal to an election. A hearing
44 may be held only after public notice published as
45 provided in section 362.3 in the case of a city or
46 section 331.305 in the case of a county. A copy of the
47 notice submitted for publication shall be mailed to the'
48 public library on or before the date of publication.
49 The proposal presented at the hearing must include a
50 plan for continuing adequate library service with or

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1 without all participants and the respective allocated
 2 costs and levels of service shall be stated. At
 3 the hearing, any interested person shall be given a
 4 reasonable time to be heard, either for or against the
 5 withdrawal or the plan to accompany it.

6 4. A library district may be terminated if a
 7 majority of the electors of the unincorporated area
 8 of the county and the cities included in the library
 9 district voting on the issue favor the termination.
 10 ~~The election shall be held upon motion of the board of~~
 11 ~~supervisors and simultaneously with a general or other~~
 12 ~~county election.~~ If the vote favors termination, the
 13 termination shall be effective on the succeeding July
 14 1.

15 5. An election for withdrawal from or termination
 16 of a library district shall not be held more than once
 17 each four years.

18 Sec. ____ Section 336.18, subsection 4, paragraphs
 19 c and d, Code 2009, are amended to read as follows:

20 c. If a majority of those voting upon the question
 21 favors it, the board of supervisors shall ~~within thirty~~
 22 ~~days appoint a board of library trustees from residents~~
 23 ~~of the petitioning area. Vacancies shall be filled by~~
 24 ~~the board.~~

25 ~~d. The board of trustees may contract with~~
 26 ~~any a~~ library for library use or service for the
 27 benefit of the residents and area represented by it.

28 Sec. ____ NEW SECTION. 336.19 Contracts for use
 29 of public library.

30 1. Contracting. The board of library trustees may
 31 contract with any other board of trustees of a free
 32 public library or any other city, school corporation,
 33 institution of higher learning, township, or county, or
 34 with the trustees of any county library district for
 35 the use of the library by their respective residents.

36 2. Termination. A contract entered into pursuant
 37 to subsection 1 may be terminated as follows:

38 a. By mutual consent of the contracting parties.

39 b. By a majority vote of the electors represented
 40 by either of the contracting parties. Upon a written
 41 petition of a number of eligible electors equaling five
 42 percent or more of the number of electors voting at the
 43 last general election within the jurisdiction of the
 44 contracting party, a termination proposition shall be
 45 submitted to the electors by the governing body of the
 46 contracting party. The petition shall be presented
 47 to the governing body not less than forty days prior
 48 to the next general election or special election held
 49 throughout the jurisdiction of the party seeking to
 50 terminate the contract. The proposition shall be

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1 submitted at the next general election or next special
2 election held throughout the jurisdiction of the party
3 seeking to terminate the contract.
4 Sec. __. REPEAL. Sections 336.6, 336.9, and
5 336.17, Code 2009, are repealed.>
6 2. By renumbering as necessary.

Mascher of Johnson offered the following amendment H-8104, to amendment H-8066, filed by her and moved its adoption:

H-8104

1 Amend the amendment, H-8066, to Senate File 2088,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 4, after line 24 by inserting:
5 <__. Persons employed by a library service area
6 prior to July 1, 2010, shall be provided an opportunity
7 to interview for a position with the division of
8 libraries and information services.>

Amendment H-8104 was adopted.

Bailey of Hamilton offered the following amendment H-8089, to amendment H-8066, filed by Bailey, et al., and moved its adoption:

H-8089

1 Amend the amendment, H-8066, to Senate File 2088,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking line 5 and inserting:
5 <<DIVISION __ OF LIBRARIES AND INFORMATION SERVICES>
6 2. By striking page 1, line 6, through page 2, line
7 19.
8 3. Page 2, lines 20 and 21, by striking <paragraphs
9 a, d, and j, Code 2009, are> and inserting <paragraph
10 a, Code 2009, is>
11 4. Page 2, by striking lines 26 through 41.
12 5. Page 3, by striking lines 14 through 26.
13 6. By striking page 3, line 34, through page 4,
14 line 29.
15 7. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 53, nays 27.

Amendment H-8089 was adopted placing out of order amendment H-8104, previously adopted.

On motion by Mascher of Johnson, amendment H-8066, as amended, was adopted.

Heddens of Story offered the following amendment H-8090 filed by her and Raecker of Polk and moved its adoption:

H-8090

1 Amend Senate File 2088, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 212, line 35, by striking <under a> and
4 inserting <under each>
5 2. Page 213, line 2, by striking <waivers> and
6 inserting <applicable waiver>
7 3. Page 213, line 5, after <median> by inserting
8 <as applicable to each waiver. The use of trigger
9 mechanism and the approval process is intended to
10 preserve necessary services while preventing overuse
11 of services>

Amendment H-8090 was adopted, placing out of order amendment H-8081 filed by Heddens of Story on February 10, 2010.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment H-8058 filed by Raecker of Polk on February 9, 2010.

Heaton of Henry offered the following amendment H-8079 filed by him and moved its adoption:

H-8079

1 Amend Senate File 2088, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 214, line 11, through page 218,
4 line 8, and inserting:
5 <Sec. ____ Section 28.4, Code 2009, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 14. Create a state child care
8 advisory committee to advise and make recommendations
9 to the governor, general assembly, department of
10 human services, Iowa board, and other state agencies

- 11 concerning child care.>
12 2. Page 218, line 13, by striking <135.173A> and
13 inserting <28.4>
14 3. Page 219, line 20, by striking <135.173A> and
15 inserting <28.4>
16 4. By striking page 219, line 31, through page 220,
17 line 16.
18 5. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 40, nays 52.

Amendment H-8079 lost.

Horbach of Tama offered the following amendment H-8103 filed by Horbach, et al., and moved its adoption:

H-8103

- 1 Amend Senate File 2088, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 220, after line 14 by inserting:
4 <__. If a provision of this Act or another
5 enactment of the Eighty-third General Assembly
6 establishes new criteria for the boundaries of existing
7 community empowerment areas under chapter 28 or
8 provides for redesignation of community empowerment
9 areas with early childhood Iowa areas under new Chapter
10 256I, any criteria requiring a minimum number of
11 children for a single county area shall not apply to
12 an existing area operating in a cost-effective manner
13 that has been determined to meet quality standards and
14 results indicators.>
15 2. By renumbering as necessary.

Amendment H-8103 lost.

The Speaker announced that with the adoption of amendment H-8045, amendment H-8051 filed by Heaton of Henry on February 8, 2010 is out of order.

Schulte of Linn offered amendment H-8067 filed by her as follows:

H-8067

- 1 Amend Senate File 2088, as amended, passed, and
2 reprinted by the Senate, as follows:

- 3 1. Page 248, lines 31 and 32, by striking <FUNDS
 4 TRANSFER PAYMENTS> and inserting <TRANSACTIONS>
 5 2. Page 248, before line 33 by inserting:
 6 <Sec. ____ Section 217.6, Code 2009, is amended by
 7 adding the following new unnumbered paragraph:
 8 NEW UNNUMBERED PARAGRAPH If the department of
 9 human services requires or requests a service consumer,
 10 service provider, or other person to maintain required
 11 documentation in electronic form, the department shall
 12 accept such documentation submitted by electronic
 13 means and shall not require a physical copy of the
 14 documentation.>
 15 3. By renumbering as necessary.

Schulte of Linn offered the following amendment H-8098, to amendment H-8067, filed by her and Heddens of Story and moved its adoption:

H-8098

- 1 Amend the amendment, H-8067, to Senate File 2088,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 14, after <documentation> by
 5 inserting <unless required by state or federal law>

Amendment H-8098 was adopted.

On motion by Schulte of Linn, amendment H-8067, as amended, was adopted.

Upmeyer of Hancock offered the following amendment H-8073 filed by Rants of Woodbury and moved its adoption:

H-8073

- 1 Amend Senate File 2088, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 250, after line 19 by inserting:
 4 <DIVISION _____
 5 UNFUNDED FEDERAL MANDATES
 6 Sec. ____ FEDERAL HEALTH CARE REFORMS – UNFUNDED
 7 FEDERAL MANDATES – OPT-OUT. If on or after the
 8 effective date of this division of this Act, the
 9 United States Congress enacts or otherwise imposes
 10 requirements that obligate the state to engage in any
 11 new activity, to provide any new service, or to provide
 12 any service beyond that required by any law enacted or

13 requirement otherwise imposed prior to the effective
 14 date of this division of this Act related to health
 15 care reform, and the United States Congress allows a
 16 state to opt out of any of the requirements enacted
 17 or otherwise imposed, it is the intent of the general
 18 assembly that the state shall exercise its right to opt
 19 out of all of the requirements for which that option is
 20 available and for which the United States Congress does
 21 not appropriate moneys to fully fund the cost of the
 22 requirement enacted or imposed.>

Roll call was requested by Upmeyer of Hancock and Paulsen of Linn.

On the question "Shall amendment H-8073 be adopted?" (S.F. 2088)

The ayes were, 43:

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

The nays were, 53:

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

Absent or not voting, 4:

Alons

Berry

Rants

Soderberg

Amendment H-8073 lost.

Van Engelenhoven of Marion offered the following amendment H-8056 filed by him and moved its adoption:

H-8056

1 Amend Senate File 2088, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 251, after line 10 by inserting:

4 <DIVISION _____

5 INTERACTIVE VIDEO

6 TELECONFERENCING – INVOLUNTARY

7 COMMITMENT HEARINGS

8 Sec. ____ Section 125.82, subsection 4, Code 2009,
9 is amended to read as follows:

10 4. The respondent's welfare is paramount, and the
11 hearing shall be tried as a civil matter and conducted
12 in as informal a manner as is consistent with orderly
13 procedure, which may include the use of an interactive
14 video teleconferencing system consistent with standards
15 adopted by rule by the supreme court. Discovery as
16 permitted under the Iowa rules of civil procedure is
17 available to the respondent. The court shall receive
18 all relevant and material evidence, but the court is
19 not bound by the rules of evidence. A presumption
20 in favor of the respondent exists, and the burden of
21 evidence and support of the contentions made in the
22 application shall be upon the person who filed the
23 application. If upon completion of the hearing the
24 court finds that the contention that the respondent is
25 a chronic substance abuser has not been sustained by
26 clear and convincing evidence, the court shall deny the
27 application and terminate the proceeding.

28 Sec. ____ Section 229.12, subsection 3, paragraph
29 a, Code Supplement 2009, is amended to read as follows:

30 a. The respondent's welfare shall be paramount
31 and the hearing shall be tried as a civil matter
32 and conducted in as informal a manner as may be
33 consistent with orderly procedure, ~~but consistent~~
34 ~~therewith the issue shall be tried as a civil~~
35 ~~matter which may include the use of an interactive~~
36 video teleconferencing system consistent with standards
37 adopted by rule by the supreme court. Such discovery
38 as is permitted under the Iowa rules of civil procedure
39 shall be available to the respondent. The court shall
40 receive all relevant and material evidence which may

41 be offered and need not be bound by the rules of
 42 evidence. There shall be a presumption in favor of the
 43 respondent, and the burden of evidence in support of
 44 the contentions made in the application shall be upon
 45 the applicant.>

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

On the question "Shall amendment H-8056 be adopted?" (S.F. 2088)

The ayes were, 43:

Anderson	Arnold	Baudler	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Kaufmann	Koester	Kuhn	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rayhons	Roberts
Running-Marquardt	Sands	Schulte	Schultz
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	Frevrt	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	Isenhardt	Jacoby	Kearns
Kelley	Kressig	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Zirkelbach	Mr. Speaker		
	Murphy		

Absent or not voting, 3:

Alons	Rants	Soderberg
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Amendment H-8056 lost.

McCarthy of Polk asked and received unanimous consent that Senate File 2088 be deferred and that the bill retain its place on the unfinished business calendar.

On motion by McCarthy of Polk, the House was recessed at 11:52 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:12 p.m., Speaker Murphy in the chair.

QUORUM CALL

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

ADOPTION OF HOUSE CONCURRENT RESOLUTION 106

McCarthy of Polk called up the following **House Concurrent Resolution 106**, and moved its adoption.

House Concurrent Resolution 106

By McCarthy and Paulsen

- 1 A concurrent resolution to provide for a joint
- 2 convention.
- 3 *Be It Resolved By The House Of Representatives, The*
- 4 *Senate Concurring*, That a joint convention of the two
- 5 houses of the 2010 session of the Eighty-third General
- 6 Assembly be held on Tuesday, February 16, 2010, at
- 7 10:00 a.m.; and
- 8 *Be It Further Resolved*, That Brigadier General
- 9 Timothy Orr be invited to present his message of
- 10 the Condition of the Iowa National Guard at this
- 11 convention.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House Concurrent Resolution 106** be immediately messaged to the Senate.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House Resolution 110.

ADOPTION OF HOUSE RESOLUTION 110

Abdul-Samad of Polk, Thede of Scott, Berry of Black Hawk, Burt of Black Hawk, Miller of Webster and Ford of Polk called up for consideration **House Resolution 110**, a resolution designating February 2010 as Black History Month, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House resumed consideration of Senate File 2088.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment H-8071, previously deferred, filed by him and Forristall of Pottawattamie on February 9, 2010.

Forristall of Pottawattamie offered the following amendment H-8087, previously deferred, filed by him and Struyk of Pottawattamie and moved its adoption:

H-8087

1 Amend Senate File 2088, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 198, after line 6 by inserting:
4 <DIVISION _____
5 COMMUNITY COLLEGE ACCREDITATION
6 Sec. ____ Section 260C.47, subsection 1, unnumbered
7 paragraph 1, Code 2009, is amended to read as follows:
8 The state board of education shall establish by
9 rule an accreditation process for community college
10 programs by July 1, 1997. The process shall be
11 jointly developed and agreed upon by the department
12 of education and the community colleges. The state
13 accreditation process shall be integrated with the
14 accreditation process of the north central association
15 of colleges and schools, including the evaluation
16 cycle, the self study process, and the criteria for
17 evaluation, which shall incorporate the standards for
18 community colleges developed under section 260C.48;
19 and shall identify and make provision for the needs
20 of the state that are not met by the association's
21 accreditation process. For the academic year
22 commencing July 1, 1998, and in succeeding school

23 ~~years, the department of education shall use a~~
 24 ~~two component process for the continued accreditation~~
 25 ~~of community college programs. Beginning July 1,~~
 26 ~~2006, the~~ The state accreditation process shall
 27 incorporate the standards developed pursuant to section
 28 260C.48, subsection 4 and shall include but not be
 29 limited to procedures for correcting deficiencies,
 30 appropriate due process procedures including a
 31 hearing, consequences for failure to meet accreditation
 32 standards, notification procedures, and a timeline for
 33 the process. Action taken by the state board pursuant
 34 to this section for failure to meet accreditation
 35 standards is final agency action for purposes of
 36 chapter 17A.

37 Sec. ____ Section 260C.47, subsection 1, paragraphs
 38 a, b, and c, Code 2009, are amended by striking the
 39 paragraphs.

40 Sec. ____ Section 260C.47, subsections 2 through 7,
 41 Code 2009, are amended by striking the subsections.

42 Sec. ____ Section 260C.48, subsection 1, unnumbered
 43 paragraph 1, Code 2009, is amended to read as follows:

44 The state board shall develop standards and
 45 adopt rules for the accreditation of community college
 46 instructors and programs. Except as provided in
 47 subsection 4, the standards and rules developed and
 48 adopted shall not duplicate rules adopted for the
 49 accreditation process established pursuant to section
 50 260C.47. The department shall monitor and evaluate

Page 2

1 the standards through a process jointly developed
 2 and agreed upon by the department and the community
 3 colleges. Except as provided in this subsection
 4 and subsection 4, standards developed shall be
 5 general in nature so as to apply to more than one
 6 specific program of instruction. With regard to
 7 community college-employed instructors, the standards
 8 adopted shall at a minimum require that community
 9 college instructors who are under contract for at
 10 least half-time or more, and by July 1, 2011, all
 11 instructors, meet the following requirements:>

12 2. Page 198, before line 7 by inserting:

13 <Sec. ____ Section 260C.48, subsection 2, Code
 14 2009, is amended to read as follows:

15 2. Standards developed shall include a provision
 16 that the standard academic workload for an instructor
 17 in arts and science courses shall be fifteen credit
 18 hours per school term, and the maximum academic
 19 workload for any instructor shall be sixteen credit
 20 hours per school term, for classes taught during
 21 the normal school day. ~~In addition thereto, If~~

22 ~~requested by the community college, any faculty~~
 23 ~~member instructor may teach a course or courses at~~
 24 ~~times other than the regular school week, involving~~
 25 ~~total class instruction time equivalent to not more~~
 26 ~~than a three credit hour course. The total workload~~
 27 ~~for such instructors shall not exceed the equivalent~~
 28 ~~of eighteen credit hours per school term beyond the~~
 29 ~~standard workload at the discretion of the instructor.>~~
 30 3. By renumbering as necessary.

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

On the question "Shall amendment H-8087 be adopted?" (S.F. 2088)

The ayes were, 50:

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

The nays were, 47:

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

Absent or not voting, 3:

Berry Rants Soderberg

Amendment H-8087 was adopted.

Mascher of Johnson 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. 2088)

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Rants Soderberg

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 2088** be immediately messaged to the Senate.

HOUSE FILE 2156 REFERRED

The Speaker announced that House File 2156, previously placed on the **calendar** was referred to committee on **ways and means**.

SPONSOR ADDED
(House Resolution 108)

Gaskill of Wapello requested to be added as a sponsor of House Resolution 108.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday morning, February 15, 2010. Had I been present, I would have voted "aye" on amendments H-8056, H-8066, H-8073, H-8079 and H-8089 to Senate File 2088.

ALONS of Sioux

SUBCOMMITTEE ASSIGNMENTS

House File 2391

Public Safety: Kuhn, Chair; Alons and Bell.

House File 2393

Transportation: Quirk, Chair; Kelley and Tjepkes.

House File 2397

Public Safety: Bukta, Chair; Alons and Heddens.

House File 2419

Transportation: Quirk, Chair; Kelley and Tjepkes.

AMENDMENTS FILED

H—8109	H.F.	2376	Tymeson of Madison
H—8110	H.F.	2376	Tymeson of Madison
H—8111	H.F.	426	Isenhart of Dubuque
H—8112	H.F.	2144	Chambers of O'Brien Dolecheck of Ringgold Alons of Sioux
H—8113	H.F.	2144	Ford of Polk

On motion by McCarthy of Polk the House adjourned at 2:02 p.m., until 9:00 a.m., Tuesday, February 16, 2010.

JOURNAL OF THE HOUSE

Thirty-seventh Calendar Day - Twenty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 16, 2010

The House met pursuant to adjournment at 9:10 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Al Wright, pastor of the Pointe Church, Fort Dodge. He was the guest of Representative Helen Miller of Webster County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Peyton Schmitt from Lone Tree, she is the granddaughter of Representative Steve Olson of Clinton County and Josie Schultz, daughter of Representative Jason Schultz of Crawford County.

The Journal of Monday, February 15, 2010 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Frevert of Palo Alto, from eighty-one constituents of Iowa House district 7 favoring a constitutional amendment stating marriage is between one man and one woman.

By Frevert of Palo Alto from one hundred-eight constituents of Iowa House district 7 favoring a constitutional amendment stating marriage is between one man and one woman.

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 February 15, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2075, a bill for an act requiring health benefit coverage for certain cancer treatment delivered pursuant to approved cancer clinical trials and providing an applicability date.

Also: That the Senate has on February 15, 2010, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2183, a bill for an act relating to the organization and duties of the state board of health.

Also: That the Senate has on February 15, 2010, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 106, a concurrent resolution to provide for a joint convention of the two houses of the 2010 session of the Eighty-third General Assembly to be held on Tuesday, February 16, 2010, at 10:00 a.m. for Brigadier General Timothy Orr to present his message of the Condition of the Iowa National Guard.

Also: That the Senate has on February 15, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2067, a bill for an act relating to ethics regulations for the executive branch, legislative branch, and local officials and employees and including effective date provisions.

Also: That the Senate has on February 15, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2073, a bill for an act relating to the practice of accounting and to the organization and operation of the licensing boards included within the professional licensure and regulation bureau of the banking division in the department of commerce.

Also: That the Senate has on February 15, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2095, a bill for an act relating to the authority of a certified law enforcement officer.

Also: That the Senate has on February 15, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2128, a bill for an act requiring certain campaign finance statements and reports to be filed in an electronic format.

Also: That the Senate has on February 15, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2146, a bill for an act relating to claims for warranty parts, repairs, or service performed by motor vehicle dealers.

Also: That the Senate has on February 15, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2149, a bill for an act relating to criminal history and abuse registry checks for employees of health care facilities and other health-related providers and requiring such checks for certified nurse aide training program students and providing a penalty.

Also: That the Senate has on February 15, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2156, a bill for an act relating to the IowaCare program, and providing for repeals.

Also: That the Senate has on February 15, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2157, a bill for an act relating to the recording requirements for certain residential real estate installment sales contracts and including applicability provisions.

Also: That the Senate has on February 15, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2158, a bill for an act relating to child support recovery including child support provisions for minor parents, medical support, and the review and adjustment process.

Also: That the Senate has on February 15, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2175, a bill for an act providing for representation of military veterans on certain mental health policy bodies.

Also: That the Senate has on February 15, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2188, a bill for an act allowing a temporary exemption from axle weight limitations for a vehicle or combination vehicles operating with a nonsteerable retractable axle raised while making a turn of ninety degrees or less.

Also: That the Senate has on February 15, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2190, a bill for an act relating to an exemption for a debtor's personal property from execution by creditors in a bankruptcy action.

Also: That the Senate has on February 15, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2191, a bill for an act relating to and making changes to matters under the purview of the division of banking of the department of commerce, making a penalty applicable, and including effective date provisions.

Also: That the Senate has on February 15, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2193, a bill for an act requiring employers to provide written information to employees about certain employment policies without written requests from employees and including applicability provisions.

Also: That the Senate has on February 15, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2199, a bill for an act relating to the collection of the use tax on manufactured housing, the licensing of manufactured home retailers, amending statutory references to certain types of home dealers, and making penalties applicable.

Also: That the Senate has on February 15, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2216, a bill for an act allowing certain game birds to be shot when released on a licensed hunting preserve and providing a penalty.

Also: That the Senate has on February 15, 2010, passed the following bill in which the concurrence of the House is asked:

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.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 2430, by Frevert, a bill for an act allowing an individual income tax deduction for certain dentists who receive medical assistance program reimbursement that is less than their normal fee and including retroactive applicability provisions.

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

House File 2431, by committee on economic growth, a bill for an act relating to the allocation of moneys under the grow Iowa values

fund for purposes of making grants to certain microenterprise development organizations.

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

House File 2432, by committee on education, a bill for an act relating to a study of the opportunities for recruiting racial and ethnic minority teachers from outside the state.

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

House File 2433, by committee on human resources, a bill for an act relating to rights of persons with disabilities.

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

House File 2434, by committee on judiciary, a bill for an act relating to the service of notice requirements for landlords and tenants and the service of notice requirements in an action for forcible entry and detainer and including effective date provisions.

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

House File 2435, by committee on agriculture, a bill for an act relating to grain transactions by regulating grain dealers and warehouse operators, providing for fees, and making penalties applicable.

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

House File 2436, by committee on transportation, a bill for an act relating to intermediate driver's licenses and special minor's licenses, making a penalty applicable, and including effective date provisions.

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

House File 2437, by committee on environmental protection, a bill for an act relating to private sewage disposal system inspections and groundwater hazard statements as part of certain property transfers.

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

House File 2438, by committee on judiciary, a bill for an act relating to the criminal offense of enticing or attempting to entice a minor and providing penalties.

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

House File 2439, by committee on public safety, a bill for an act relating to issuance of permits to carry weapons and related matters.

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

House File 2440, by committee on education, a bill for an act establishing market factor teacher incentives for school district attendance centers located in areas that have high rates of crime.

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

House File 2441, by committee on state government, a bill for an act relating to campaign finance requirements and reporting.

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

The House stood at ease at 9:18 a.m., until the fall of the gavel.

The House resumed session at 9:38 a.m., Speaker Murphy in the chair.

COMMITTEE TO NOTIFY THE SENATE

Kearns of Lee moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such committee Kearns of Lee, Chair; Ficken of Buchanan and Schultz of Crawford.

The House stood at ease at 9:39 a.m., until the fall of the gavel.

The House resumed session at 9:46 a.m., Speaker Murphy in the chair.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Kearns of Lee, Chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention reported that the committee had performed its duty.

The report was accepted, and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station, the Secretary to the Chief Clerk's desk and the members of the Senate were seated in the House chamber.

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 106, duly adopted, the joint convention was called to order at 9:48 a.m., President Kibbie presiding.

Senator Gronstal of Pottawattamie moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present.

The motion prevailed.

President Kibbie announced a quorum present and the joint convention duly organized.

Senator Gronstal of Pottawattamie moved that a committee of six, consisting of three members from the Senate and three members from the House of Representatives, be appointed to escort Governor Chester J. Culver to the House chamber for the Condition of the Iowa National Guard Message.

The motion prevailed and the President appointed as such committee Senators Fraise of Lee, Horn of Linn and Kapucian of Benton, on the part of the Senate, and Representatives Whitead of Woodbury, Bukta of Clinton and Schulte of Linn, on the part of the House.

Senator Gronstal of Pottawattamie moved that a committee of six, consisting of three members from the Senate and three members from the House of Representatives, be appointed to escort Adjutant General Tim Orr to the House chamber for the Condition of the Iowa National Guard Message.

The motion prevailed and the President appointed as such committee Senators Warnstadt of Woodbury, Beall of Webster and Seymour of Harrison, on the part of the Senate, and Representatives Zirkelbach of Jones, Bailey of Hamilton and Chambers of O'Brien, on the part of the House.

State Auditor, David Vaudt; Treasurer of State, Michael Fitzgerald; and Attorney General, Tom Miller were escorted into the House chamber.

Lieutenant Governor Patti Judge was escorted into the House chamber.

Suzanne Orr, the wife of Brigadier General Orr; Misty Stumbo the Survivor Outreach Support Coordinator for Iowa Gold Star Families; Colonel Tom Staton, Commander and Command Sergeant Major Craig Berte of the 2nd Brigade Combat Team; and Colonel Craig Bargfrede, the commander; Sergeant Major Robert Reedy, the senior enlisted leader from the Agribusiness Development Team, were escorted into the House chamber.

The committee waited upon Governor Chester J. Culver and escorted him into the House chamber.

The committee waited upon Brigadier General Orr, Adjutant General of the Iowa National Guard and escorted him to the Speaker's station.

President Kibbie presented Brigadier General Orr, Adjutant General of the Iowa National Guard. General Orr provides command and control for 105 Army and Air National Guard Units and over 9,500 Army and Air National Guard members in the state of Iowa.

Brigadier General Orr delivered the following Condition of the Iowa National Guard Message:

Good Morning Ladies and Gentleman – thank you for that warm welcome.

Speaker Murphy, President Kibbie – thank you for the invitation to address this joint convention of the eighty-third General Assembly of the Iowa Legislature. I am honored and humbled to be here and continue a tradition started by General Dardis and provide you with an update on the condition of the Iowa National Guard.

Governor Culver, Lieutenant Governor Judge, members of the General Assembly, distinguished guests and fellow Iowans:

Here in Iowa, the National Guard is blessed to have incredibly strong support and encouragement from our elected officials, civic and community leaders and everyday citizens. This is something that every member of our organization understands and appreciates. It is definitively a force multiplier and a key component of our overall success. On behalf of the nearly 9,400 members of the Iowa National Guard and their families, thank you for your outstanding support of our men and women in uniform.

I also want to thank Governor Culver and Lieutenant Governor Judge for their strong leadership and support of all Iowans who serve in uniform, and for placing their trust and confidence in me to serve as the State's twenty-eighth Adjutants General. I am extremely honored to lead and represent the soldiers and airmen of the Iowa National Guard.

Military service is unique. When we serve, the entire family serves as well. This is certainly true for my family. With me this morning is my wife Suzanne, a veteran with 29 years of service with the Iowa National Guard, and recently retired from full-time military duty as a Lieutenant Colonel to support my appointment. We are extremely blessed with two wonderful children, our son Jacob and daughter Elizabeth, who are both students at Summit Middle School in Johnston. On behalf of our family, we thank you for the opportunity to continue serving our state and nation.

In the past ten months since becoming the Adjutant General, I've had the privilege of traveling to visit our soldiers and airmen at their unit armories, annual training locations, mobilizing sites, community events, and our troops in Kuwait and Iraq, seeing first-hand the ready posture and strong condition of the Iowa National Guard. The motivation is high, morale is strong and the overall state of our Iowa National Guard soldiers and airmen is, "Mission Focused, Warrior Ready!"

Over the next several minutes I want to focus on three important areas: (1) review where we have come over the last several years; (2) discuss our campaign plan for the next year; (3) and highlight how we are taking care of our force.

It's been eight years since the United States and our allies responded to the attacks of September 11, 2001. The soldiers and airmen of the Iowa National Guard have served side by side with their Army and Air Force counterparts as they helped liberate more than 50 million people from tyranny and terror in Iraq and Afghanistan.

The soldiers and airmen of the Iowa National Guard, and their families, have made significant sacrifices in pursuit of this success on behalf of the American people. More than half of our soldiers and airmen currently serving are combat and deployment veterans. More than 14,000 of our personnel have served in the ongoing campaigns in

Iraq and Afghanistan, peacekeeping duties in the Balkans, and Sinai Peninsula, and domestic support missions in Iowa and across the country.

Of the 73 Iowans that have paid the ultimate sacrifice for their country, including the state's latest casualty, Captain Daniel Whitten, a member of the United States Army, 20 soldiers were members of the Iowa National Guard.

Through multiple federal deployments and domestic civil support missions, the men and women currently serving in the Iowa National Guard are among the most seasoned and experienced military professionals our state has ever fielded, in the more than 170 year history of the Iowa National Guard.

For the past couple of years, you've heard senior military leaders at both the state and federal level talk about the incredible demands being placed on our military, especially the Army and Air National Guard. In many cases, the demand for military forces exceeded the sustainable supply, and we lacked sufficient strategic flexibility to respond to other contingencies.

The transformation of the National Guard from a strategic reserve to an operational reserve is well underway. This concept makes it easier for us to systematically build and sustain readiness while making deployments more predictable for soldiers, airmen, families, and employers. While there is still much to do on this front, I believe today we are closer to a total force, than at any time in my 31 years of military service.

Thankfully, our state and federal military leaders have taken aggressive steps to do all we can to ease the burdens of military service on our service members and their families.

Since Secretary of Defense, Robert Gates, committed to limiting mobilizations to one year, we have realized much needed stability and predictability in the Army National Guard. The Army's force generation cycle is not perfect, but it continues to provide us with adequate time to prepare and train our forces. Unlike the mobilizations we experienced early in Operations Iraqi and Enduring Freedom, when in some cases we had mere days notice - today we typically have more than a year to prepare.

Continued stability in Iraq and the Army's gradual improvements with balancing its forces, are moving us closer to realizing the goal of one year deployments every four to five years for reserve component units. Currently, with less than 200 soldiers and airmen deployed overseas, the Iowa National Guard is at its lowest number of personnel deployed since the beginning of the war.

It's not just our overseas deployments that have kept the Iowa National Guard busy. We have been involved with a number of domestic response missions, both in Iowa and in various states across the country. We learned from the floods of 2008 and past natural disasters, that the Iowa National Guard and the state of Iowa must continue to be vigilant in our disaster preparations and exercises. Last summer, the Iowa National Guard, along with many partnering state agencies, hosted a midwest regional emergency response exercise known as Vigilant Guard. This was a seven-day, multi-state, multi-site simulation, which included a series of training exercises

designed to test emergency response plans and enhance operational relationships within FEMA VII region states.

Approximately 1,000 personnel, including soldiers, airmen, civilians, and first responders from several states, participated. The Vigilant Guard exercise was the largest, most complex disaster exercise of its kind ever conducted by the Iowa National Guard.

Ours is a profession of looking forward and anticipating future needs. So even as we continue to meet the demands of current deployments and respond to homeland security needs, we must be mindful of the unpredictable nature of a dangerous world. Whether it is the recent failed attack on the US homeland or the drawdown of forces in Iraq and the build-up in Afghanistan, the situation could change drastically from what we know today.

One of my first priorities after being appointed as the Adjutant General last spring was to develop and implement the Iowa National Guard Campaign Plan. The goal of this plan is the development of the future Iowa National Guard — a force that is capable of responding to a full spectrum of military and domestic operations.

This plan is our strategic vision to manage the actions and activities across the organization, and enable us to build new capabilities to ensure the Iowa National Guard remains relevant, responsive, and ready to meet emerging threats and accomplish assigned missions.

In order to maintain our organizational readiness, now and in the future, we are focused on maintaining our strength posture, infrastructure improvements, and the realignment of our force to achieve greater organizational efficiencies and maximize limited resources.

The Iowa National Guard continues to be a national leader in recruiting and retention. Both the Iowa Air and Army National Guard began fiscal year 2010 with over 100 percent of authorized strength. Our retention rates exceed national goals and are among the highest in the nation. We have been at 100 percent strength for more than nine years in a row — a significant accomplishment considering we are an all volunteer force, and have been a nation at war for more than eight years.

Thanks to your support of our military construction initiatives, Governor Culver and his predecessors' leadership, and the hard work of Iowa's federal congressional delegation, we have made significant strides in updating our facilities over the last several years.

Since 2007, the Iowa Air and Army National Guard has received more than \$152 million dollars in federal and state funding for military construction projects in Iowa. Additionally, the Iowa National Guard received nearly \$11 million dollars in federal stimulus funding allowing us to complete more than twenty infrastructure projects this year.

This past year we refurbished armories and field maintenance shops in Boone, Ottumwa, Perry, Spencer, Charles City, and Oelwein, and completed work on the new Iowa City Armory, which we will dedicate this spring. This year we are in the process of replacing armories in Muscatine, Burlington and Cedar Rapids, totaling over \$74

million in federal funding. Once completed, only five of our armories will be more than 45 years old, setting a standard for the entire nation to follow.

Through our realignment process, we divided our forces into four distinct organizations, or component as we refer to them. Each component has a Brigadier General who oversees and represents the units and their activities within that organization. This change aligns our internal organizations together based on mission, relationships, and functional capacity, while providing us with a more efficient means of command, control and communication across the Iowa National Guard.

As part of our requirement to provide trained war fighters, the Iowa National Guard deployed several Army and Air National Guard units this past year, and announced several unit notifications for deployment in support of overseas contingency operations.

The Des Moines based 132nd Fighter Wing with approximately 300 airmen teamed up with the Wisconsin Air National Guard's 115th Fighter Wing for a 90 day deployment to Iraq. They deployed in October and returned on Christmas eve, after successfully supporting the coalition ground forces in Iraq with close air support, intelligence, reconnaissance, and surveillance capabilities. In one mission, pilots provided timely and accurate surveillance that resulted in the apprehension of a terrorist cell by Iraqi coalition forces. This was the ninth time that the 132nd Fighter Wing has deployed in support of overseas contingency operations since 1996.

The 185th Air Refueling Wing from Sioux City continues to provide on-going support to the Air Force and the Army. Of the Wing's many world-wide missions, evacuating wounded soldiers from a combat zone is one of the most unique and important missions that it supports. These medical evacuation missions provide timely and efficient movement and mobile care to wounded warriors being evacuated from the battlefield to Landstuhl, Germany.

The 185th evacuated more than 100 military personnel during its Afghanistan medical mission in 2009.

The 734th Regional Corps Advisory Group Embedded Training Team mobilized in August 2008 and deployed to Afghanistan, where they provided mentorship and advanced training to the Afghan National Army and Afghan National Police. During their mobilization, the team built strong relationships, conducted joint operations and increased the proficiency of Afghan security forces. These missions are important because they help lay the foundation for Afghanistan's stability and security and ultimately its future success as a nation.

In June of 2008, approximately 160 soldiers from Company B, 248th Aviation Support Battalion mobilized for duty in Iraq. The unit, based in Boone, with detachments in Waterloo and Davenport, provided aviation maintenance support to a combat aviation brigade, which included aircraft diagnostics, repair, maintenance, and testing.

On station at Joint Base Balad, Iraq, the unit conducted extensive maintenance on numerous UH-60 and CH-47 helicopters, completing over 5,000 maintenance work orders during their nine months in theater. Company B's outstanding maintenance

record helped ensure that the combat aviation brigade never missed a mission due to an aircraft readiness issue.

Detachment 1, Company C, 2nd Battalion, 211th Aviation, based in Waterloo, deployed to Iraq from October 2008 through July 2009. Company C flew over 2,200 hours with zero accidents during their MEDEVAC missions, including 52 point-of-injury pickups in dangerous urban areas, such as Fallujah and Al Karma, and remote border sites along the Syrian border.

In early 2009, the unit sent 10 soldiers to Afghanistan to help reduce MEDEVAC wait times. They arrived in early April and made an immediate impact, flying 625 mission hours and completing more than 250 patient transfers during their three month mission.

The 1133rd and 1168th transportation companies, with detachments in Audubon, Mason City, Iowa City, Perry and Marshalltown, mobilized for Iraq in October of 2008. They conducted over 300 missions, traveled more than 2.7 million miles, hauled nearly 130,000 short tons of cargo, and 8,000 pieces of equipment, all while providing their own organic security. They also rebuilt or replaced major truck components, including 20 engines and 15 transmissions, in more than 600 heavy equipment transport haulers, and completed more than 3,000 work orders. This medium truck company played an important role in helping draw down forces and equipment in Iraq.

We currently have two Camp Dodge based Army National Guard units deployed in support of Operation Iraqi Freedom.

The 294th Area Support Medical Company has approximately 75 soldiers deployed to Iraq. The unit is tasked with evaluating casualties, performing basic medical treatment, and providing transportation for injured and sick personnel.

The 135th Military Public Affairs Detachment deployed 17 soldiers to Iraq and provides public affairs support to the 3rd Infantry Division. The mission of the 135th is to collect, produce and disseminate video, audio, and print stories, as well as online journalism products, to civilian and military media organizations.

We have several smaller units that are in a notification for training status and will likely deploy later this year. But by far our two most significant and anticipated deployments are the 2nd Brigade Combat Team and 734th Agribusiness Development Team for potential mobilizations to Afghanistan.

The 2nd Brigade Combat Team deployment would be the largest single unit call-up of its type since World War II. Almost every community in Iowa will be affected in some way by this deployment.

The 2nd Brigade is full of veterans from previous deployments and the leadership team deploying forward is among the best in the Iowa National Guard. These leaders have proven themselves in previous deployments and challenging leadership assignments. With us today representing the 2nd Brigade Combat Team is the Commander, Colonel Tom Staton, and Command Sergeant Major Craig Berte.

The Agribusiness Development Team, which is made up of nearly 60 soldiers and airmen, is the "first ever" joint overseas deployment between the Iowa Army and Air

National Guard. The intent of the team is to promote the revitalization of the agricultural sector within Afghanistan. Since 2007, a number of states have sent teams to Afghanistan including Missouri, Kansas, Nebraska, Texas, Oklahoma, Tennessee, and California. These teams are designed to provide expertise, advice, and training in agricultural related specialties to provincial-level ministries and local farmers. The Iowa team will be staffed with personnel with agricultural-related expertise and experience, and will partner with Iowa State University and other local agricultural organizations to provide continuous technical reach back support during this mission.

With us today representing the team is Colonel Craig Bargfrede, the commander, and its senior enlisted leader, Sergeant Major Robert Reedy.

Colonel Bargfrede has many years of experience working with agribusiness and grain elevator operations. Sergeant Major Reedy brings extensive interagency experience from his years with the Iowa National Guard's 71st Civil Support Team.

One of our foundation priorities is the development of soldiers, airmen and leaders, who are technically and tactically proficient, and can operate in complex environments. We accomplish this through military schooling, training, mentorship, deployments and opportunities to serve in challenging assignments. By having this strong foundation, we are better able to provide trained war fighters in a timely manner.

As the Adjutant General, I am personally responsible for certifying that all soldiers complete their required pre-mobilization warrior tasks and training before deploying to their mobilization station. This is a responsibility that I take very seriously. To properly accomplish this task to standard for all 2nd Brigade soldiers, the Iowa National Guard will conduct its first "State Annual Training Exercise" in more than 30 years at Camp Ripley, Minnesota, involving nearly all Iowa National Guard units to provide logistical and training support to assist the 2nd Brigade in their mobilization preparation.

Another important priority is ensuring that we are able to provide an effective joint domestic response capability to the state. This is an important mission for the Iowa National Guard and one we are deeply committed to in order to protect Iowans and critical infrastructure when called upon to do so.

With the large number of Iowa Army National Guard Soldiers expected to deploy later this year, our joint staff and Homeland Security Emergency Management Division facilitated a regional meeting with nine midwestern states in order to discuss mutual support and emergency compact agreements. This meeting resulted in a regional assessment of available manpower and equipment, agreements to support mutual aid requests, and a decision to make this meeting an annual event. Additionally, we are training retired Iowa National Guard members to provide expertise in key areas, where we may need assistance as a result of the deployment. By taking these steps now, I am confident that the Iowa National Guard will have a robust emergency response force available should the need arise.

The last priority area I want to focus on is caring for soldiers, airmen, families and employers.

In an effort to help all of Iowa's Gold Star Families, we recently hired Misty Stumbo as a Survivor Outreach Support Coordinator. Misty has been a part of our National Guard family for many years. She lost her son, Sergeant Dan Sesker, a member of C Troop, 1-113th Cavalry Squadron, in Operation Iraqi Freedom in 2006, and is herself a Gold Star mother. *(I would like to recognize Misty for her sacrifice and dedicated service to the Iowa National Guard.)*

The purpose of the Survivor Outreach Support program is to demonstrate our commitment to the families of the fallen in whatever way possible. This may include assisting them with understanding and accessing benefits and entitlements, connecting with other families of fallen soldiers through support groups, obtaining counseling, or assisting with any other issues that result from the loss of a loved one. Through this program, Misty will help ensure these survivors receive all benefits they are entitled too, and encourage them to remain an integral part of our military family for as long as they desire.

We recognize that the mental health of our force is as important as the other aspects of health. We are implementing a new program called Comprehensive Soldier Fitness which is to increase the resilience of soldiers and families by developing their strengths in all important domains: Emotional, social, spiritual, and family, in addition to physical.

We are also training soldiers as Master Resiliency Trainers at the unit level, in order to provide immediate support for our soldiers on deployment, as well as at home. The focus of this program will ultimately help us to maintain the total health of our force for the long term.

In preparation for the brigade deployment, we have added three more family assistance specialists, bringing the total to seven. These specialists assist individuals with family issues, helping them connect to military, community and veterans resources. They assist families when they experience financial problems, have military health insurance questions, or need identification cards. During mobilizations, the family assistance specialist regularly check in with the families of deployed service members, to ensure they are coping well and receiving needed services. We currently have family assistance specialists located in Camp Dodge, Iowa City, Council Bluffs, and Waterloo, as well as new offices in Sioux City, Ft. Dodge and Davenport.

As the Iowa National Guard prepares for what promises to be another busy year, many have asked, "What can I do to help?"

First, let me say "thank you" for what you have done, and are doing daily to support the men and women of the Iowa National Guard.

We greatly appreciate your consideration of the Governor's request to restore critical state funding to the Iowa National Guard to support this challenging year. Likewise, we are extremely grateful for your continued support of our National Guard Educational Assistance Program, which is helping nearly 1,200 Iowa National Guard soldiers and airmen defray their educational expenses this academic year.

Iowans from across the state have shown unbelievable kindness and encouragement to our members and we are grateful for their continued support.

It's the little things that sometimes mean the most – clearing the snow, cutting the grass, dropping off a home cooked meal, baby sitting, checking on military families, sending care packages and letters, or by just simply saying “Thank you.”

These are a few of the many ways Iowans continue shown their support for all our men and women in uniform, and their families.

For the last eight years, the Iowa National Guard has been challenged like few times in its history – and this year is shaping up to be the most challenging yet.

It's no small feat to prepare, train, equip and deploy more than 3,000 soldiers while maintaining our organizational readiness, continue the efforts to prepare trained war fighters for future needs, take care of the needs of our soldiers, airmen and their families, while providing a robust domestic response capability for Iowa. Yet, despite these incredible challenges, I am confident that the Iowa National Guard will continue to set the example for all states; we will be there for Iowa when they call; and as a force, we will remain “Mission Focused and Warrior Ready!”

God Bless you and your families and God Bless our men and women serving in harm's way.

Thank you!

Brigadier General Orr was escorted from the chamber by the committee previously appointed.

Governor Culver was escorted from the House chamber by the committee previously appointed.

McCarthy of Polk moved that the joint convention be dissolved at 10:42 a.m.

The House resumed session at 10:55 a.m., Speaker pro tempore Bukta in the chair.

On motion by McCarthy of Polk, the House was recessed at 10:55 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:12 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILLS

House File 2442, by committee on judiciary, a bill for an act relating to judicial branch administration, and child custody and visitation matters.

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

House File 2443, by committee on state government, a bill for an act requiring certain campaign finance statements and reports to be filed in an electronic format.

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

House File 2444, by committee on state government, a bill for an act relating to ethics regulations for the executive branch, legislative branch, and local officials and employees and including effective date provisions.

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

House File 2445, by committee on human resources, a bill for an act relating to the nursing workforce and providing for an Iowa needs nurses now initiative.

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

House File 2446, by committee on environmental protection, a bill for an act relating to financial assurance for sanitary disposal projects.

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

House File 2447, by committee on transportation, a bill for an act relating to the regulation of motor vehicles by the department of transportation, including modification of the definition of business-trade truck, provisions concerning licensing sanctions and penalties for vehicle recyclers and motor vehicle dealers, annual registration fees for certain vehicles equipped for a person with a disability or used by a person who relies on a wheelchair, and requirements for the issuance of temporary persons with disabilities parking permits.

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

House File 2448, by committee on public safety, a bill for an act modifying sex offender registry provisions, providing penalties, and including effective date provisions.

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

House File 2449, by committee on economic growth, a bill for an act relating to the encouragement and assistance of businesses owned by disabled veterans.

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

House File 2450, by committee on rebuild Iowa and disaster recovery, a bill for an act relating to purchasing preferences for disaster recovery products.

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

House File 2451, by committee on human resources, a bill for an act relating to the due process rights of persons to be placed on the child abuse registry or the dependent adult abuse registry.

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

House File 2452, by committee on judiciary, a bill for an act relating to driver's license sanctions, including the issuance of temporary restricted licenses and certain requirements relating to ignition interlock devices, and providing penalties.

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

House File 2453, by committee on judiciary, a bill for an act relating to the status of posthumously conceived and born children in the context of legitimacy, inheritance, rights to claim an after-born child's share, and other rights.

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

House File 2454, by committee on veterans affairs, a bill for an act providing for the development of programs to attract qualified disabled veterans for job opportunities in state government.

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

SENATE MESSAGES CONSIDERED

Senate File 2067, by committee on state government, a bill for an act relating to ethics regulations for the executive branch, legislative branch, and local officials and employees and including effective date provisions.

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

Senate File 2073, by committee on commerce, a bill for an act relating to the practice of accounting and to the organization and operation of the licensing boards included within the professional licensure and regulation bureau of the banking division in the department of commerce.

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

Senate File 2095, by committee on judiciary, a bill for an act relating to the authority of a certified law enforcement officer.

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

Senate File 2128, by committee on state government, a bill for an act requiring certain campaign finance statements and reports to be filed in an electronic format.

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

Senate File 2146, by committee on transportation, a bill for an act relating to claims for warranty parts, repairs, or service performed by motor vehicle dealers.

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

Senate File 2149, by committee on human resources, a bill for an act relating to criminal history and abuse registry checks for employees of health care facilities and other health-related providers and requiring such checks for certified nurse aide training program students and providing a penalty.

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

Senate File 2156, by committee on human resources, a bill for an act relating to the IowaCare program, and providing for repeals.

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

Senate File 2157, by committee on commerce, a bill for an act relating to the recording requirements for certain residential real estate installment sales contracts and including applicability provisions.

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

Senate File 2158, by committee on human resources, a bill for an act relating to child support recovery including child support provisions for minor parents, medical support, and the review and adjustment process.

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

Senate File 2175, by committee on veterans affairs, a bill for an act providing for representation of military veterans on certain mental health policy bodies.

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

Senate File 2188, by committee on transportation, a bill for an act allowing a temporary exemption from axle weight limitations for a vehicle or combination vehicles operating with a nonsteerable retractable axle raised while making a turn of ninety degrees or less.

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

Senate File 2190, by committee on judiciary, a bill for an act relating to an exemption for a debtor's personal property from execution by creditors in a bankruptcy action.

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

Senate File 2191, by committee on commerce, a bill for an act relating to and making changes to matters under the purview of the division of banking of the department of commerce, making a penalty applicable, and including effective date provisions.

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

Senate File 2193, by committee on labor and business relations, a bill for an act requiring employers to provide written information to employees about certain employment policies without written requests from employees and including applicability provisions.

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

Senate File 2199, by committee on local government, a bill for an act relating to the collection of the use tax on manufactured housing, the licensing of manufactured home retailers, amending statutory references to certain types of home dealers, establishing titling procedures for certain manufactured and mobile homes, making penalties applicable, and including effective date provisions.

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

Senate File 2201, by committee on commerce, 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.

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

Senate File 2216, by committee on natural resources, a bill for an act allowing certain game birds to be shot when released on a licensed hunting preserve and providing a penalty.

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

Zirkelbach of Jones in the chair at 1:22 p.m.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House Resolution 108.

ADOPTION OF HOUSE RESOLUTION 108

Heddens of Story and Schulte of Linn called up for consideration **House Resolution 108**, a resolution to commemorate the 90th anniversary of the League of Women Voters and to recognize February 14, 2010, as League of Women Voters Making Democracy Work Day, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS
Regular Calendar

House File 2286, a bill for an act relating to the criminal offense of detention in a brothel, was taken up for consideration.

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?" (H.F. 2286)

The ayes were, 98:

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

Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach, Presiding		

The nays were, none.

Absent or not voting, 2:

Murphy, Spkr. Schueller

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

House File 2372, a bill for an act relating to an assault causing serious injury, was taken up for consideration.

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?" (H.F. 2372)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	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	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wenthe	Wessel-Kroeschell

Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach, Presiding		

The nays were, none.

Absent or not voting, 2:

Murphy, Spkr. Wendt

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

House File 2374, a bill for an act relating to the definition of serious injury for purposes of criminal offenses, was taken up for consideration.

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?" (H.F. 2374)

The ayes were, 98:

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

Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach, Presiding		

The nays were, none.

Absent or not voting, 2:

Murphy, Spkr. Rants

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

House File 2377, a bill for an act relating to extending a period of probation and including applicability provisions, was taken up for consideration.

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?" (H.F. 2377)

The ayes were, 99:

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

Wessel-Kroeschell	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach, Presiding	

The nays were, none.

Absent or not voting, 1:

Murphy, Spkr.

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

House File 2392, a bill for an act relating to the abuse of a corpse and providing penalties, was taken up for consideration.

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?" (H.F. 2392)

The ayes were, 100:

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

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.

House File 426, a bill for an act relating to reporting requirements for traffic accidents involving the operation of motor vehicles by reserve peace officers, was taken up for consideration.

Isenhart of Dubuque asked and received unanimous consent to withdraw amendment H-8111 filed by him on February 15, 2010.

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

On the question "Shall the bill pass?" (H.F. 426)

The ayes were, 100:

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

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.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 426, 2286, 2372, 2374, 2377 and 2392.**

House File 2287, a bill for an act relating to the criminal offense of simulated public intoxication, was taken up for consideration.

Baudler of Adair 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. 2287)

The ayes were, 97:

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	Horbach	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
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Sands

Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach, Presiding			

The nays were, 1:

Hunter

Absent or not voting, 2:

Frevert Olson, D.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Rants of Woodbury on request of Paulsen of Linn.

House File 2288, a bill for an act repealing the simple misdemeanor offense relating to the use of cowl lamps on motor vehicles, was taken up for consideration.

Hanson of Jefferson 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. 2288)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter

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

The nays were, none.

Absent or not voting, 1:

Rants

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

House File 2283, a bill for an act relating to the requirements for national criminal history record checks for child care providers, was taken up for consideration.

Mascher of Johnson 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. 2283)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Bukta	Burt	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhart	Jacoby	Kaufmann

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

The nays were, none.

Absent or not voting, 2:

Beard Rants

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

HOUSE FILE 2056 WITHDRAWN

Mascher of Johnson asked and received unanimous consent to withdraw House File 2056 from further consideration by the House.

House File 2338, a bill for an act relating to criminal history and abuse registry checks for employees of health care facilities and other health-related providers and requiring such checks for certified nurse aide training program students and providing a penalty, was taken up for consideration.

SENATE FILE 2149 SUBSTITUTED FOR HOUSE FILE 2338

T. Olson of Linn asked and received unanimous consent to substitute Senate File 2149 for House File 2338.

Senate File 2149, a bill for an act relating to criminal history and abuse registry checks for employees of health care facilities and other health-related providers and requiring such checks for certified nurse

aide training program students and providing a penalty, 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. 2149)

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 3:

Beard	Miller, H.	Rants
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2338 WITHDRAWN

T. Olson of Linn asked and received unanimous consent to withdraw House File 2338 from further consideration by the House.

House File 2380, a bill for an act providing for the taking of crops on land classified as a farm tenancy, was taken up for consideration.

Wenthe of Fayette 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. 2380)

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Beard

Rants

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2283, 2287, 2288, 2380** and **Senate File 2149**.

House File 2273, a bill for an act relating to drainage districts, by modifying the amount of a bid security required to be submitted by bidders proposing to make improvements and modifying the threshold amount requiring the letting of bids to construct an improvement, and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Mertz of Kossuth 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. 2273)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	Schueller	Schulte	Schultz

Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach, Presiding		

The nays were, none.

Absent or not voting, 2:

Miller, H. Rants

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

House File 2376, a bill for an act providing for the severance and annexation of real property upon petition of the real property owners and approval of the city development board, was taken up for consideration.

Tymeson of Madison asked and received unanimous consent to withdraw amendment H-8109 filed by her on February 15, 2010

Tymeson of Madison asked and received unanimous consent to withdraw amendment H-8110 filed by her on February 15, 2010.

Under the provision of Rule 31.8, related to the timely filing of amendments, amendment H-8121 filed by Watts of Dallas from the floor, was placed out of order.

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

On the question "Shall the bill pass?" (H.F. 2376)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford

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

The nays were, none.

Absent or not voting, 1:

Rants

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2273** and **2376**.

House File 2199, a bill for an act to allow therapeutically certified optometrists to supply pharmaceutical-delivering contact lenses, was taken up for consideration.

Thede of Scott asked and received unanimous consent to withdraw amendment H-8102 filed by her on February 11, 2010.

SENATE FILE 2117 SUBSTITUTED FOR HOUSE FILE 2199

Berry of Black Hawk asked and received unanimous consent to substitute Senate File 2117 for House File 2199.

Senate File 2117, a bill for an act to allow therapeutically certified optometrists to supply pharmaceutical-delivering contact lenses, was taken up for consideration.

Thede of Scott asked and received unanimous consent to withdraw amendment H-8107 filed by her on February 12, 2010.

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

On the question "Shall the bill pass?" (S.F. 2117)

The ayes were, 100:

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

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.

HOUSE FILE 2199 WITHDRAWN

Berry of Black Hawk asked and received unanimous consent to withdraw House File 2199 from further consideration by the House.

House File 2295, a bill for an act establishing a task force to review the present mission, structure, governance, and funding of the area education agencies, was taken up for consideration.

Wendt of Woodbury 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. 2295)

The ayes were, 100:

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

Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach, Presiding

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.

House File 2319, a bill for an act relating to activities of the department of public safety including regulating the storage of flammable and combustible liquids in aboveground storage tanks and retaining fees, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2319)

The ayes were, 100:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	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	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt

Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach, Presiding

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.

House File 2379, a bill for an act relating to claims for warranty parts, repairs, or service performed by motor vehicle dealers, was taken up for consideration.

SENATE FILE 2146 SUBSTITUTED FOR HOUSE FILE 2379

Quirk of Chickasaw asked and received unanimous consent to substitute Senate File 2146 for House File 2379.

Senate File 2146, a bill for an act relating to claims for warranty parts, repairs, or service performed by motor vehicle dealers, was taken up for consideration.

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. 2146)

The ayes were, 100:

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

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

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.

HOUSE FILE 2379 WITHDRAWN

Quirk of Chickasaw asked and received unanimous consent to withdraw House File 2379 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: **House Files 2295, 2319** and **Senate Files 2146** and **2117**.

House File 2384, a bill for an act requiring the Iowa department of veterans affairs to advise deploying service members regarding certain issues related to taxation, was taken up for consideration.

Chambers of O'Brien offered the following amendment H-8099 filed by him and moved its adoption:

H-8099

- 1 Amend House File 2384 as follows:
- 2 1. Page 1, line 5, before <deployment> by inserting
- 3 <, and after returning from ,>
- 4 2. By renumbering as necessary.

Amendment H-8099 was adopted.

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

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

The ayes were, 100:

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

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.

House File 2294, a bill for an act relating to the distribution of moneys from the disaster aid individual assistance grant fund, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2294)

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Murphy, Spkr.

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

House File 2284, a bill for an act relating to various activities regulated and programs administered by the department of public health, including fetal death certification, and optometry, cosmetology, and barbering licensure, and including effective date provisions, was taken up for consideration.

Under the provision of Rule 31.8, related to the timely filing of amendments, amendment H-8119 filed by Upmeyer of Hancock from the floor, was placed out of order.

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?" (H.F. 2284)

The ayes were, 100:

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

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.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2284, 2294 and 2384.**

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 February 16, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2224, a bill for an act relating to boards of administration for horizontal property.

Also: That the Senate has on February 16, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2225, a bill for an act providing for the doubling of criminal fines and civil penalties in disaster areas, providing penalties, and including effective date provisions.

Also: That the Senate has on February 16, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2226, a bill for an act relating to custody, physical care, and visitation provisions relating to a child of a parent who is serving active duty in the military service of the United States and including effective date provisions.

Also: That the Senate has on February 16, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2237, a bill for an act relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

Also: That the Senate has on February 16, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2247, a bill for an act authorizing the modification of the designation of a gaming enforcement officer.

Also: That the Senate has on February 16, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2249, a bill for an act relating to an assault that occurs between persons in an intimate relationship and the crime of domestic abuse assault and making penalties applicable.

Also: That the Senate has on February 16, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2254, a bill for an act relating to the powers and duties of county treasurers to assess certain property associated with fence disputes and water districts.

Also: That the Senate has on February 16, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2263, a bill for an act relating to the office of the long-term care resident's advocate, and providing penalties.

Also: That the Senate has on February 16, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2264, a bill for an act relating to the review and approval of proposed subdivisions by a city.

Also: That the Senate has on February 16, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2266, a bill for an act creating the local public health governance Act, and providing penalties.

Also: That the Senate has on February 16, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2267, a bill for an act relating to the home modification requirements under the Medicaid home and community-based services waiver for the elderly.

Also: That the Senate has on February 16, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2286, a bill for an act relating to the regulation of professional and amateur mixed martial arts matches and events by the labor commissioner and providing penalties.

MICHAEL E. MARSHALL, Secretary

HOUSE FILE 2182 REREFERRED

The Speaker announced that House File 2182, previously referred to committee on **state government** was rereferred to committee on **labor**.

HOUSE FILE 2348 REFERRED

The Speaker announced that House File 2348, previously referred to committee on **ways and means** was placed on the **calendar**.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 15, 2010. Had I been present, I would have voted "aye" on Senate File 2088.

SODERBERG of Plymouth

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2015

State Government: Lensing, Chair; Pettengill and Taylor.

House Joint Resolution 2016

State Government: Lensing, Chair; Kaufmann and Taylor.

House File 2326

Education: Wendt, Chair; Cohoon and Tymeson.

House File 2394

Education: Cohoon, Chair; Chambers and Wendt.

House File 2395

Education: Cohoon, Chair; Forristall and Palmer.

House File 2396

Education: Wendt, Chair; Steckman and Tymeson.

House File 2424

Education: Wendt, Chair; Cohoon and Dolecheck.

Senate File 2216

Natural Resources: Beard, Chair; Arnold and Thede.

AMENDMENTS FILED

H—8114	H.F.	2183	Senate Amendment
H—8115	H.F.	2412	Kressig of Black Hawk
H—8116	H.F.	2421	R. Olson of Polk
H—8117	H.F.	2417	Gayman of Scott

H—8118	H.F.	2413	Raecker of Polk
H—8120	H.F.	2280	Lykam of Scott
H—8122	H.F.	2420	Tymeson of Madison
H—8123	H.F.	2420	Tymeson of Madison
H—8124	H.F.	2420	Tymeson of Madison
H—8125	H.F.	2420	Chambers of O'Brien
H—8126	H.F.	2420	Chambers of O'Brien
H—8127	H.F.	2420	Cownie of Polk
H—8128	H.F.	2420	Cownie of Polk
H—8129	H.F.	2420	Van Engelenhoven of Marion
H—8130	H.F.	2420	Van Engelenhoven of Marion
H—8131	H.F.	2420	Watts of Dallas
H—8132	H.F.	2420	Watts of Dallas
H—8133	H.F.	2420	Watts of Dallas
H—8134	H.F.	2420	Watts of Dallas
H—8135	H.F.	2420	Grassley of Butler
H—8136	H.F.	2420	Grassley of Butler
H—8137	H.F.	2420	Grassley of Butler
H—8138	H.F.	2420	Horbach of Tama
H—8139	H.F.	2158	Wessel-Kroeschell of Story
H—8140	H.F.	2280	Hagenow of Polk
H—8141	H.F.	2280	De Boef of Keokuk
H—8142	H.F.	2280	Lukan of Dubuque
H—8143	H.F.	2280	Alons of Sioux
H—8144	H.F.	2383	Kearns of Lee
H—8145	H.F.	2280	Sweeney of Hardin

On motion by McCarthy of Polk the House adjourned at 3:27 p.m., until 9:00 a.m., Wednesday, February 17, 2010.

JOURNAL OF THE HOUSE

Thirty-eighth Calendar Day - Twenty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 17, 2010

The House met pursuant to adjournment at 9:11 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Alan Scarfe, Bishop of the Episcopal Diocese of Des Moines. He was the guest of Representative Wayne Ford of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Gracie Brandsgard, House Page from West Des Moines, and daughter of Chief Clerk Mark Brandsgard.

The Journal of Tuesday, February 16, 2010 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Horbach of Tama and Windschitl of Harrison, until their arrival, on request of Schultz of Crawford.

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 February 16, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2181, a bill for an act relating to employment practices and public safety programs administered by the division of labor services of the department of workforce development.

Also: That the Senate has on February 16, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2194, a bill for an act making technical changes to the laws relating to elections and voter registration and including effective date and applicability provisions.

Also: That the Senate has on February 16, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2195, a bill for an act relating to campaign finance requirements and reporting.

Also: That the Senate has on February 16, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2196, a bill for an act relating to the administration of the election laws by the secretary of state and including effective date provisions.

Also: That the Senate has on February 16, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2202, a bill for an act relating to rights of persons with disabilities.

Also: That the Senate has on February 16, 2010, passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on February 16, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2218, a bill for an act relating to elections by eliminating double election boards and by requiring the commissioner of elections, upon petition, to use automatic tabulating equipment in certain elections and including effective date provisions.

Also: That the Senate has on February 16, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2220, a bill for an act relating to the contents of certain motor carrier transportation contracts by declaring certain indemnity provisions to be unlawful and void.

Also: That the Senate has on February 16, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2223, a bill for an act relating to the deferral of costs and fees in a court proceeding for persons unable to pay such costs and fees.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 2455, by committee on veterans affairs, a bill for an act requiring the designation of a county veterans outreach coordinator, establishing a veterans outreach fund, and creating a veterans outreach fund income tax checkoff and including effective date and retroactive applicability provisions.

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

House File 2456, by committee on transportation, a bill for an act prohibiting a person from writing or sending a text message while driving a motor vehicle and providing penalties.

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

House File 2457, by committee on environmental protection, a bill for an act regarding matters under the purview of the department of natural resources, and including effective date provisions.

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

House File 2458, by committee on natural resources, a bill for an act relating to restrictions on mowing within the right-of-way of interstates, primary highways, and secondary roads.

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

House File 2459, by committee on environmental protection, a bill for an act establishing a watershed planning advisory council.

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

House File 2460, by committee on economic growth, a bill for an act relating to small business and disadvantaged business enterprise contracts with the department of transportation.

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

House File 2461, by committee on education, a bill for an act relating to school business official training and authorization.

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

House File 2462, by committee on education, a bill for an act relating to the use of certain regular physical plant and equipment levy funds and including effective date provisions.

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

SENATE MESSAGES CONSIDERED

Senate File 2225, by committee on judiciary, a bill for an act providing for the doubling of criminal fines and civil penalties in disaster areas, providing penalties, and including effective date provisions.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

Senate File 2247, by committee on state government, a bill for an act authorizing the modification of the designation of a gaming enforcement officer.

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

Senate File 2249, by committee on judiciary, a bill for an act relating to an assault that occurs between persons in an intimate relationship and the crime of domestic abuse assault and making penalties applicable.

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

Senate File 2254, by committee on local government, a bill for an act relating to the powers and duties of county treasurers to assess certain property associated with fence disputes and water districts.

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

Senate File 2263, by committee on human resources, a bill for an act relating to the office of the long-term care resident's advocate, and providing penalties.

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

Senate File 2264, by committee on local government, a bill for an act relating to the review and approval of proposed subdivisions by a city.

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

Senate File 2266, by committee on human resources, a bill for an act creating the local public health governance Act, and providing penalties.

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

Senate File 2267, by committee on human resources, a bill for an act relating to the home modification requirements under the Medicaid home and community-based services waiver for the elderly.

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

Senate File 2286, by committee on labor and business relations, a bill for an act relating to the regulation of professional and amateur mixed martial arts matches and events by the labor commissioner and providing penalties.

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

CONSIDERATION OF BILLS Regular Calendar

House File 2280, a bill for an act providing for the treatment of animals other than agricultural animals, by providing for regulation of commercial establishments, providing for reporting of threatened animals, providing for fees, providing penalties, and including effective date provisions, was taken up for consideration.

Sweeney of Hardin offered the following amendment H-8145 filed by her and moved its adoption:

H-8145

- 1 Amend House File 2280 as follows:
- 2 1. By striking everything after the enacting clause
- 3 and inserting:
- 4 <Section 1. Section 162.1, Code 2009, is amended to
- 5 read as follows:

6 162.1 ~~Policy~~ Purpose and scope.

7 1. The purpose of this chapter is to do all of the
8 following:

9 ~~1. a. To insure~~ Insure that all dogs and
10 cats handled by ~~boarding kennels, commercial~~
11 ~~kennels, commercial breeders, dealers, and public~~
12 ~~auctions~~ commercial establishments are provided with
13 humane care and treatment ~~by regulating.~~

14 b. Regulate the transportation, sale,
15 purchase, housing, care, handling, and treatment
16 of ~~such animals~~ dogs and cats by persons ~~or~~
17 ~~organizations~~ engaged in transporting, buying, or
18 selling them ~~and to provide.~~

19 c. Provide that all vertebrate animals consigned
20 to pet shops are provided humane care and treatment by
21 regulating the transportation, sale, purchase, housing,
22 care, handling, and treatment of such animals by pet
23 shops.

24 ~~2. d. To authorize~~ Authorize the sale, trade, or
25 adoption of only those animals which appear to be free
26 of infectious or communicable disease.

27 ~~3. e. To protect~~ Protect the public from zoonotic
28 disease.

29 2. This chapter does not apply to livestock as
30 defined in section 717.1 or any other agricultural
31 animal used in agricultural production as provided in
32 chapter 717A.

33 Sec. 2. Section 162.2, Code Supplement 2009, is
34 amended by adding the following new subsections:
35 NEW SUBSECTION. 4A. "Animal Welfare Act" means
36 the federal Animal Welfare Act, 7 U.S.C. ch. 54, and
37 regulations promulgated by the United States department
38 of agriculture and published in 9 C.F.R. ch. 1.

39 NEW SUBSECTION. 4B. "Authorization" means a
40 state license, certificate of registration, or permit
41 issued or renewed by the department to a commercial
42 establishment as provided in section 162.2A.

43 NEW SUBSECTION. 6A. "Commercial establishment"
44 or "establishment" means an animal shelter, boarding
45 kennel, commercial breeder, commercial kennel, dealer,
46 pet shop, pound, public auction, or research facility.

47 NEW SUBSECTION. 8A. "Department" means the
48 department of agriculture and land stewardship.

49 NEW SUBSECTION. 9A. "Federal license" means a
50 license issued by the United States department of

Page 2

1 agriculture to a person classified as a dealer or
2 exhibitor pursuant to the federal Animal Welfare Act.
3 NEW SUBSECTION. 9B. "Federal licensee" means
4 a person to whom a federal license as a dealer or

5 exhibitor is issued.

6 NEW SUBSECTION. 10A. "Permittee" means a
7 commercial breeder, dealer, or public auction to whom
8 a permit is issued by the department as a federal
9 licensee pursuant to section 162.2A.

10 NEW SUBSECTION. 15A. "Registrant" means a pound,
11 animal shelter, or research facility to whom a
12 certificate of registration is issued by the department
13 pursuant to section 162.2A.

14 NEW SUBSECTION. 16A. "State fiscal year" means the
15 fiscal year described in section 3.12.

16 NEW SUBSECTION. 16B. "State licensee" means any of
17 the following:

18 a. A boarding kennel, commercial kennel, or
19 pet shop to whom a state license is issued by the
20 department pursuant to section 162.2A.

21 b. A commercial breeder, dealer, or public auction
22 to whom a state license is issued in lieu of a permit
23 by the department pursuant to section 162.2A.

24 Sec. 3. Section 162.2, subsection 13, Code
25 Supplement 2009, is amended to read as follows:

26 13. "Pound" or "~~dog pound~~" means a facility for the
27 prevention of cruelty to animals operated by the state,
28 a municipal corporation, or other political subdivision
29 of the state for the purpose of impounding or harboring
30 seized stray, homeless, abandoned or unwanted dogs,
31 cats or other animals; or a facility operated for
32 such a purpose under a contract with any municipal
33 corporation or incorporated society.

34 Sec. 4. NEW SECTION. 162.2A Application, issuance,
35 and renewal of authorizations.

36 1. The department shall provide for the operation
37 of a commercial establishment by issuing or renewing an
38 authorization, including any of the following:

39 a. A certificate of registration for a pound,
40 animal, shelter, or research facility.

41 b. A state license for a boarding kennel,
42 commercial kennel, or pet shop.

43 c. A state license or permit for a commercial
44 breeder, dealer, or public auction. A federal licensee
45 must apply for and be issued either a permit or a state
46 license in lieu of a permit.

47 2. A person must be issued a separate state
48 license, certificate of registration, or permit for
49 each commercial establishment owned or operated by the
50 person. However, if the person operates more than

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1 one commercial establishment on the same premises the
2 person shall only be required to have one authorization
3 from the department.

4 3. A person must apply for the issuance or
5 renewal of an authorization on forms and according to
6 procedures required by rules adopted by the department.
7 The application shall contain information required by
8 the department, including but not limited to all of the
9 following:

10 a. The person's name.

11 b. The person's principal office or place of
12 business.

13 c. The name, address, and type of establishment
14 covered by the authorization.

15 4. The authorization expires on an annual basis
16 as provided by the department, and must be renewed by
17 the commercial establishment on an annual basis on or
18 before the authorization's expiration date.

19 5. a. A commercial establishment applying for
20 the issuance or renewal of a permit shall provide the
21 department with proof that the person is a federal
22 licensee.

23 b. The department shall not require that it must
24 enter onto the premises of a commercial establishment
25 in order to issue a permit. The department shall
26 not require that it must enter onto the premises
27 of a commercial establishment in order to renew a
28 permit, unless it has reasonable cause to monitor
29 the commercial establishment as provided in section
30 162.10C.

31 Sec. 5. NEW SECTION. 162.2B Fees.

32 The department shall establish, assess, and collect
33 fees as provided in this section.

34 1. A commercial establishment shall pay
35 authorization fees to the department for the issuance
36 or renewal of a certificate of registration, state
37 license, or permit.

38 a. For the issuance or renewal of a certificate of
39 registration for a privately owned pound that sells
40 dogs or cats, fifteen dollars.

41 b. For the issuance or renewal of a state license
42 for a commercial establishment the following:

43 (1) A boarding kennel, thirty dollars.

44 (2) A commercial breeder, forty dollars. However,
45 a commercial breeder who owns, keeps, breeds, or
46 transports a greyhound dog for pari-mutuel wagering
47 at a racetrack as provided in chapter 99D shall pay a
48 different fee for the issuance or renewal of a state
49 license as provided in rules adopted by the department.

50 (3) A commercial kennel, forty dollars.

Page 4

1 (4) A dealer, one hundred dollars.

2 (5) A pet shop, fifty dollars.

3 (6) A public auction, forty dollars.

4 c. For the issuance or renewal of a permit for a
5 commercial establishment, twenty dollars.

6 2. The fees collected by the department shall be
7 deposited into the commercial establishment compliance
8 fund created pursuant to section 162.2C.

9 Sec. 6. NEW SECTION. 162.2C Commercial
10 establishment compliance fund.

11 A commercial establishment compliance fund is
12 created in the state treasury under the control of the
13 department.

14 1. The fund shall consist of moneys appropriated
15 to the department, fees collected by the department
16 pursuant to section 162.2B, civil penalties collected
17 by the department pursuant to section 162.12A, and
18 other moneys placed in the fund by the department.

19 2. The moneys in the fund are appropriated to the
20 department for the exclusive purpose of administering
21 and enforcing the provisions of this chapter.

22 3. Notwithstanding section 12C.7, interest or
23 earnings on moneys in the fund shall be credited to the
24 fund. Notwithstanding section 8.33, moneys credited
25 to the fund that remain unexpended or unobligated at
26 the end of a fiscal year shall not revert to any other
27 fund.

28 Sec. 7. Section 162.3, Code 2009, is amended by
29 striking the section and inserting in lieu thereof the
30 following:

31 162.3 Operation of a pound – certificate of
32 registration.

33 A pound shall only operate pursuant to a certificate
34 of registration issued or renewed by the department
35 as provided in section 162.2A. A pound may sell dogs
36 or cats under its control, if sales are allowed by
37 the department. The pound shall maintain records as
38 required by the department in order for the department
39 to ensure the pound's compliance with the provisions
40 of this chapter.

41 Sec. 8. Section 162.4, Code 2009, is amended by
42 striking the section and inserting in lieu thereof the
43 following:

44 162.4 Operation of an animal shelter – certificate
45 of registration.

46 An animal shelter shall only operate pursuant to a
47 certificate of registration issued or renewed by the
48 department as provided in section 162.2A. An animal
49 shelter may sell dogs or cats if sales are allowed
50 by the department. The animal shelter facility shall

2 for the department to ensure the animal shelter's
3 compliance with the provisions of this chapter.

4 Sec. 9. NEW SECTION. 162.4A Operation of a
5 research facility – certificate of registration.

6 A research facility shall only operate pursuant to a
7 certificate of registration issued by the department
8 as provided in section 162.2A. The research facility
9 shall maintain records as required by the department
10 in order for the department to ensure the research
11 facility's compliance with the provisions of this
12 chapter. A research facility shall not purchase a dog
13 or cat from a commercial establishment that does not
14 have a valid authorization issued or renewed under this
15 chapter or a similar authorization issued or renewed
16 by another state.

17 Sec. 10. Section 162.5, Code 2009, is amended by
18 striking the section and inserting in lieu thereof the
19 following:

20 162.5 Operation of a pet shop – state license.

21 A pet shop shall only operate pursuant to a state
22 license issued or renewed by the department pursuant to
23 section 162.2A. The pet shop shall maintain records as
24 required by the department in order for the department
25 to ensure the pet shop's compliance with the provisions
26 of this chapter. A pet shop shall not purchase a dog
27 or cat from a commercial establishment that does not
28 have a valid authorization issued or renewed under this
29 chapter or a similar authorization issued or renewed
30 by another state.

31 Sec. 11. NEW SECTION. 162.5A Operation of a
32 boarding kennel – state license.

33 A boarding kennel shall only operate pursuant to
34 a state license issued by the department as provided
35 in section 162.2A. The boarding kennel shall maintain
36 records as required by the department in order for the
37 department to ensure the boarding kennel's compliance
38 with the provisions of this chapter. A boarding kennel
39 shall not purchase a dog or cat from a commercial
40 establishment that does not have a valid authorization
41 issued or renewed under this chapter or a similar
42 authorization issued or renewed by another state.

43 Sec. 12. Section 162.6, Code 2009, is amended by
44 striking the section and inserting in lieu thereof the
45 following:

46 162.6 Operation of a commercial kennel – state
47 license.

48 A commercial kennel shall only operate pursuant to a
49 state license issued or renewed by the department as
50 provided in section 162.2A. A commercial kennel shall

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1 maintain records as required by the department in order
2 for the department to ensure the commercial kennel's
3 compliance with the provisions of this chapter. A
4 commercial kennel shall not purchase a dog or cat from
5 a commercial establishment that does not have a valid
6 authorization issued or renewed under this chapter or
7 a similar authorization issued or renewed by another
8 state.

9 Sec. 13. Section 162.7, Code 2009, is amended by
10 striking the section and inserting in lieu thereof the
11 following:

12 162.7 Operation of a dealer – state license or
13 permit.

14 A dealer shall only operate pursuant to a state
15 license, or a permit, issued or renewed by the
16 department as provided in section 162.2A. A dealer who
17 is a state licensee shall maintain records as required
18 by the department in order for the department to ensure
19 compliance with the provisions of this chapter. A
20 dealer who is a permittee may, but is not required to
21 maintain records. A dealer shall not purchase a dog
22 or cat from a commercial establishment that does not
23 have a valid authorization issued or renewed under this
24 chapter or a similar authorization issued or renewed
25 by another state.

26 Sec. 14. Section 162.8, Code 2009, is amended by
27 striking the section and inserting in lieu thereof the
28 following:

29 162.8 Operation of a commercial breeder – state
30 license or permit.

31 A commercial breeder shall only operate pursuant
32 to a state license, or a permit, issued or renewed
33 by the department as provided in section 162.2A. A
34 commercial breeder who is a state licensee shall
35 maintain records as required by the department in order
36 for the department to ensure the commercial breeder's
37 compliance with the provisions of this chapter. A
38 commercial breeder who is a permittee may but is not
39 required to maintain records. A commercial breeder
40 shall not purchase a dog or cat from a commercial
41 establishment that does not have a valid authorization
42 issued or renewed under this chapter or a similar
43 authorization issued or renewed by another state.

44 Sec. 15. NEW SECTION. 162.9A Operation of a public
45 auction – state license or permit.

46 A public auction shall only operate pursuant to a
47 state license, or a permit, issued or renewed by the
48 department as provided in section 162.2A. A public
49 auction which is a state licensee shall maintain
50 records as required by the department in order for the

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1 department to ensure the public auction's compliance
2 with the provisions of this chapter. A public auction
3 which is a permittee may but is not required to
4 maintain records. A public auction shall not purchase
5 a dog or cat from a commercial establishment that does
6 not have a valid authorization issued or renewed under
7 this chapter or a similar authorization issued or
8 renewed by another state.

9 Sec. 16. NEW SECTION. 162.10A Commercial
10 establishments – standard of care.

11 1. a. A commercial establishment shall provide for
12 a standard of care that ensures that an animal in its
13 possession or under its control is not lacking any of
14 the following:

15 (1) Adequate feed, adequate water, housing
16 facilities, sanitary control, or grooming practices, if
17 such lack causes adverse health or suffering.

18 (2) Veterinary care.

19 b. A commercial establishment, other than a
20 research facility or pet shop, shall provide for the
21 standard of care for dogs and cats in its possession or
22 under its control, and a research facility or pet shop
23 shall provide for the standard of care for vertebrate
24 animals in its possession or under its control.

25 2. a. Except as provided in paragraph "b" or "c",
26 a commercial establishment shall comply with rules that
27 the department adopts to implement subsection 1. A
28 commercial establishment shall be regulated under this
29 paragraph "a" unless the person is a state licensee as
30 provided in paragraph "b" or a permittee as provided in
31 paragraph "c".

32 b. A state licensee who is a commercial breeder
33 owning, breeding, transporting, or keeping a greyhound
34 dog for pari-mutuel wagering at a racetrack as provided
35 in chapter 99D may be required to comply with different
36 rules adopted by the department.

37 c. A permittee is not required to comply with rules
38 that the department adopts to implement a standard of
39 care as provided in subsection 1 for state licensees
40 and registrants. The department may adopt rules
41 regulating a standard of care for a permittee, so long
42 as the rules are not more restrictive than required for
43 a permittee under the Animal Welfare Act. However, the
44 department may adopt prescriptive rules relating to the
45 standard of care. Regardless of whether the department
46 adopts such rules, a permittee meets the standard
47 of care required in subsection 1, if it voluntarily
48 complies with rules applicable to state licensees or
49 registrants. A finding by the United States department
50 of agriculture that a permittee complies with the

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1 Animal Welfare Act is not conclusive when determining
2 that the permittee provides a standard of care required
3 in subsection 1.

4 3. A commercial establishment fails to provide for
5 a standard of care as provided in subsection 1, if the
6 commercial establishment commits abuse as described in
7 section 717B.2, neglect as described in section 717B.3,
8 or torture as provided in section 717B.3A.

9 Sec. 17. NEW SECTION. 162.10B Commercial
10 establishments – inspecting state licensees and
11 registrants.

12 The department may inspect the commercial
13 establishment of a registrant or state licensee
14 by entering onto its business premises at any time
15 during normal working hours. The department may
16 inspect records required to be maintained by the state
17 licensee or registrant as provided in this chapter.
18 If the owner or person in charge of the commercial
19 establishment refuses admittance, the department may
20 obtain an administrative search warrant issued under
21 section 808.14.

22 Sec. 18. NEW SECTION. 162.10C Commercial
23 establishments –
24 monitoring permittees.

25 1. The department may monitor the commercial
26 establishment of a permittee by entering onto its
27 business premises at any time during normal working
28 hours. The department shall monitor the commercial
29 establishment for the limited purpose of determining
30 whether the permittee is providing for a standard of
31 care required for permittees under section 162.10A.
32 If the owner or person in charge of the commercial
33 establishment refuses admittance, the department may
34 obtain an administrative search warrant issued under
35 section 808.14.

36 2. In order to enter onto the business premises
37 of a permittee's commercial establishment, the
38 department must have reasonable cause to suspect that
39 the permittee is not providing for the standard of
40 care required for permittees under section 162.10A.
41 Reasonable cause must be supported by any of the
42 following:

43 a. An oral or written complaint received by the
44 department by a person. The complainant must provide
45 the complainant's name and address and telephone
46 number. Notwithstanding chapter 22, the department's
47 record of a complaint is confidential, unless any of
48 the following apply:

49 (1) The results of the monitoring are used in a
50 contested case proceeding as provided in chapter 17A or

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1 in a judicial proceeding.

2 (2) The record is sought in discovery in any
3 administrative, civil, or criminal case.

4 (3) The department's record of a complaint is filed
5 by a person other than an individual.

6 b. A report prepared by a person employed by the
7 United States department of agriculture that requires a
8 permittee to take action necessary to correct a breach
9 of standard of care required of federal licensees by
10 the Animal Welfare Act or of permittees by section
11 162.10A. The department is not required to dedicate
12 any number of hours to viewing or analyzing such
13 reports.

14 3. When carrying out this section, the department
15 may cooperate with the United States department of
16 agriculture. The department shall report any findings
17 resulting in an enforcement action under section
18 162.10D to the United States department of agriculture.

19 Sec. 19. NEW SECTION. 162.10D Commercial
20 establishments –
21 disciplinary actions.

22 1. The department may take disciplinary action
23 against a person by suspending or revoking the person's
24 authorization for violating a provision of this chapter
25 or chapter 717B.

26 2. The department may require that an owner,
27 operator, or employee of a commercial establishment
28 subject to disciplinary action under subsection 1 to
29 complete a continuing education program as a condition
30 for retaining an authorization. This section does not
31 prevent a person from voluntarily participating in a
32 continuing education program.

33 3. The department shall administer the continuing
34 education program by either providing direct
35 instruction or selecting persons to provide such
36 instruction. The department is not required to
37 compensate persons for providing the instruction, and
38 may require attendees to pay reasonable fees necessary
39 to compensate the department providing the instruction
40 or a person selected by the department to provide the
41 instruction. The department shall, to every extent
42 possible, select persons to provide the instruction by
43 consulting with organizations that represent commercial
44 establishments, including but not limited to the Iowa
45 pet breeders association.

46 4. The department shall establish the criteria for
47 a continuing education program which shall include
48 at least three and not more than eight hours of
49 instruction. The department shall provide for the
50 program's beginning and ending dates. However, a

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1 person must complete the program in twelve months or
2 less.

3 Sec. 20. Section 162.11, subsections 1 and 3, Code
4 2009, are amended by striking the subsections.

5 Sec. 21. Section 162.11, subsection 2, Code 2009,
6 is amended by striking the subsection and inserting in
7 lieu thereof the following:

8 2. This chapter does not apply to a federal
9 licensee except as provided in the following:

10 a. Sections 162.1, 162.2, 162.2A, 162.2B, 162.7,
11 162.8, 162.9A, 162.10A, 162.10C, 162.10D, 162.12A, and
12 162.13.

13 b. Section 162.16 but only to the extent required
14 to implement sections described in paragraph "a".

15 Sec. 22. NEW SECTION. 162.12A Civil penalties.

16 The department shall establish, impose, and assess
17 civil penalties for violations of this chapter. The
18 department may by rule establish a schedule of civil
19 penalties for violations of this chapter. All civil
20 penalties collected under this section shall be
21 deposited into the commercial establishment compliance
22 fund created pursuant to section 162.2C.

23 1. a. A commercial establishment that operates
24 pursuant to an authorization issued or renewed under
25 this chapter is subject to a civil penalty of not more
26 than five hundred dollars, regardless of the number
27 of animals possessed or controlled by the commercial
28 establishment, for violating this chapter. Except as
29 provided in paragraph "b", each day that a violation
30 continues shall be deemed a separate offense.

31 b. This paragraph applies to a commercial
32 establishment that violates a standard of care
33 involving housing as provided in section 162.10A. The
34 departmental official who makes a determination that a
35 violation exists shall provide a corrective plan to the
36 commercial establishment describing how the violation
37 will be corrected within a compliance period of not
38 more than fifteen days from the date of approval by the
39 official of the corrective plan. The civil penalty
40 shall not exceed five hundred dollars for the first
41 day of the violation. After that day, the department
42 shall not impose a civil penalty for the violation
43 during the compliance period. The department shall
44 not impose an additional civil penalty, unless the
45 commercial establishment fails to correct the violation
46 by the end of the compliance period. If the commercial
47 establishment fails to correct the violation by the end
48 of the compliance period, each day that the violation
49 continues shall be deemed a separate offense.

50 2. A commercial establishment that does not operate

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1 pursuant to an authorization issued or renewed under
2 this chapter is subject to a civil penalty of not more
3 than one thousand dollars, regardless of the number
4 of animals possessed or controlled by the commercial
5 establishment, for violating this chapter. Each day
6 that a violation continues shall be deemed a separate
7 offense.

8 Sec. 23. Section 162.13, Code 2009, is amended to
9 read as follows:

10 ~~162.13 Penalties~~ Criminal penalties – confiscation.

11 ~~1. Operation of a pound, animal shelter, pet shop,~~
12 ~~boarding kennel, commercial kennel, research facility,~~
13 ~~or public auction, or dealing in dogs or cats, or~~
14 ~~both, either as a dealer or a commercial breeder,~~
15 ~~without a currently valid license or a certificate of~~
16 ~~registration is~~ A person who operates a commercial
17 establishment without an authorization issued or
18 renewed by the department as required in section 162.2A
19 is guilty of a simple misdemeanor and each day of
20 operation is a separate offense.

21 ~~2. The failure of any pound, research facility,~~
22 ~~animal shelter, pet shop, boarding kennel, commercial~~
23 ~~kennel, commercial breeder, public auction, or dealer,~~
24 ~~to adequately house, feed, or water dogs, cats, or~~
25 ~~vertebrate animals in the person's or facility's~~
26 ~~possession or custody~~ a person who owns or operates a
27 commercial establishment to meet the standard of care
28 required in section 162.10A, subsection 1, is a simple
29 misdemeanor. The animals are subject to seizure and
30 impoundment and may be sold or destroyed as provided by
31 rules which shall be adopted by the department pursuant
32 to chapter 17A. The rules shall provide for the
33 destruction of an animal by a humane method, including
34 by euthanasia.

35 ~~3. The failure of a person who owns or operates~~
36 ~~a commercial establishment to meet the requirements~~
37 ~~of this section is also cause for~~ the suspension
38 ~~or revocation or suspension of license or registration~~
39 ~~after public hearing of the person's authorization as~~
40 ~~provided in section 162.10D. The commission of an~~
41 ~~act declared to be an unlawful practice under section~~
42 ~~714.16 or prohibited under chapter 717 or 717B, by a~~
43 ~~person licensed or registered under this chapter is~~
44 ~~cause for revocation or suspension of the license or~~
45 ~~registration certificate.~~

46 ~~4. Dogs, cats, and other vertebrates~~ vertebrate
47 animals upon which euthanasia is permitted by law may
48 be destroyed by a person subject to this chapter or
49 chapter 169, by a humane method, including euthanasia,
50 as provided by rules which shall be adopted by the

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1 department pursuant to chapter 17A.

2 5. It is unlawful for a dealer to knowingly ship a
3 diseased animal. A dealer violating this paragraph is
4 subject to a fine not exceeding one hundred dollars.

5 Each diseased animal shipped in violation of this
6 paragraph is a separate offense.

7 Sec. 24. Section 162.16, Code 2009, is amended by
8 striking the section and inserting in lieu thereof the
9 following:

10 162.16 Rules.

11 The department shall adopt rules and promulgate
12 forms necessary to administer and enforce the
13 provisions of this chapter.

14 Sec. 25. NEW SECTION. 717B.10 Threatened animal
15 reporting by veterinarians.

16 This section applies to a veterinarian who is
17 licensed or who holds a valid temporary permit to
18 practice veterinary medicine in this state pursuant to
19 chapter 169.

20 1. A veterinarian who is presented with an animal
21 for examination or treatment may file a threatened
22 animal report if the veterinarian determines that the
23 animal is a threatened animal.

24 2. The department shall establish a system of
25 receiving and filing threatened animal reports,
26 including the promulgation of forms. A threatened
27 animal report shall be in writing in a printed or
28 electronic format as required by the department. The
29 threatened animal report shall include information as
30 required by the department which shall at least include
31 all of the following:

32 a. Information identifying the veterinarian.

33 b. Information identifying the responsible party,
34 including the name and address of the responsible
35 party.

36 c. Information identifying the threatened animal,
37 including by family and species classification, the
38 name and a description of the threatened animal, and
39 any other identifying information accessed from an
40 installed identification device as defined in section
41 169A.1.

42 d. The date that the veterinarian examined or
43 treated the threatened animal.

44 e. A summary description of the threatened animal's
45 condition and any required treatment whether or not
46 administered.

47 3. A veterinarian shall use best efforts to
48 complete the threatened animal report, but is not
49 required to conduct an inquiry in order to obtain
50 information solely to complete the report.

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1 4. A veterinarian who in good faith files a
2 threatened animal report with the department shall
3 not be criminally or civilly liable, including for
4 damages for acts or omissions in preparing or filing
5 the threatened animal report, or cooperating with the
6 department or a local authority. The good faith of the
7 veterinarian is presumed as a matter of law.

8 5. The department may forward a threatened animal
9 report to the local authority where the responsible
10 party resides or where the threatened animal is
11 kept. The department may investigate a commercial
12 establishment identified as the responsible party in a
13 threatened animal report.

14 Sec. 26. REPEAL. Sections 162.9, 162.10, and
15 162.18, Code 2009, are repealed.

16 Sec. 27. CURRENT DEPARTMENTAL RULES. This Act
17 does not diminish the authority of the department of
18 agriculture and land stewardship to regulate different
19 types of commercial establishments as provided in 21
20 IAC ch. 67.

21 Sec. 28. ISSUANCE OF PERMITS. This Act does not
22 require a commercial establishment that has been issued
23 or renewed a certificate of registration to be issued
24 a permit earlier than required in section 162.2A for
25 the renewal of a permit. The person shall hold the
26 certificate of registration in the same manner as a
27 permit pursuant to this Act.

28 Sec. 29. EFFECTIVE UPON ENACTMENT. This Act, being
29 deemed of immediate importance, takes effect upon
30 enactment.>

McCarthy of Polk asked and received unanimous consent that House File 2280 be deferred and that the bill retain its place on the calendar.

H. Miller of Webster asked and received unanimous consent for the immediate consideration of House Resolution 111.

ADOPTION OF HOUSE RESOLUTION 111

H. Miller of Webster, Roberts of Carroll, Anderson of Page, Bailey of Hamilton, Bell of Jasper, Heddens of Story and Upmeyer of Hancock called up for consideration **House Resolution 111**, a resolution to honor the historical, political, cultural, social, and economic relationship among Canada, the United States, and Iowa and recognizing February 17, 2010, as Canada Day at the Statehouse, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

H. Miller introduced to the House, Martin Loken, the Consul General of the Canadian Consulate in Minneapolis, who addressed the House regarding the relationship of Canada and the United States. Roberts of Carroll presented the Consul General with a gift from Iowa.

The House rose and expressed its welcome.

The House resumed consideration of House File 2280, previously deferred.

Heaton of Henry offered the following amendment H-8146, to amendment H-8145, filed by him from the floor and moved its adoption:

H-8146

1 Amend the amendment, H-8145, to House File 2280 as
2 follows:
3 1. Page 3, line 40, after <dollars.> by inserting
4 <However, an animal shelter or pound operated by
5 the state or a political subdivision of the state or
6 operated under contract with the state or a political
7 subdivision is not required to pay the fee in order to
8 receive a certificate of registration for the animal
9 shelter or pound.>

Amendment H-8146 was adopted.

McCarthy of Polk asked and received unanimous consent that House File 2280 be deferred and that the bill retain its place on the unfinished business calendar. (Amendment H-8145, as amended, is deferred)

On motion by McCarthy of Polk, the House was recessed at 10:05 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:05 p.m., Schueller of Jackson in the chair.

INTRODUCTION OF BILLS

House File 2463, by committee on human resources, a bill for an act relating to certification requirements related to services provided by an assisted living program, and including effective date provisions.

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

House File 2464, by committee on judiciary, a bill for an act relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

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

House File 2465, by committee on judiciary, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and applicability provisions.

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

House File 2466, by committee on transportation, a bill for an act relating to the license or authorization issued to a person who qualifies as a driver education instructor and including effective date and retroactive applicability provisions.

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

House File 2467, by committee on transportation, a bill for an act relating to the regulation of motor vehicle franchises.

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

House File 2468, by committee on transportation, a bill for an act relating to the operation of off-road utility vehicles on highways and making a penalty applicable.

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

House File 2469, by committee on state government, a bill for an act relating to the administration of the election laws by the secretary of state and including effective date provisions.

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

House File 2470, by committee on state government, a bill for an act relating to election laws by making changes to voter registration, absentee voting, and election day procedures, and including effective date and applicability provisions.

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

House File 2471, by committee on state government, a bill for an act making technical changes to the laws relating to elections and voter registration and including effective date and applicability provisions.

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

House File 2472, by committee on commerce, a bill for an act relating to boards of administration for horizontal property.

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

House File 2473, by committee on judiciary, a bill for an act relating to criminal offense definitions, penalties, and the forfeiture of an unsecured appearance bond in a criminal proceeding.

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

House File 2474, by committee on commerce, a bill for an act establishing an Iowa financial literacy program within the office of the treasurer of state.

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

House File 2475, by committee on commerce, a bill for an act requiring provision of deliverable fuels to customers under specified circumstances, and including effective date provisions.

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

House File 2476, by committee on rebuild Iowa and disaster recovery, a bill for an act establishing smart planning principles for state agencies, local governments, and other public entities.

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

House File 2477, by committee on judiciary, a bill for an act relating to mechanics' liens including the establishment of a state construction registry for residential construction property and providing an effective date.

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

House File 2478, by committee on judiciary, a bill for an act relating to business organizations, including limited liability companies and business corporations, and providing for fees.

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

House File 2479, by Schueller, a bill for an act requiring the publication of notice by the recipients of certain tax credits and including retroactive applicability date provisions.

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

SENATE MESSAGES CONSIDERED

Senate File 2181, by committee on labor and business relations, a bill for an act relating to employment practices and public safety programs administered by the division of labor services of the department of workforce development.

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

Senate File 2194, by committee on state government, a bill for an act making technical changes to the laws relating to elections and voter registration and including effective date and applicability provisions.

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

Senate File 2195, by committee on state government, a bill for an act relating to campaign finance requirements and reporting.

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

Senate File 2196, by committee on state government, a bill for an act relating to the administration of the election laws by the secretary of state and including effective date provisions.

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

Senate File 2202, by committee on human resources, a bill for an act relating to rights of persons with disabilities.

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

Senate File 2215, by committee on state government, a bill for an act relating to the use of genetic information and samples for genetic testing and providing for civil enforcement.

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

Senate File 2218, by committee on state government, a bill for an act relating to elections by eliminating double election boards and by requiring the commissioner of elections, upon petition, to use automatic tabulating equipment in certain elections and including effective date provisions.

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

Senate File 2220, by committee on transportation, a bill for an act relating to the contents of certain motor carrier transportation contracts by declaring certain indemnity provisions to be unlawful and void.

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

Senate File 2223, by committee on judiciary, a bill for an act relating to the deferral of costs and fees in a court proceeding for persons unable to pay such costs and fees.

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

Senate File 2224, by committee on local government, a bill for an act relating to boards of administration for horizontal property.

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

Senate File 2226, by committee on judiciary, a bill for an act relating to custody, physical care, and visitation provisions relating to a child of a parent who is serving active duty in the military service of the United States and including effective date provisions.

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

Senate File 2237, by committee on judiciary, a bill for an act relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

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

The House resumed consideration of House File 2280 and amendment H-8145, found on pages 571-584 of the House Journal.

Lykam of Scott moved the adoption of amendment H-8145, as amended.

Roll call was requested by Sweeney of Hardin and Paulsen of Linn.

On the question "Shall amendment H-8145, as amended be adopted?" (H.F. 2280)

The ayes were, 42:

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

The nays were, 53:

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

Absent or not voting, 5:

Mascher	Murphy, Spkr.	Raecker	Thomas
Windschitl			

Amendment H-8145, as amended lost.

De Boef of Keokuk asked and received unanimous consent to withdraw amendment H-8141 filed by her on February 16, 2010.

Hagenow of Polk offered the following amendment H-8140 filed by him and moved its adoption:

H-8140

1 Amend House File 2280 as follows:
 2 1. Page 1, line 3, after <scope> by inserting <of
 3 this chapter>
 4 2. Page 4, by striking lines 14 through 21 and
 5 inserting:
 6 <a. For the issuance or renewal of a certificate
 7 of registration for a privately owned pound that sells
 8 dogs or cats, fifteen dollars.
 9 b. For the issuance or renewal of a state license
 10 for a commercial establishment the following:
 11 (1) A boarding kennel, thirty dollars.
 12 (2) A commercial breeder, forty dollars. However,
 13 a commercial breeder who owns, keeps, breeds, or
 14 transports a greyhound dog for pari-mutuel wagering
 15 at a racetrack as provided in chapter 99D shall pay a
 16 different fee for the issuance or renewal of a state

17 license as provided in rules adopted by the department.

18 (3) A commercial kennel, forty dollars.

19 (4) A dealer, one hundred dollars.

20 (5) A pet shop, fifty dollars.

21 (6) A public auction, forty dollars.

22 c. For the issuance or renewal of a permit for a
23 commercial establishment, twenty dollars.>

24 3. Page 4, by striking lines 22 through 28 and
25 inserting:

26 <__. The fees collected by the department shall be
27 deposited into the commercial establishment compliance
28 fund created pursuant to section 162.2C.>

29 4. Page 4, before line 29 by inserting:

30 <Sec. __. NEW SECTION. 162.2C Commercial
31 establishment compliance fund.

32 A commercial establishment compliance fund is
33 created in the state treasury under the control of the
34 department.

35 1. The fund shall consist of moneys appropriated
36 to the department, fees collected by the department
37 pursuant to section 162.2B, civil penalties collected
38 by the department pursuant to section 162.12A, and
39 other moneys placed in the fund by the department.

40 2. The moneys in the fund are appropriated to the
41 department for the exclusive purpose of administering
42 and enforcing the provisions of this chapter.

43 3. Notwithstanding section 12C.7, interest or
44 earnings on moneys in the fund shall be credited to the
45 fund. Notwithstanding section 8.33, moneys credited
46 to the fund that remain unexpended or unobligated at
47 the end of a fiscal year shall not revert to any other
48 fund.>

49 5. Page 7, line 4, after <state.> by inserting
50 <A dealer shall not knowingly ship a diseased animal.

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1 Each instance of shipping a diseased animal in
2 violation of this section is a separate offense.>

3 6. Page 11, line 35, by striking <general fund
4 of the state> and inserting <commercial establishment
5 compliance fund created pursuant to section 162.2C>

6 7. Page 12, line 6, after <chapter.> by inserting
7 <However, a commercial establishment that violates
8 the same element of a standard of care as provided in
9 section 162.10A twice in a twenty-four-month period
10 is subject to a civil penalty of not more than one
11 thousand dollars.>

12 8. Page 12, line 30, after <chapter.> by inserting
13 <However, a commercial establishment that violates
14 the same element of a standard of care as provided in
15 section 162.10A twice in a twenty-four-month period

16 is subject to a civil penalty of not more than two
17 thousand dollars.>

18 9. Page 14, after line 11 by inserting:
19 <Sec. ____ Section 717B.1, Code 2009, is amended by
20 adding the following new subsection:
21 NEW SUBSECTION. 7A. "Pound" means the same as
22 defined in section 162.2.

23 Sec. ____ Section 717B.2, unnumbered paragraph 1,
24 Code 2009, is amended to read as follows:

25 A person is guilty of animal abuse if the person
26 intentionally injures, maims, disfigures, or destroys
27 an animal owned by another person, in any manner,
28 including intentionally poisoning the animal. A person
29 guilty of animal abuse is guilty of an aggravated
30 misdemeanor. The person is also subject to a civil
31 penalty not to exceed two hundred dollars. This
32 section shall not apply to any of the following:

33 Sec. ____ Section 717B.3, subsection 3, Code 2009,
34 is amended to read as follows:

35 3. A person who negligently or intentionally
36 commits the offense of animal neglect is guilty of a
37 simple misdemeanor. A person who intentionally commits
38 the offense of animal neglect which results in serious
39 injury to or the death of an animal is guilty of a
40 serious misdemeanor. The person is also subject to a
41 civil penalty not to exceed one hundred dollars.

42 Sec. ____ Section 717B.3A, subsection 3, paragraph
43 a, subparagraphs (1) and (2), Code 2009, are amended
44 to read as follows:

45 (1) For the first conviction, the person is guilty
46 of an aggravated misdemeanor. The sentencing order
47 shall provide that the person submit to psychological
48 evaluation and treatment according to terms required by
49 the court. The costs of the evaluation and treatment
50 shall be paid by the person. In addition, the

Page 3

1 sentencing order shall provide that the person complete
2 a community work requirement, which may include a work
3 requirement performed at an animal shelter or pound, as
4 defined in section 162.2, according to terms required
5 by the court. The person is also subject to a civil
6 penalty not to exceed two hundred dollars.

7 (2) For a second or subsequent conviction,
8 the person is guilty of a class "D" felony. The
9 sentencing order shall provide that the person submit
10 to psychological evaluation and treatment according
11 to terms required by the court. The costs of the
12 psychological evaluation and treatment shall be paid
13 by the person. The person is also subject to a civil
14 penalty not to exceed five hundred dollars.

15 Sec. ____ NEW SECTION. 717B.7 Court ordered
 16 donation.
 17 In a case in which a person is found liable to pay
 18 a civil penalty for committing animal abuse pursuant
 19 to section 717B.2, animal neglect pursuant to section
 20 717B.3, or animal torture pursuant to section 717B.3A,
 21 the court shall order the person to pay the civil
 22 penalty to the clerk of court who shall transmit the
 23 civil penalties to a pound operating in the county as a
 24 donation, as provided in the court's order.>
 25 10. Page 16, after line 20 by inserting:
 26 <Sec. ____ DEPARTMENT OF AGRICULTURE AND LAND
 27 STEWARDSHIP ENFORCEMENT. It is the intent of the
 28 general assembly in enacting this Act that the
 29 department of agriculture and land stewardship actively
 30 enforce the provisions of chapter 162, as amended in
 31 this Act, with respect to any commercial establishment
 32 that is operating without authorization as required by
 33 chapter 162, as amended by this Act.>
 34 11. By renumbering as necessary.

Roll call was requested by Hagenow of Polk and Paulsen of Linn.

On the question "Shall amendment H-8140 be adopted?" (H.F. 2280)

The ayes were, 44:

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

The nays were, 52:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Ficken	Ford	Frevrt	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	Isenhardt	Jacoby	Kearns
Kelley	Kressig	Kuhn	Lensing
Lykam	Marek	Mascher	McCarthy
Miller, H.	Oldson	Olson, D.	Olson, R.

Olson, T.	Palmer	Petersen	Reasoner
Reichert	Running-Marquardt	Shomshor	Smith
Steckman	Swaim	Taylor	Thede
Wendt	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Zirkelbach	Schueller, Presiding

Absent or not voting, 4:

Murphy, Spkr.	Quirk	Thomas	Windschitl
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Amendment H-8140 lost.

Lukan of Dubuque offered the following amendment H-8142 filed by him and moved its adoption:

H-8142

- 1 Amend House File 2280 as follows:
- 2 1. Page 1, line 4, by striking <to do> and
- 3 inserting <to accomplish>
- 4 2. By striking page 14, line 12, through page 16,
- 5 line 8.
- 6 3. Title page, by striking lines 3 through 4 and
- 7 inserting <commercial establishments, providing for
- 8 fees, providing penalties,>
- 9 4. By renumbering as necessary.

Amendment H-8142 was adopted.

Lykam of Scott offered amendment H-8120 filed by him as follows:

H-8120

- 1 Amend House File 2280 as follows:
- 2 1. Page 2, by striking lines 30 and 31 and
- 3 inserting:
- 4 <Sec. ___. Section 162.2, subsections 6 and 13,
- 5 Code Supplement 2009, are amended to read as follows:
- 6 6. "Commercial breeder" means a person, engaged
- 7 in the business of breeding dogs or cats, who sells,
- 8 exchanges, or leases dogs or cats in return for
- 9 consideration, or who offers to do so, whether or
- 10 not the animals are raised, trained, groomed, or
- 11 boarded by the person. A person who owns or harbors
- 12 three or fewer breeding males or females is not a
- 13 commercial breeder. However, a person who breeds ~~or~~
- 14 ~~harbors more than three~~ any number of breeding male or
- 15 female greyhounds for the purposes of using them for

16 pari-mutuel ~~racine~~ wagering at a racetrack as provided
 17 in chapter 99D shall be considered a commercial breeder
 18 irrespective of whether the person sells, leases, or
 19 exchanges the greyhounds for consideration or offers
 20 to do so.>

21 2. Page 3, by striking line 29 and inserting:

22 <__. The person's identification number.

23 Notwithstanding chapter 22, the department shall keep
 24 the person's tax identification number confidential
 25 except for purposes of tax administration by the
 26 department of revenue, including as provided in section
 27 421.18.>

28 3. Page 8, line 11, by striking <invertebrate> and
 29 inserting <vertebrate>

30 4. Page 11, line 26, by striking <162.1.>

31 5. Page 11, after line 27 by inserting:

32 <__. Section 162.1 but only to the extent required
 33 to implement sections described in paragraph "a".>

34 6. Page 11, after line 29 by inserting:

35 <Sec. __. Section 162.12, Code 2009, is amended to
 36 read as follows:

37 162.12 Denial or revocation of license or
 38 registration.

39 A certificate of registration may be denied to any
 40 animal shelter, pound, or animal shelter research
 41 facility and a state license ~~or certificate of~~
 42 ~~registration~~ may be denied to any public auction,
 43 boarding kennel, commercial kennel, ~~research~~
 44 ~~facility~~, pet shop, commercial breeder, or dealer,
 45 or an existing certificate of registration or'
 46 state license may be revoked by the secretary if, after
 47 public hearing, it is determined that the housing
 48 facilities or primary enclosures are inadequate under
 49 this chapter or if the feeding, watering, cleaning,
 50 and housing practices at the pound, animal shelter,

Page 2

1 public auction, pet shop, boarding kennel, commercial
 2 kennel, research facility, or those practices by the
 3 commercial breeder or dealer, are not in compliance
 4 with this chapter or with the rules adopted pursuant
 5 to this chapter. The premises of each registrant or
 6 state licensee ~~or certificate holder~~ shall be open for
 7 inspection during normal business hours.>

8 7. Page 14, line 3, by striking <paragraph> and
 9 inserting <paragraph subsection>

10 8. Page 14, line 5, by striking <paragraph> and
 11 inserting <paragraph subsection>

12 9. Page 14, after line 11 by inserting:

13 <Sec. __. Section 717B.1, Code 2009, is amended by
 14 adding the following new subsection:

15 NEW SUBSECTION. 3A. "Department" means the
16 department of agriculture and land stewardship.>
17 10. By renumbering as necessary.

Lykam of Scott offered the following amendment H-8153, to amendment H-8120, filed by him from the floor and moved its adoption:

H-8153

1 Amend the amendment, H-8120, to House File 2280 as
2 follows:
3 1. Page 1, by striking line 30 and inserting:
4 <__. Page 11, line 26, by striking <Sections
5 162.1.> and inserting <Section 162.1, subsection 2, and
6 sections>>
7 2. Page 1, line 32, after <162.1> by inserting <
8 subsection 1.>
9 3. By renumbering as necessary.

Amendment H-8153 was adopted.

Lykam of Scott moved the adoption of amendment H-8120, as amended.

Amendment H-8120, as amended, was adopted.

Isenhardt of Dubuque asked and received unanimous consent to withdraw amendment H-8082 filed by him on February 10, 2010.

Alons of Sioux asked and received unanimous consent to withdraw amendment H-8143 filed by him on February 16, 2010.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Raecker of Polk and Struyk of Pottawattamie, until their return, on request of Paulsen of Linn.

Lukan of Dubuque invoked Rule 32, and requested that House File 2280 be sent to the committee on ways and means.

The Speaker ruled the point not well taken.

Lykam 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?" (H.F. 2280)

The ayes were, 77:

Abdul-Samad	Anderson	Bailey	Beard
Bell	Berry	Bukta	Burt
Cohoon	Cownie	Deyoe	Ficken
Ford	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heddens
Hunter	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, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Reasoner
Reichert	Roberts	Running-Marquardt	Schulte
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Taylor
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Wendt	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Zirkelbach
Schueller, Presiding			

The nays were, 22:

Alons	Arnold	Baudler	Chambers
De Boef	Dolecheck	Drake	Forristall
Heaton	Helland	Horbach	Huseman
Miller, L.	Olson, S.	Rayhons	Sands
Schultz	Sweeney	Van Engelenhoven	Wagner
Watts	Worthan		

Absent or not voting, 1:

Windschitl

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

House File 785, a bill for an act relating to lead wheel weights on state-owned motor vehicles, was taken up for consideration.

McCarthy of Polk asked and received unanimous consent that House File 785 be deferred and that the bill retain its place on the calendar.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2280** be immediately messaged to the Senate.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2067

State Government: Willems, Chair; Beard and Pettengill.

Senate File 2128

State Government: Isenhart, Chair; Schulte and Willems.

Senate File 2190

Judiciary: Swaim, Chair; Anderson and Ford.

Senate File 2247

State Government: Taylor, Chair; Frevert and Struyk.

Senate File 2249

Judiciary: Smith, Chair; Kaufmann and Lensing.

Senate File 2254

Local Government: Kuhn, Chair; Cohoon and Tjepkes.

Senate File 2264

Local Government: D. Olson, Chair; Grassley and Kressig.

RESOLUTIONS FILED

HR 112, by Zirkelbach, a resolution supporting the assignment of the USS Iowa as a museum at the former Mare Island Naval Shipyard.

Laid over under **Rule 25**.

HR 113, by Winckler and L. Miller, a resolution designating March 2010 as Iowa Women's History Month.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8147	H.F.	2420	Chambers of O'Brien
H—8148	H.F.	2420	Chambers of O'Brien
H—8149	H.F.	2415	Wendt of Woodbury
H—8150	H.F.	2413	Sweeney of Hardin
H—8151	H.F.	2447	Quirk of Chickasaw
H—8152	H.F.	2194	Hunter of Polk
H—8154	H.F.	2472	Isenhart of Dubuque
H—8155	H.F.	2462	Raecker of Polk
H—8156	H.F.	2462	Raecker of Polk
H—8157	H.F.	2462	Raecker of Polk
H—8158	H.F.	2414	Alons of Sioux
H—8159	H.F.	2464	Committee on Judiciary
H—8160	H.F.	2465	Committee on Judiciary
H—8161	H.F.	2420	Rants of Woodbury
H—8162	H.F.	2444	Willems of Linn

On motion by McCarthy of Polk the House adjourned at 2:46 p.m., until 9:00 a.m., Thursday, February 18, 2010.

JOURNAL OF THE HOUSE

Thirty-ninth Calendar Day - Twenty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 18, 2010

The House met pursuant to adjournment at 9:12 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Paul Connolly, pastor of St. Joseph's Catholic Church, De Witt. He was the guest of Representative Steve Olson of Clinton County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Logan Schmitt, granddaughter of Representative Steve Olson of Clinton County.

The Journal of Wednesday, February 17, 2010 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

L. Miller of Scott, Horbach of Tama, Raecker of Polk and Upmeyer of Hancock, until their arrival, on request of Kaufmann of Cedar; Wendt of Woodbury on request of McCarthy of Polk.

INTRODUCTION OF BILLS

House File 2480, by committee on economic growth, a bill for an act authorizing creation of sales tax bonding districts and providing for the issuance of bonds secured by certain tax revenues collected within a district.

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

House File 2481, by committee on natural resources, a bill for an act relating to various conservation and recreation activities under the purview of the department of natural resources, and making penalties applicable.

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

House File 2482, by committee on judiciary, a bill for an act concerning authorized public employment by retired judges.

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

House File 2483, by committee on judiciary, a bill for an act relating to trusts and estates including provisions relating to state inheritance tax, uniform transfers to minors, and medical assistance claims, and including an applicability provision.

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

House File 2484, by committee on natural resources, a bill for an act exempting certain boat harbors from certain dock requirements and including effective date and retroactive applicability provisions.

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

House File 2485, by committee on labor, a bill for an act relating to public employee collective bargaining.

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

House File 2486, by committee on commerce, a bill for an act relating to the consumer credit code by modifying filing fees and a penalty for creditors and debt collectors.

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

House File 2487, by committee on rebuild Iowa and disaster recovery, a bill for an act relating to the allocation, issuance, reporting, recapture, and reallocation of recovery zone bonds, and including effective date provisions.

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

House File 2488, by committee on economic growth, a bill for an act relating to the appointment of young adults to appointive boards, commissions, committees, and councils.

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

House File 2489, by committee on commerce, a bill for an act concerning choice of automobile glass replacement or repair facilities under automobile liability insurance policies and requiring a study of automobile glass replacement or repair insurance claims processing procedures.

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

House File 2490, by committee on judiciary, a bill for an act providing for the regulation of consumer approval transactions.

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

House File 2491, by committee on state government, a bill for an act relating to the licensure of persons engaged in fire protection system installation, maintenance, repair, service, or inspection.

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

House File 2492, by committee on education, a bill for an act relating to the duties and operations of the department of education and local school boards.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 17, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2319, a bill for an act relating to activities of the department of public safety including regulating the storage of flammable and combustible liquids in aboveground storage tanks and retaining fees.

Also: That the Senate has on February 17, 2010, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 2008, a joint resolution nullifying rules adopted by the educational examiners board, and relating to the contents of a complaint notice, and including effective date provisions.

Also: That the Senate has on February 17, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2178, a bill for an act relating to textbooks and laptop computers or other personal portable computing devices adopted for use by school districts and provided to public and accredited nonpublic school students.

Also: That the Senate has on February 17, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2179, a bill for an act concerning the use of child restraint systems or seat belts by motor vehicle passengers who are minors and making a penalty applicable.

Also: That the Senate has on February 17, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2344, a bill for an act relating to the violator facility established within the department of corrections.

Also: That the Senate has on February 17, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2350, a bill for an act relating to prohibited contracts and activities for civil service commissioners.

Also: That the Senate has on February 17, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2352, a bill for an act relating to the emergency hospitalization of a person with a serious mental impairment.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS Regular Calendar

House File 2196, a bill for an act relating to economic development including changes to the administration of certain economic development programs and to the terms served by members of the economic development board and including effective date provisions, was taken up for consideration.

SENATE FILE 2076 SUBSTITUTED FOR HOUSE FILE 2196

Thomas of Clayton asked and received unanimous consent to substitute Senate File 2076 for House File 2196.

Senate File 2076, a bill for an act relating to economic development including changes to the administration of certain economic development programs and to the terms served by members of the economic development board and including effective date provisions, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2076)

The ayes were, 93:

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

The nays were, none.

Absent or not voting, 7:

Bailey	Ford	Miller, L.	Quirk
Raecker	Upmeyer	Wendt	

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

House File 2310, a bill for an act relating to raising or releasing pen-reared pheasants originating from a hatchery approved by the department of natural resources, with report of committee recommending amendment and passage, was taken up for consideration.

Beard of Winneshiek 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. 2310)

The ayes were, 93:

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

The nays were, none.

Absent or not voting, 7:

Bailey	Ford	Miller, L.	Quirk
Raecker	Upmeyer	Wendt	

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

House File 2370, a bill for an act relating to enterprise zones by extending the application deadline for certification of enterprise zones and by updating certain fiscal year limitations, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2370)

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	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
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	Reichert	Roberts	Running-Marquardt
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor	Thede	Thomas	Tjepkes
Tymeson	Van Engelenhoven	Wagner	Watts
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, none.

Absent or not voting, 7:

Ford	Kearns	Miller, L.	Quirk
Raecker	Upmeyer	Wendt	

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

House File 2403, a bill for an act making changes to the uniform controlled substances Act, was taken up for consideration.

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?" (H.F. 2403)

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

The nays were, none.

Absent or not voting, 6:

Ford	Miller, L.	Quirk	Raecker
Upmeyer	Wendt		

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

SPECIAL PRESENTATION

Speaker Murphy introduced to the House, the Honorable Bob Osterhaus, former state representative from Jackson County.

The House rose and expressed its welcome.

House File 2405, a bill for an act relating to the confidentiality of information disclosed pursuant to applications for broadband technology project grants, and projects undertaken pursuant thereto, and including effective date and applicability provisions, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2405)

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	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Rants
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Sands	Schueller	Schulte

Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor	Thede	Thomas
Tjepkes	Tymeson	Van Engelenhoven	Wagner
Watts	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mr. Speaker Murphy		

The nays were, none.

Absent or not voting, 6:

Ford	Miller, L.	Quirk	Raecker
Upmeyer	Wendt		

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

House File 2406, a bill for an act requiring the department of veterans affairs to promote and support the preservation of the U.S.S. Iowa as a naval museum, was taken up for consideration.

Bailey of Hamilton 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. 2406)

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	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Rants
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg

Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor	Thede	Thomas
Tjepkes	Tymeson	Van Engelenhoven	Wagner
Watts	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, none.

Absent or not voting, 6:

Ford	Miller, L.	Quirk	Raecker
Upmeyer	Wendt		

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

Unfinished Business Calendar

The House resumed consideration of **House File 785**, a bill for an act relating to lead wheel weights on state-owned motor vehicles, previously deferred and found on page 799 of the February 17, 2010 House Journal.

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?" (H.F. 785)

The ayes were, 58:

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

The nays were, 38:

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

Absent or not voting, 4:

Ford	Quirk	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 MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 785, 2310, 2370, 2403, 2405, 2406** and **Senate File 2076**.

On motion by McCarthy of Polk, the House was recessed at 10:21 a.m., until 4:30 p.m.

AFTERNOON SESSION

The House reconvened at 4:41 p.m. Palmer of Mahaska in the chair.

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 February 18, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2253, a bill for an act relating to Iowa's uniform disclaimer of property interest Act.

Also: That the Senate has on February 18, 2010 passed the following bill in which the concurrence of the House is asked:

Senate File 2150, a bill for an act relating to intermediate driver's licenses and special minor's licenses, making a penalty applicable, and including effective date provisions.

Also: That the Senate has on February 18, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2248, a bill for an act relating to permits issued under the national pollutant discharge elimination system, and making penalties applicable.

Also: That the Senate has on February 18, 2010, passed the following bill in which the concurrence of the House is 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 February 18, 2010, passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on February 18, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2270, a bill for an act relating to workplace accommodations for employees who express breast milk.

Also: That the Senate has on February 18, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2272, a bill for an act relating to the Iowa life and health insurance guaranty association regarding coverage, benefits, duties, powers, rights, the operation of the Iowa life and health insurance guaranty association, and the coordination of coverage and benefits with those of similar associations of other states, and to the Iowa insurance guaranty association with respect to covered claims, benefits, limitations, duties, and powers of the Iowa insurance guaranty association, and coordination and cooperation by it with similar associations of other states.

Also: That the Senate has on February 18, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2273, a bill for an act relating to a study regarding implementation of electronic registration and titling of vehicles.

Also: That the Senate has on February 18, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2279, a bill for an act extending the voluntary shared unemployment compensation work program for additional weeks.

Also: That the Senate has on February 18, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2291, a bill for an act relating to special education rights and duties and to the related duties and operations of the department of education and local school boards.

Also: That the Senate has on February 18, 2010, passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on February 18, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2299, a bill for an act relating to grain transactions by regulating grain dealers and warehouse operators, providing for fees, and making penalties applicable.

Also: That the Senate has on February 18, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2300, a bill for an act relating to the service of notice requirements for landlords and tenants and the service of notice requirements in an action for forcible entry and detainer and including effective date provisions.

Also: That the Senate has on February 18, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2303, a bill for an act relating to detainers lodged against parolees in this state.

Also: That the Senate has on February 18, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2304, a bill for an act relating to vehicular accident reporting requirements by increasing the minimum amount of property damage necessitating a written report.

Also: That the Senate has on February 18, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2317, a bill for an act authorizing the creation of watershed management authorities.

Also: That the Senate has on February 18, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2340, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update

ongoing provisions, or remove ambiguities, and including effective date and applicability provisions.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House Joint Resolution 2017, by Thomas, Ficken, Schueller, Swaim and Hanson, a joint resolution nullifying Iowa administrative code chapters implementing statutory provisions concerning state electrical inspections, and including effective date provisions.

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

House File 2493, by committee on state government, a bill for an act concerning live dog racing at pari-mutuel dog racetracks, and including effective date provisions.

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

House File 2494, by committee on state government, a bill for an act relating to the licensing of midwives and providing for a fee and a penalty, and including effective date provisions.

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

House File 2495, by committee on judiciary, a bill for an act specifying those authorized to solemnize marriages in this state, and including effective date provisions.

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

House File 2496, by committee on environmental protection, a bill for an act relating to recycling initiatives.

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

House File 2497, by committee on education, a bill for an act relating to special education rights and duties and to the related duties and operations of the department of education and local school boards.

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

House File 2498, by committee on transportation, a bill for an act relating to the contents of certain motor carrier transportation contracts by declaring certain indemnity provisions to be unlawful and void.

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

House File 2499, by committee on veterans affairs, a bill for an act requiring the department of veterans affairs to provide copies of certain discharge documents to the county commissions of veteran affairs.

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

House File 2500, by committee on rebuild Iowa and disaster recovery, a bill for an act relating to the purchase and sale of disaster-affected property by local governments.

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

House File 2501, by committee on public safety, a bill for an act relating to a pilot project involving the use of photo traffic enforcement in road work zones on primary highways.

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

House File 2502, by committee on state government, a bill for an act concerning public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the statewide fire and police retirement system, making appropriations, and including effective date and retroactive applicability provisions.

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

House File 2503, by committee on natural resources, a bill for an act creating a natural resources and outdoor recreation trust fund to implement a proposed amendment to the Constitution of the State of Iowa, and providing for contingent implementation.

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

House File 2504, by committee on rebuild Iowa and disaster recovery, a bill for an act enhancing criminal fines and penalties in disaster areas, providing penalties, and including effective date provisions.

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

SENATE MESSAGES CONSIDERED

Senate Joint Resolution 2008, by committee on education, a joint resolution nullifying rules adopted by the educational examiners board, and relating to the contents of a complaint notice, and including effective date provisions.

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

Senate File 2178, by committee on education, a bill for an act relating to textbooks and laptop computers or other personal portable computing devices adopted for use by school districts and provided to public and accredited nonpublic school students.

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

Senate File 2179, by committee on transportation, a bill for an act concerning the use of child restraint systems or seat belts by motor vehicle passengers who are minors and making a penalty applicable.

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

Senate File 2344, by committee on judiciary, a bill for an act relating to the violator facility established within the department of corrections.

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

Senate File 2350, by committee on local government, a bill for an act relating to prohibited contracts and activities for civil service commissioners.

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

SENATE FILE 2067 REFERRED

The Speaker announced that Senate File 2067, previously referred to committee on **state government** was **passed on file**.

SENATE FILE 2128 REFERRED

The Speaker announced that Senate File 2128, previously referred to committee on **state government** was **passed on file**.

SENATE FILE 2220 REFERRED

The Speaker announced that Senate File 2220, previously referred to committee on **transportation** was **passed on file**.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 17, 2010, he approved and transmitted to the Secretary of State the following bill:

Senate File 2108, an Act relating to artisan's liens and Iowa's consumer frauds Act and making remedies applicable and including effective date provisions.

SUBCOMMITTEE ASSIGNMENTS**House File 2088**

Ways and Means: T. Olson, Chair; Pettengill and Willems.

House File 2156

Ways and Means: D. Olson, Chair; Hagenow and Shomshor.

House File 2341

Ways and Means: Isenhart, Chair; Steckman and Wagner.

House File 2347

Ways and Means: Shomshor, Chair; Reasoner and Wagner.

House File 2349

Ways and Means: Shomshor, Chair; Forristall and Reasoner.

House File 2366

Ways and Means: Shomshor, Chair; Reasoner and Sands.

House File 2425

Commerce: Petersen, Chair; Reichert and Wagner.

House File 2429

Ways and Means: Bukta, Chair; Shomshor and Windschitl.

House File 2430

Ways and Means: Frevert, Chair; Kaufmann and Shomshor.

Senate File 2073

Commerce: Kressig, Chair; Sands and Shomshor.

Senate File 2095

Public Safety: Whitead, Chair; Kuhn and Tjepkes.

Senate File 2157

Commerce: Wenthe, Chair; Helland and Jacoby.

Senate File 2175

Veterans Affairs: Isenhart, Chair; Kearns and Sweeney.

Senate File 2193

Labor: Willems, Chair; Cownie and Kearns.

Senate File 2201

Commerce: Oldson, Chair; Pettengill and Wenthe.

Senate File 2215

Judiciary: Smith, Chair; Horbach and Swaim.

Senate File 2218

State Government: Gaskill, Chair; Beard and Schulte.

Senate File 2223

Judiciary: Wessel-Kroeschell, Chair; Lensing and Schultz.

Senate File 2226

Judiciary: T. Olson, Chair; Schulte and Willems.

Senate File 2286

Labor: Abdul-Samad, Chair; Hunter and Watts.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 705

Ways and Means: Steckman, Chair; Helland and Isenhardt.

House Study Bill 720

Ways and Means: Shomshor, Chair; Reasoner and Sands.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 727 Environmental Protection

Appropriating funds to award grants to Iowa community colleges in order to implement recommendations from the governor's green jobs task force and reach underserved populations.

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 2151, a bill for an act relating to public funding and regulatory matters by making and revising appropriations made for purposes of health and human services and providing effective dates.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 2010.

AMENDMENTS FILED

H—8163	H.F.	2324	Zirkelbach of Jones
H—8164	H.F.	2402	T. Olson of Linn
H—8165	H.F.	2324	Kuhn of Floyd
H—8166	H.F.	2467	Quirk of Chickasaw
H—8167	H.F.	2348	Huser of Polk
H—8168	H.F.	2492	Arnold of Lucas
H—8169	H.F.	2470	Gaskill of Wapello
H—8170	H.F.	2463	Isenhart of Dubuque

On motion by McCarthy of Polk the House adjourned at 4:49 p.m., until 9:00 a.m., Friday, February 19, 2010.

JOURNAL OF THE HOUSE

Fortieth Calendar Day - Twenty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 19, 2010

The House met pursuant to adjournment at 9:28 a.m., Mertz of Kossuth in the chair.

Prayer was offered by the Honorable Dolores Mertz, state representative from Kossuth County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Dolores Mertz of Kossuth County.

The Journal of Thursday, February 18, 2010 was approved.

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 February 18, 2010, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2076, a bill for an act establishing an Iowa innovation council in the department of economic development.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

Senate File 2150, by committee on transportation, a bill for an act relating to intermediate driver's licenses and special minor's licenses, making a penalty applicable, and including effective date provisions.

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

Senate File 2272, by committee on commerce, a bill for an act relating to the Iowa life and health insurance guaranty association

regarding coverage, benefits, duties, powers, rights, the operation of the Iowa life and health insurance guaranty association, and the coordination of coverage and benefits with those of similar associations of other states, and to the Iowa insurance guaranty association with respect to covered claims, benefits, limitations, duties, and powers of the Iowa insurance guaranty association, and coordination and cooperation by it with similar associations of other states.

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

Senate File 2273, by committee on transportation, a bill for an act relating to a study regarding implementation of electronic registration and titling of vehicles, and containing effective date provisions.

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

Senate File 2279, by committee on labor and business relations, a bill for an act relating to voluntary shared work plans under the unemployment compensation program.

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

Senate File 2291, by committee on education, a bill for an act relating to special education rights and duties and to the related duties and operations of the department of education and local school boards.

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

Senate File 2297, by committee on veterans affairs, a bill for an act concerning veterans and military service, including waivers and refunds of certain fees, use of state facilities, public utility disconnection of service, and declarations for disposition of remains.

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

Senate File 2299, by committee on agriculture, a bill for an act relating to grain transactions by regulating grain dealers and warehouse operators, providing for fees, and making penalties applicable.

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

Senate File 2300, by committee on judiciary, a bill for an act relating to the service of notice requirements for landlords and tenants and the service of notice requirements in an action for forcible entry and detainer and including effective date

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

Senate File 2303, by committee on judiciary, a bill for an act relating to detainers lodged against parolees in this state.

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

Senate File 2304, by committee on judiciary, a bill for an act relating to vehicular accident reporting requirements by increasing the minimum amount of property damage necessitating a written report.

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

Senate File 2317, by committee on rebuild Iowa, a bill for an act authorizing the creation of watershed management authorities.

Read first time and referred to committee on **rebuild Iowa and disaster recovery.**

Senate File 2340, by committee on judiciary, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and applicability provisions.

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

SUBCOMMITTEE ASSIGNMENTS

Senate File 285

Judiciary: Palmer, Chair; Schulte and Smith.

Senate File 2188

Transportation: Quirk, Chair; Kelley and Tjepkes.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 727

Environmental Protection: Hanson, Chair; D. Olson and S. Olson.

AMENDMENT FILED

H—8171 H.F. 2076 Senate Amendment

On motion by Hunter of Polk the House adjourned at 9:34 a.m., until 1:00 p.m., Monday, February 22, 2010.

JOURNAL OF THE HOUSE

Forty-third Calendar Day - Thirtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 22, 2010

The House met pursuant to adjournment at 1:06 p.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Chris Piersma, pastor of Trinity Reformed Church, Pella. He was the guest of Representative Jim Van Engelenhoven from Marion County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alex Conner, House Page from West Burlington.

The Journal of Friday, February 19, 2010 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

H. Miller of Webster on request of McCarthy of Polk.

INTRODUCTION OF BILLS

House File 2505, by committee on environmental protection, a bill for an act providing for the application of pesticides by commercial applicators using an aircraft, providing penalties, and including effective date provisions.

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

House File 2506, by Isenhart, a bill for an act providing for the adoption and implementation of complete streets policies applicable to certain highway projects.

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

SENATE MESSAGES CONSIDERED

Senate File 2248, by committee on environment and energy independence, a bill for an act relating to permits issued under the national pollutant discharge elimination system, and making penalties applicable.

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

Senate File 2250, by committee on judiciary, a bill for an act creating the criminal offense of robbery in the third degree, and providing a penalty.

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

Senate File 2265, by committee on rebuild Iowa, 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.

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

The House stood at ease at 1:14 p.m., until the fall of the gavel.

The House resumed session at 3:28 p.m., Zirkelbach of Jones in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cohoon of Des Moines, Wendt of Woodbury and Willems of Linn, on request of Murphy of Dubuque; Rants of Woodbury and Sweeney of Hardin on request of Paulsen of Linn.

CONSIDERATION OF BILLS
Regular Calendar

House File 2383, a bill for an act relating to employment practices and public safety programs administered by the division of labor services of the department of workforce development, was taken up for consideration.

Kearns of Lee offered the following amendment H-8144 filed by him and moved its adoption:

H-8144

- 1 Amend House File 2383 as follows:
- 2 1. Page 3, by striking lines 23 through 34.

Amendment H-8144 was adopted.

SENATE FILE 2181 SUBSTITUTED FOR HOUSE FILE 2383

Kearns of Lee asked and received unanimous consent to substitute Senate File 2181 for House File 2383.

Senate File 2181, a bill for an act relating to employment practices and public safety programs administered by the division of labor services of the department of workforce development, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2181)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhart	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Sands
Schueller	Schulte	Schultz	Shomshor

Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe
Wessel-Kroeschell	Whitead	Winckler	Windschitl
Worthan	Zirkelbach, Presiding		

The nays were, none.

Absent or not voting, 6:

Cohoon	Miller, H.	Rants	Sweeney
Wendt	Willems		

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

HOUSE FILE 2383 WITHDRAWN

Kearns of Lee asked and received unanimous consent to withdraw House File 2383 from further consideration by the House.

House File 2407, a bill for an act establishing certain definitions relating to instruments affecting real estate and specifying information to be contained in index records, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2407)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam

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

The nays were, none.

Absent or not voting, 6:

Cohoon	Miller, H.	Rants	Sweeney
Wendt	Willems		

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

McCarthy of Polk asked and received unanimous consent that House File 2408 be deferred and that the bill retain its place on the calendar.

House File 2409, a bill for an act eliminating specified mortgage loan disclosure statement filing requirements applicable to financial institutions, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2409)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens

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

The nays were, none.

Absent or not voting, 6:

Cohoon	Miller, H.	Rants	Sweeney
Wendt	Willems		

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

House File 2422, a bill for an act relating to disaster recovery case management, was taken up for consideration.

Running-Marquardt 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?" (H.F. 2422)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhart	Jacoby	Kaufmann

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

The nays were, none.

Absent or not voting, 6:

Cohoon	Miller, H.	Rants	Sweeney
Wendt	Willems		

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

House File 2433, a bill for an act relating to rights of persons with disabilities, was taken up for consideration.

SENATE FILE 2202 SUBSTITUTED FOR HOUSE FILE 2433

Heddens of Story asked and received unanimous consent to substitute Senate File 2202 for House File 2433.

Senate File 2202, a bill for an act relating to rights of persons with disabilities, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2202)

The ayes were, 94:

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

The nays were, none.

Absent or not voting, 6:

Cohoon	Miller and H.	Rants	Sweeney
Wendt	Willems		

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

HOUSE FILE 2433 WITHDRAWN

Heddens of Story asked and received unanimous consent to withdraw House File 2433 from further consideration by the House.

House File 2434, a bill for an act relating to the service of notice requirements for landlords and tenants and the service of notice requirements in an action for forcible entry and detainer and including effective date provisions, was taken up for consideration.

SENATE FILE 2300 SUBSTITUTED FOR HOUSE FILE 2434

Palmer of Mahaska asked and received unanimous consent to substitute Senate File 2300 for House File 2434.

Senate File 2300, a bill for an act relating to the service of notice requirements for landlords and tenants and the service of notice requirements in an action for forcible entry and detainer and including effective date provisions, was taken up for consideration.

Palmer of Mahaska 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. 2300)

The ayes were, 94:

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

The nays were, none.

Absent or not voting, 6:

Cohoon	Miller, H.	Rants	Sweeney
Wendt	Willems		

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2407, 2409, 2422, Senate Files 2181, 2202 and 2300.**

HOUSE FILE 2434 WITHDRAWN

Palmer of Mahaska asked and received unanimous consent to withdraw House File 2434 from further consideration by the House.

House File 2435, a bill for an act relating to grain transactions by regulating grain dealers and warehouse operators, providing for fees, and making penalties applicable, was taken up for consideration.

SENATE FILE 2299 SUBSTITUTED FOR HOUSE FILE 2435

Reasoner of Union asked and received unanimous consent to substitute Senate File 2299 for House File 2435.

Senate File 2299, a bill for an act relating to grain transactions by regulating grain dealers and warehouse operators, providing for fees, and making penalties applicable, was taken up for consideration.

Reasoner of Union 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. 2299)

The ayes were, 93:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell

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

The nays were, none.

Absent or not voting, 7:

Cohoon	Miller, H.	Rants	Steckman
Sweeney	Wendt	Willems	

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

HOUSE FILE 2435 WITHDRAWN

Reasoner of Union asked and received unanimous consent to withdraw House File 2435 from further consideration by the House.

House File 2438, a bill for an act relating to the criminal offense of enticing or attempting to entice a minor and providing penalties, 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?" (H.F. 2438)

The ayes were, 93:

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

The nays were, none.

Absent or not voting, 7:

Cohoon	Miller, H.	Petersen	Rants
Sweeney	Wendt	Willems	

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

House File 2441, a bill for an act relating to campaign finance requirements and reporting, was taken up for consideration.

SENATE FILE 2195 SUBSTITUTED FOR HOUSE FILE 2441

Beard of Winneshiek asked and received unanimous consent to substitute Senate File 2195 for House File 2441.

Senate File 2195, a bill for an act relating to campaign finance requirements and reporting, was taken up for consideration.

Beard of Winneshiek 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. 2195)

The ayes were, 94:

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

The nays were, none.

Absent or not voting, 6:

Cohoon	Miller, H.	Rants	Sweeney
Wendt	Willems		

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

HOUSE FILE 2441 WITHDRAWN

Beard of Winneshiek asked and received unanimous consent to withdraw House File 2441 from further consideration by the House.

House File 2454, a bill for an act providing for the development of programs to attract qualified disabled veterans for job opportunities in state government, was taken up for consideration.

Chambers of O'Brien 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. 2454)

The ayes were, 94:

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

The nays were, none.

Absent or not voting, 6:

Cohoon	Miller, H.	Rants	Sweeney
Wendt	Willems		

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

House File 2458, a bill for an act relating to restrictions on mowing within the right-of-way of interstates, primary highways, and secondary roads, was taken up for consideration.

Beard of Winneshiek 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. 2458)

The ayes were, 66:

Abdul-Samad	Anderson	Arnold	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Cownie	Deyoe
Dolecheck	Drake	Ficken	Ford
Frevert	Gaskill	Gayman	Hanson
Heaton	Heddens	Hunter	Huser
Isenhart	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	May	McCarthy
Mertz	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Raecker	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Schueller
Shomshor	Smith	Soderberg	Steckman
Struyk	Taylor	Thede	Thomas
Tjepkes	Wenthe	Wessel-Kroeschell	Whitead
Winckler	Zirkelbach, Presiding		

The nays were, 28:

Alons	Chambers	De Boef	Forristall
Grassley	Hagenow	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
Miller, L.	Olson, S.	Paulsen	Pettengill
Sands	Schulte	Schultz	Sorenson
Swaim	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

Absent or not voting, 6:

Cohoon	Miller, H.	Rants	Sweeney
Wendt	Willems		

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

House File 2464, a bill for an act relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability, was taken up for consideration.

Wessel-Kroeschell of Story offered the following amendment H-8159 filed by the committee on judiciary and moved its adoption:

H-8159

- 1 Amend House File 2464 as follows:
- 2 1. Page 27, by striking lines 20 through 24.
- 3 2. By renumbering as necessary.

The committee amendment H-8159 was adopted.

SENATE FILE 2237 SUBSTITUTED FOR HOUSE FILE 2464

Wessel-Kroeschell of Story asked and received unanimous consent to substitute Senate File 2237 for House File 2464.

Senate File 2237, a bill for an act relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2237)

The ayes were, 93:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.

Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Struyk
Swaim	Taylor	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wenthe	Wessel-Kroeschell
Whitead	Winckler	Windschitl	Worthan
Zirkelbach, Presiding			

The nays were, none.

Absent or not voting, 7:

Cohoon	Miller, H.	Rants	Steckman
Sweeney	Wendt	Willems	

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

House File 2465, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and applicability provisions, was taken up for consideration.

Wessel-Kroeschell of Story offered the following amendment H-8160 filed by the committee on judiciary and moved its adoption:

H-8160

1 Amend House File 2465 as follows:
2 1. Page 11, after line 3 by inserting:
3 <Sec. ____ Section 252F.3, subsection 5, Code
4 Supplement 2009, is amended to read as follows:
5 5. If a timely written response and request for a
6 court hearing is not received by the unit and a party
7 does not deny paternity, the administrator shall enter
8 an order in accordance with section 252F.4.
9 6. a. If a party contests the establishment of
10 paternity, the party shall submit, within twenty
11 days of service of the notice on the party under
12 subsection 1, a written statement contesting paternity
13 establishment to the unit. Upon receipt of a written
14 challenge of paternity establishment, or upon
15 initiation by the unit, the administrator shall enter
16 ex parte administrative orders requiring the mother,

17 child or children involved, and the putative father
18 to submit to paternity testing. Either the mother
19 or putative father may contest paternity under this
20 chapter.

21 b. The orders shall be filed with the clerk of the
22 district court in the county where the notice was filed
23 and have the same force and effect as a court order for
24 paternity testing.

25 c. The unit shall issue copies of the respective
26 administrative orders for paternity testing to the
27 mother and putative father in person, or by regular
28 mail to the last known address of each, or if
29 applicable, to the last known address of the attorney
30 for each.

31 d. If a paternity test is ordered under this
32 section, the administrator shall direct that inherited
33 characteristics be analyzed and interpreted, and shall
34 appoint an expert qualified as an examiner of genetic
35 markers to analyze and interpret the results. The
36 test shall be of a type generally acknowledged as
37 reliable by accreditation entities designated by the
38 secretary of the United States department of health and
39 human services and shall be performed by a laboratory
40 approved by an accreditation entity.

41 e. The party contesting paternity shall be provided
42 one opportunity to reschedule the paternity testing
43 appointment if the testing is rescheduled prior to the
44 date of the originally scheduled appointment.

45 f. An original copy of the test results shall
46 be filed with the clerk of the district court in the
47 county where the notice was filed. The child support
48 recovery unit shall issue a copy of the filed test
49 results to each party in person, or by regular mail
50 to the last known address of each, or if applicable,

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1 to the last known address of the attorney for each.
2 However, if the action is the result of a request from
3 a foreign jurisdiction, the unit shall issue a copy of
4 the results to the initiating agency in that foreign
5 jurisdiction.

6 g. Verified documentation of the chain of custody
7 of the blood or genetic specimens is competent evidence
8 to establish the chain of custody. The testimony of
9 the appointed expert is not required. A verified
10 expert's report of test results which indicate a
11 statistical probability of paternity is sufficient
12 authenticity of the expert's conclusion.

13 h. A verified expert's report shall be admitted as
14 evidence to establish administrative paternity, and,
15 if a court hearing is scheduled to resolve the issue

16 of paternity, shall be admitted as evidence and is
17 admissible at trial.

18 i. If the verified expert concludes that the test
19 results show that the putative father is not excluded
20 and that the probability of the putative father's
21 paternity is ninety-five percent or higher, there shall
22 be a rebuttable presumption that the putative father
23 is the biological father, and the evidence shall be
24 sufficient as a basis for administrative establishment
25 of paternity.

26 (1) In order to challenge the presumption of
27 paternity, a party shall file a written notice of the
28 challenge with the district court within twenty days
29 from the date the paternity test results are issued or
30 mailed to all parties by the unit. Any challenge to
31 a presumption of paternity resulting from paternity
32 tests, or to paternity test results filed after
33 the lapse of the twenty-day time frame shall not be
34 accepted or admissible by the unit or the court.

35 (2) A copy of the notice challenging the
36 presumption of paternity shall be provided to any other
37 party in person, or by mailing the notice to the last
38 known address of each party, or if applicable, to the
39 last known address of each party's attorney.

40 (3) The party challenging the presumption of
41 paternity has the burden of proving that the putative
42 father is not the father of the child.

43 (4) The presumption of paternity may be rebutted
44 only by clear and convincing evidence.

45 j. If the verified expert concludes that the
46 test results indicate that the putative father
47 is not excluded and that the probability of the
48 putative father's paternity is less than ninety-five
49 percent, the administrator shall order a subsequent
50 administrative paternity test or certify the case to

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1 the district court for resolution in accordance with
2 the procedures and time frames specified in paragraph
3 "i" and section 252F.5.

4 k. If the results of the test or the verified
5 expert's analysis are timely challenged as provided in
6 this subsection, the administrator, upon the request
7 of a party and advance payment by the contestant or
8 upon the unit's own initiative, shall order that an
9 additional test be performed by the same laboratory or
10 an independent laboratory. If the party requesting
11 additional testing does not advance payment, the
12 administrator shall certify the case to the district
13 court in accordance with paragraph "i" and section
14 252F.5.

15 1. When a subsequent paternity test is conducted,
16 the time frames in this chapter associated with
17 paternity tests shall apply to the most recently
18 completed test.

19 m. If the paternity test results exclude the
20 putative father as a potential biological father of
21 the child or children, and additional tests are not
22 requested by either party or conducted on the unit's
23 initiative, or if additional tests exclude the putative
24 father as a potential biological father, the unit shall
25 withdraw its action against the putative father and
26 shall file a notice of the withdrawal with the clerk
27 of the district court, and shall provide a copy of the
28 notice to each party in person, or by regular mail sent
29 to each party's last known address, or if applicable,
30 the last known address of the party's attorney.

31 n. Except as provided in paragraph "k", the unit
32 shall advance the costs of genetic testing. If
33 paternity is established and paternity testing was
34 conducted, the unit shall enter an order or, if the
35 action proceeded to a court hearing, request that the
36 court enter a judgment for the costs of the paternity
37 tests consistent with applicable federal law. In a
38 proceeding under this chapter, a copy of a bill for
39 genetic testing shall be admitted as evidence without
40 requiring third-party foundation testimony and shall
41 constitute prima facie evidence of the amount incurred
42 for genetic testing.>

43 2. By renumbering as necessary.

The committee amendment H-8160 was adopted.

SENATE FILE 2340 SUBSTITUTED FOR HOUSE FILE 2465

Wessel-Kroeschell of Story asked and received unanimous consent to substitute Senate File 2340 for House File 2465.

Senate File 2340, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and applicability provisions, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2340)

The ayes were, 94:

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

The nays were, none.

Absent or not voting, 6:

Cohoon	Miller, H.	Rants	Sweeney
Wendt	Willems		

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

HOUSE FILES 2464 and 2465 WITHDRAWN

Wessel-Kroeschell of Story asked and received unanimous consent to withdraw House Files 2464 and 2465 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: **House Files 2438, 2454, 2458** and **Senate Files 2195, 2237, 2299** and **2340**.

INTRODUCTION OF BILLS

House File 2507, by committee on agriculture, a bill for an act providing for purse agreements for races of standardbred horses at county fairs.

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

House File 2508, by committee on commerce, a bill for an act relating to the adoption of local requirements for certain fire suppression systems and including effective date provisions.

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

SENATE MESSAGES CONSIDERED

Senate File 2270, by committee on labor and business relations, a bill for an act relating to workplace accommodations for employees who express breast milk.

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

Senate File 2352, by committee on judiciary, a bill for an act relating to the emergency hospitalization of a person with a serious mental impairment.

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

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 February 22, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2280, a bill for an act providing for the treatment of animals other than agricultural animals, by providing for regulation of commercial establishments, providing for reporting of threatened animals, providing for fees, providing penalties, and including effective date provisions.

Also: That the Senate has on February 22, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2380, a bill for an act providing for the taking of crops on land classified as a farm tenancy.

Also: That the Senate has on February 22, 2010, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 2007, a joint resolution supporting the preservation efforts for the Battleship Iowa, BB-61.

Also: That the Senate has on February 22, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2313, a bill for an act modifying provisions applicable to the formation and operation of electric power agencies.

Also: That the Senate has on February 22, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2345, a bill for an act relating to judicial branch administration, child custody and visitation matters.

MICHAEL E. MARSHALL, Secretary

HOUSE FILE 2502 REFERRED

The Speaker announced that House File 2502, previously placed on the **calendar** was referred to committee on **appropriations**.

SENATE FILE 2215 REREFERRED

The Speaker announced that Senate File 2215, previously referred to committee on **judiciary** was rereferred to committee on **state government**.

SENATE FILE 2225 REFERRED

The Speaker announced that Senate File 2225, previously referred to committee on **rebuild Iowa** was **passed on file**.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 22nd day of February, 2010: House File 2075.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

SUBCOMMITTEE ASSIGNMENTS

House File 2506

Transportation: Quirk, Chair; Kelley and Tjepkes.

Senate File 2156

Human Resources: Steckman, Chair; T. Olson and Upmeyer.

Senate File 2158

Human Resources: Berry, Chair; Koester and Mascher.

Senate File 2179

Transportation: Hanson, Chair; Abdul-Samad and Tjepkes.

Senate File 2273

Transportation: Marek, Chair; Arnold and Kelley.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 728 Appropriations

Relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants, the federal American Recovery and Reinvestment Act of 2009, and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, and including effective date and retroactive applicability provisions.

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 JUDICIARY

Senate File 431, a bill for an act relating to the reorganization of operating-while-intoxicated criminal offenses, making related changes, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8172** February 18, 2010.

COMMITTEE ON WAYS AND MEANS

House File 816, a bill for an act allowing the department of revenue to subpoena certain customer records of individuals owing taxes, penalties, or interest and including an effective date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8176** February 17, 2010.

RESOLUTION FILED

HR 114, by Ford, a resolution to encourage the members of Iowa's congressional delegation to support Project 2020.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-8172	S.F.	431	Committee on Judiciary
H-8173	H.F.	2420	Mascher of Johnson
H-8174	H.F.	2456	Hanson of Jefferson Tjepkes of Webster
H-8175	H.F.	2297	Mascher of Johnson
H-8176	H.F.	816	Committee on Ways and Means
H-8177	H.F.	2382	Hunter of Polk
H-8178	H.F.	2408	Whitead of Woodbury
H-8179	H.F.	2468	May of Dickinson
H-8180	S.F.	153	L. Miller of Scott
H-8181	H.F.	2492	May of Dickinson
H-8182	H.F.	2436	Hagenow of Polk
H-8183	H.F.	2420	Raecker of Polk
H-8184	H.F.	2442	Huser of Polk
H-8185	H.F.	2442	Huser of Polk
H-8186	H.F.	2461	Cownie of Polk

H—8187	S.F.	2250	Struyk of Pottawattamie
H—8188	H.F.	2456	Heaton of Henry
H—8189	S.F.	2291	May of Dickinson Abdul-Samad
H—8190	H.F.	2476	Soderberg of Plymouth
H—8191	H.F.	2456	Windschitl of Harrison
H—8192	H.F.	2437	Huser of Polk
H—8193	H.F.	2456	Raecker of Polk
H—8194	H.F.	2229	Struyk of Pottawattamie
H—8195	H.F.	2456	Windschitl of Harrison

On motion by McCarthy of Polk the House adjourned at 5:00 p.m., until 9:00 a.m., Tuesday, February 23, 2010.

JOURNAL OF THE HOUSE

Forty-fourth Calendar Day - Thirty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 23, 2010

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

Prayer was offered by Reverend Richard Pokora, pastor of the Redeemer Lutheran Church, Bettendorf. He was the guest of Representative Linda Miller of Scott County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Macki Ditch, the Speakers Page from Anamosa.

The Journal of Monday, February 22, 2010 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Anderson of Page and Worthan of Buena Vista on request of Paulsen of Linn; Kuhn of Floyd 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 February 22, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2282, a bill for an act relating to judgment liens on homesteads.

Also: That the Senate has on February 18, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2376, a bill for an act providing for the severance and annexation of real property upon petition of the real property owners and approval of the city development board.

Also: That the Senate has on February 22, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2407, a bill for an act establishing certain definitions relating to instruments affecting real estate and specifying information to be contained in index records.

Also: That the Senate has on February 22, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2200, a bill for an act relating to transfer of guardianship for a child in need of assistance to the probate court.

Also: That the Senate has on February 22, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2243, a bill for an act regarding matters under the purview of the department of natural resources, and including effective date provisions.

Also: That the Senate has on February 22, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2246, a bill for an act relating to the regulation of motor vehicles by the department of transportation, including clarification of the definition of business-trade truck and requirements for the issuance of temporary persons with disabilities parking permits.

Also: That the Senate has on February 22, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2274, a bill for an act relating to certain national security and military education benefits and programs.

Also: That the Senate has on February 22, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2295, a bill for an act providing for the development of programs to attract qualified disabled veterans for job opportunities in state government.

Also: That the Senate has on February 22, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2298, a bill for an act relating to the attendance of a child at juvenile court hearings or meetings during the pendency of a child in need of assistance case.

Also: That the Senate has on February 22, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2325, a bill for an act relating to the practice of mortuary science and to the preneed sale of cemetery and funeral merchandise and funeral services and providing a penalty.

Also: That the Senate has on February 22, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2326, a bill for an act modifying disciplinary provisions applicable to real estate brokers and salespersons.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 2509, by Ford, a bill for an act relating to the utilization of minority-owned and female-owned businesses for certain public work related to the issuance of bonds and obligations and activities of certain retirement systems and requiring the treasurer of state to maintain a list of certain minority-owned and female-owned businesses.

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

House File 2510, by Steckman, a bill for an act relating to retailers maintaining a place of business in this state for purposes of the collection of sales and use taxes.

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

SENATE MESSAGES CONSIDERED

Senate Joint Resolution 2007, by committee on veterans affairs a joint resolution supporting the preservation efforts for the Battleship Iowa, BB-61.

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

Senate File 2313, by committee on environment and energy independence, a bill for an act modifying provisions applicable to the formation and operation of electric power agencies.

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

Senate File 2345, by committee on judiciary, a bill for an act relating to judicial branch administration, child custody and visitation matters.

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

On motion by Jacoby of Johnson, the House was recessed at 9:14 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:03 p.m., Speaker Murphy in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Sweeney of Hardin on request of Paulsen of Linn and Cohoon of Des Moines on request of McCarthy of Polk.

QUORUM CALL

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

CONSIDERATION OF BILLS

Regular Calendar

House File 2144, a bill for an act relating to health-related activities and regulation by the department of public health, and making penalties applicable, was taken up for consideration.

Ford of Polk asked and received unanimous consent to withdraw amendment H-8052 filed by him on February 8, 2010.

Chambers of O'Brien asked and received unanimous consent to withdraw amendment H-8112 filed by him, Dolecheck of Ringgold and Alons of Sioux on February 15, 2010.

Ford of Polk offered the following amendment H-8113 filed by him and moved its adoption:

H-8113

- 1 Amend House File 2144 as follows:
- 2 1. Page 3, after line 12 by inserting:
- 3 <Sec. ____. Section 135.161, Code 2009, is amended
- 4 by adding the following new subsection:
- 5 NEW SUBSECTION. 5. Following the initial

6 submission of recommendations pursuant to subsection
 7 3, the council shall recommend, no later than
 8 December 15, 2011, strategies to collect and provide
 9 statistically accurate data concerning chronic
 10 disease in multicultural groups of racial and ethnic
 11 diversity in the state. Following implementation of
 12 the strategies and collection of data, the council
 13 shall also make evidence-based recommendations to the
 14 director to address and reduce identified disparities.>
 15 2. By renumbering as necessary.

Amendment H-8113 was adopted.

Hunter 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. 2144)

The ayes were, 95:

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

The nays were, none.

Absent or not voting, 5:

Anderson	Cohoon	Sweeney	Wendt
Worthan			

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

House File 2306, a bill for an act relating to judicial branch records, was taken up for consideration.

Lensing of Johnson 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. 2306)

The ayes were, 95:

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

Wessel-Kroeschell	Whitead	Willems	Winckler
Windschitl	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, none.

Absent or not voting, 5:

Anderson	Cohoon	Sweeney	Wendt
Worthan			

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

House File 2307, a bill for an act providing for restitution for Medicaid expenditures, was taken up for consideration.

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?" (H.F. 2307)

The ayes were, 93:

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

The nays were, none.

Absent or not voting, 7:

Anderson	Cohoon	Dolecheck	Shomshor
Sweeney	Wendt	Worthan	

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

House File 2318, a bill for an act relating to the limitation on length of service for city development board members and including effective date provisions, was taken up for consideration.

Windschitl of Harrison offered the following amendment H-8080 filed by him and moved its adoption:

H-8080

- 1 Amend House File 2318 as follows:
- 2 1. Page 1, line 8, by striking <six-year> and
- 3 inserting <~~six-year~~ four-year>
- 4 2. Page 1, after line 12 by inserting:
- 5 <Sec. ____ APPLICABILITY. This Act applies to
- 6 appointments to the city development board to fill
- 7 vacancies resulting from an expired term made on or
- 8 after the effective date of this Act.>
- 9 3. Title page, by striking lines 1 through 3 and
- 10 inserting: <An Act relating to the length of terms
- 11 and the limitation on length of service for city
- 12 development board members and including effective date
- 13 and applicability provisions.>
- 14 4. By renumbering as necessary.

Amendment H-8080 was adopted.

Whitead of Woodbury 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. 2318)

The ayes were, 88:

Abdul-Samad	Bailey	Baudler	Beard
Bell	Berry	Bukta	Burt
Chambers	Cownie	Deyoe	Dolecheck

Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	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	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Taylor	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Wagner	Watts
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Windschitl	Zirkelbach	Mr. Speaker Murphy

The nays were, 7:

Alons	Arnold	De Boef	Heaton
Kaufmann	Miller, L.	Tymeson	

Absent or not voting, 5:

Anderson	Cohoon	Sweeney	Wendt
Worthan			

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

House File 2321, a bill for an act relating to providing veteran services to inmates incarcerated in a jail or municipal holding facility, was taken up for consideration.

Chambers of O'Brien offered amendment H-8055 filed by him as follows:

H-8055

- 1 Amend House File 2321 as follows:
- 2 1. Page 1, line 3, before <The> by inserting <1.>
- 3 2. Page 1, line 3, after <facility> by inserting
- 4 <shall inquire whether the prisoner is a veteran, and
- 5 if so,>
- 6 3. Page 1, line 4, by striking <a> and inserting

7 <the>

8 4. Page 1, by striking lines 5 through 7 and
9 inserting <that the prisoner may be entitled to a
10 visit>

11 5. Page 1, line 9, by striking <twenty-four> and
12 inserting <seventy-two>

13 6. Page 1, lines 10 and 11, by striking <who has
14 been released from active duty within the previous five
15 years>

16 7. Page 1, after line 16 by inserting:

17 <2. As used in this section, "veteran" means a
18 person who was a member of the regular component of the
19 armed forces of the United States, national guard, or
20 reserves.>

Zirkelbach of Jones offered the following amendment H-8204, to amendment H-8055, filed by him from the floor and moved its adoption:

H-8204

1 Amend the amendment, H-8055, to House File 2321 as
2 follows:

3 1. Page 1, after line 15 by inserting:

4 <__. Page 1, line 12, by striking <inform> and
5 inserting <provide the prisoner with the contact
6 information for>

7 ___. Page 1, lines 14 and 15, by striking <that a
8 prisoner at the jail or facility is a veteran and may
9 be entitled to> and inserting <, and the prisoner shall
10 be allowed to contact the county commission of veteran
11 affairs to request>>

Amendment H-8204 was adopted.

On motion by Chambers of O'Brien, amendment H-8055, as amended, was adopted.

Zirkelbach of Jones 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. 2321)

The ayes were, 95:

Abdul-Samad
Baudler

Alons
Beard

Arnold
Bell

Bailey
Berry

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

The nays were, none.

Absent or not voting, 5:

Anderson	Cohoon	Sweeney	Wendt
Worthan			

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

McCarthy of Polk asked and received unanimous consent that House File 2348 be deferred and that the bill retain its place on the calendar.

House File 2456, a bill for an act prohibiting a person from writing or sending a text message while driving a motor vehicle and providing penalties, was taken up for consideration.

Raecker of Polk offered amendment H-8193 filed by him as follows:

H-8193

- 1 Amend House File 2456 as follows:
- 2 1. By striking everything after the enacting clause

- 3 and inserting:
 4 <Section 1. NEW SECTION. 321.371A Common sense
 5 required.
 6 A person shall use common sense at all times when
 7 the person is operating a motor vehicle.>
 8 2. Title page, by striking lines 1 through 3 and
 9 inserting <An Act requiring the use of common sense by
 10 the operator of a motor vehicle.>
 11 3. By renumbering as necessary.

Zirkelbach of Jones in the chair at 1:56 p.m.

Raecker of Polk asked and received unanimous consent that amendment H-8193 be deferred.

Rants of Woodbury asked and received unanimous consent that amendment H-8198 be deferred.

Rants of Woodbury asked and received unanimous consent that amendment H-8201 be deferred.

Rants of Woodbury offered the following amendment H-8203, to amendment H-8193, filed by him from the floor and moved its adoption:

H-8203

- 1 Amend the amendment, H-8193, to House File 2456 as
 2 follows:
 3 1. Page 1, by striking lines 2 through 11 and
 4 inserting:
 5 _____. By striking everything after the enacting
 6 clause and inserting:
 7 <Section 1. Section 321.210, subsection 2, Code
 8 2009, is amended by adding the following new paragraph:
 9 NEW PARAGRAPH. e. Violations of section 321.276.
 10 Sec. 2. NEW SECTION. 321.276 Use of electronic
 11 communications device – persons under age eighteen.
 12 1. For purposes of this section:
 13 a. "Electronic communication device" means a mobile
 14 telephone or other electronic communication device
 15 capable of being used to engage in a call or to write,
 16 send, or read a text message.
 17 b. "Engage in a call" means talking or listening on
 18 a mobile telephone or other electronic communication
 19 device.
 20 c. "Text message" includes a text-based message, an
 21 instant message, and electronic mail.

22 d. The terms "write", "send", and "read", with
23 respect to a text message, mean the manual entry,
24 transmission, and retrieval of a text message,
25 respectively, to communicate with any other person or
26 device.

27 2. A person under eighteen year of age shall not
28 use an electronic communication device to engage in
29 a call, to write, send, or read a text message, or
30 for any other purpose while driving a motor vehicle
31 unless the motor vehicle is at a complete stop off the
32 roadway. A person does not violate this section by
33 using a global positioning system or navigation system.

34 3. The provisions of this section shall be
35 implemented uniformly throughout the state. The
36 provisions of this section shall preempt any local
37 county or municipal ordinance regarding the use of an
38 electronic communication device by a motor vehicle
39 operator. In addition, a county or municipality shall
40 not adopt or continue in effect an ordinance regarding
41 the use of an electronic communication device by a
42 motor vehicle operator.

43 4. Nothing in this section shall be construed to
44 authorize a peace officer to confiscate an electronic
45 communication device from the driver or occupant of a
46 motor vehicle.

47 5. a. A person convicted of a violation of this
48 section is guilty of a simple misdemeanor punishable as
49 a scheduled violation under section 805.8A, subsection
50 14, paragraph "k".

Page 2

1 b. A violation of this section shall not be
2 considered a moving violation for purposes of this
3 chapter or rules adopted pursuant to this chapter.

4 6. For the period beginning July 1, 2010, through
5 June 30, 2011, peace officers shall issue only
6 warning citations for violations of this section. The
7 department, in cooperation with the department of
8 public safety, shall establish educational programs
9 to foster compliance with the requirements of this
10 section.

11 Sec. 3. Section 321.482A, unnumbered paragraph 1,
12 Code 2009, is amended to read as follows:

13 Notwithstanding section 321.482, a person who
14 is convicted of operating a motor vehicle in
15 violation of section 321.275, subsection 4, section
16 321.276, 321.297, 321.298, 321.299, 321.302, 321.303,
17 321.304, 321.305, 321.306, 321.307, 321.308, section
18 321.309, subsection 2, or section 321.311, 321.319,
19 321.320, 321.321, 321.322, 321.323, 321.323A, 321.324,
20 321.324A, 321.327, 321.329, or 321.333 causing serious

21 injury to or the death of another person may be subject
22 to the following penalties in addition to the penalty
23 provided for a scheduled violation in section 805.8A or
24 any other penalty provided by law:

25 Sec. 4. Section 321.555, subsection 2, Code 2009,
26 is amended to read as follows:

27 2. Six or more of any separate and distinct
28 offenses within a two-year period in the operation of a
29 motor vehicle, which are required to be reported to the
30 department by section 321.491 or chapter 321C, except
31 equipment violations, parking violations as defined
32 in section 321.210, violations of registration laws,
33 violations of sections 321.445 and 321.446, violations
34 of section 321.276, operating a vehicle with an expired
35 license or permit, failure to appear, weights and
36 measures violations and speeding violations of less
37 than fifteen miles per hour over the legal speed limit.

38 Sec. 5. Section 805.8A, subsection 14, Code
39 Supplement 2009, is amended by adding the following new
40 paragraph:

41 NEW PARAGRAPH. k. Electronic communication device
42 violations. For violations under section 321.276, the
43 scheduled fine is thirty dollars.>

44 _____. Title page, lines 1 and 2, by striking <from
45 writing or sending a text message> and inserting
46 <under eighteen years of age from using an electronic
47 communication device>

48 _____. By renumbering as necessary.>

A non-record roll call was requested.

The ayes were 41, nays 47.

Amendment H-8203 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Schulte of Linn, until her return, on request of Upmeyer of Hancock.

Raecker of Polk offered the following amendment H-8198,
previously deferred, to amendment H-8193, filed by him from the
floor and moved its adoption:

H-8198

1 Amend the amendment, H-8193, to House File 2456 as
2 follows:

3 1. Page 1, by striking lines 2 through 10 and
 4 inserting: <___.
 5 Page 1, line 25, by striking <write or send
 6 a text message> and inserting <write, send, or read
 7 a text message or otherwise manipulate a hand-held
 8 electronic communication device> ___.
 9 Page 1, lines 27 and 28, by striking <is not
 10 writing or sending a text message> and inserting <is
 11 not violating this section> ___.
 12 Title page, lines 1 and 2, by striking
 13 <writing or sending a text message> and inserting
 14 <using a hand-held electronic communication device>>

Roll call was requested by Raecker of Polk and Sorenson of Warren.

On the question "Shall amendment H-8198 be adopted?" (H.F. 2456)

The ayes were, 42:

Abdul-Samad	Alons	Anderson	Arnold
Burt	Chambers	Cownie	De Boef
Dolecheck	Drake	Ford	Forristall
Grassley	Hagenow	Heaton	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Kaufmann	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Smith	Soderberg	Sorenson
Struyk	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts		

The nays were, 53:

Bailey	Baudler	Beard	Bell
Berry	Bukta	Deyoe	Ficken
Frevert	Gaskill	Gayman	Hanson
Heddens	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
Sands	Schueller	Schultz	Shomshor
Steckman	Swaim	Taylor	Thede
Thomas	Tjepkes	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Windschitl
Zirkelbach, Presiding			

Absent or not voting, 5:

Cohoon	Schulte	Sweeney	Wendt
Worthan			

Amendment H-8198 lost.

Rants of Woodbury asked and received unanimous consent to withdraw amendment H-8200, to amendment H-8193, filed by him from the floor.

Rants of Woodbury asked and received unanimous consent to withdraw amendment H-8201, to amendment H-8193, filed by him from the floor.

Raecker of Polk moved the adoption of amendment H-8193.

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

On the question "Shall amendment H-8193 be adopted?" (H.F. 2456)

The ayes were, 38:

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

The nays were, 53:

Abdul-Samad	Bailey	Baudler	Beard
Bell	Berry	Bukta	Ficken
Frevert	Gaskill	Gayman	Hanson
Heaton	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Quirk
Reichert	Running-Marquardt	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor

Thede Wessel-Kroeschell Zirkelbach, Presiding	Thomas Whitead	Tjepkes Willems	Wenthe Winckler
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Absent or not voting, 9:

Cohoon Reasoner Worthan	Ford Schulte	Koester Sweeney	Petersen Wendt
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Amendment H-8193 lost.

Abdul-Samad of Polk in the chair at 2:49 p.m.

Hanson of Jefferson offered the following amendment H-8174 filed by him and Tjepkes of Webster and moved its adoption:

H-8174

- 1 Amend House File 2456 as follows:
- 2 1. Page 1, line 4, by striking <Text-messaging
- 3 while driving.> and inserting <Use of electronic
- 4 communication device while driving – text messaging.>
- 5 2. Page 2, line 2, by striking <operator to
- 6 write, send, or read a text message.> and inserting
- 7 <operator.>
- 8 3. Page 2, lines 5 and 6, by striking <operator to
- 9 write, send, or read a text message.> and inserting
- 10 <operator.>
- 11 4. Title page, line 1, after <Act> by inserting
- 12 <concerning the use of electronic communication devices
- 13 while driving, including>
- 14 5. By renumbering as necessary.

Amendment H-8174 was adopted.

Heaton of Henry asked and received unanimous consent to withdraw amendment H-8188 filed by him on February 22, 2010.

Windschitl of Harrison asked and received unanimous consent to withdraw amendment H-8195 filed by him on February 22, 2010.

Windschitl of Harrison asked and received unanimous consent to withdraw amendment H-8191 filed by him on February 22, 2010.

McCarthy of Polk asked and received unanimous consent that House File 2456 be deferred and that the bill retain its place on the calendar.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House File 2408, previously deferred.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Anderson of Page on request of Paulsen of Linn.

House File 2408, a bill for an act relating to prohibited contracts and activities for civil service commissioners, was taken up for consideration.

Whitead of Woodbury offered the following amendment H-8178 filed by him and moved its adoption:

H-8178

- 1 Amend House File 2408 as follows:
- 2 1. Page 1, by striking lines 6 through 10 and
- 3 inserting <awarded by competitive bid in writing,
- 4 publicly invited and opened.>
- 5 2. Page 1, by striking lines 14 through 18 and
- 6 inserting <job is awarded by competitive bid in
- 7 writing, publicly invited and opened.>

Amendment H-8178 was adopted.

Zirkelbach of Jones in the chair at 3:00 p.m.

SENATE FILE 2350 SUBSTITUTED FOR HOUSE FILE 2408

Whitead of Woodbury asked and received unanimous consent to substitute Senate File 2350 for House File 2408.

Senate File 2350, a bill for an act relating to prohibited contracts and activities for civil service commissioners, was taken up for consideration.

Whitead of Woodbury 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. 2350)

The ayes were, 92:

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

The nays were, none.

Absent or not voting, 8:

Anderson	Cohoon	Olson, R.	Reasoner
Schulte	Sweeney	Wendt	Worthan

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

HOUSE FILE 2408 WITHDRAWN

Whitead of Woodbury asked and received unanimous consent to withdraw House File 2408 from further consideration by the House.

House File 2411, a bill for an act modifying provisions applicable to the formation and operation of electric power agencies, was taken up for consideration.

SENATE FILE 2313 SUBSTITUTED FOR HOUSE FILE 2411

Kelley of Black Hawk asked and received unanimous consent to substitute Senate File 2313 for House File 2411.

Senate File 2313, a bill for an act modifying provisions applicable to the formation and operation of electric power agencies, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2313)

The ayes were, 91:

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

The nays were, none.

Absent or not voting, 9:

Anderson	Burt	Cohoon	Olson, R.
Schulte	Struyk	Sweeney	Wendt
Worhan			

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

House File 2412, a bill for an act relating to and making changes to matters under the purview of the division of banking of the department of commerce, making a penalty applicable, and including effective date provisions, was taken up for consideration.

Kressig of Black Hawk offered the following amendment H-8115 filed by him and moved its adoption:

H-8115

- 1 Amend House File 2412as follows:
- 2 1. By striking page 6, line 9, through page 8, line
- 3 18.
- 4 2. By renumbering as necessary.

Amendment H-8115 was adopted.

SENATE FILE 2191 SUBSTITUTED FOR HOUSE FILE 2412

Kressig of Black Hawk asked and received unanimous consent to substitute Senate File 2191 for House File 2412.

Senate File 2191, a bill for an act relating to and making changes to matters under the purview of the division of banking of the department of commerce, making a penalty applicable, and including effective date provisions, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2191)

The ayes were, 92

Abdul-Samad	Alons	Arnold	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	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, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	Schueller	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Swaim	Taylor	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wenthe	Wessel-Kroeschell
Whitead	Willems	Windschitl	Zirkelbach, Presiding

The nays were, none.

Absent or not voting and 8:

Anderson	Olson, R.	Schulte	Struyk
Sweeney	Wendt	Winckler	Worthan

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

HOUSE FILE 2412 WITHDRAWN

Kressig of Black Hawk asked and received unanimous consent to withdraw House File 2412 from further consideration by the House.

Speaker Murphy in the chair at 3:24 p.m.

HOUSE FILE 2411 WITHDRAWN

Kelley of Black Hawk asked and received unanimous consent to withdraw House File 2411 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: **House Files 2144, 2306, 2307, 2318, 2321, Senate Files 2191, 2313 and 2350.**

House File 2414, a bill for an act relating to service in an honor guard unit on public property, was taken up for consideration.

Alons of Sioux offered the following amendment H-8158 filed by him and moved its adoption:

H-8158

- 1 Amend House File 2414 as follows:
- 2 1. Page 1, by striking lines 6 and 7 and inserting
- 3 <37.2, the Iowa national guard, the reserve forces
- 4 of the United States, the United States coast guard
- 5 auxiliary, or a reserve officers training corps>

Amendment H-8158 was adopted.

Alons of Sioux 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. 2414)

The ayes were, 93:

Abdul-Samad	Alons	Arnold	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Sands

Schueller	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Swaim
Taylor	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Windschitl	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, none.

Absent or not voting, 7:

Anderson	Olson, R.	Schulte	Struyk
Sweeney	Wendt	Worthan	

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

House File 2416, a bill for an act relating to permits issued under the national pollutant discharge elimination system, and making penalties applicable, was taken up for consideration.

SENATE FILE 2248 SUBSTITUTED FOR HOUSE FILE 2416

Reasoner of Union asked and received unanimous consent to substitute Senate File 2248 for House File 2416.

Senate File 2248, a bill for an act relating to permits issued under the national pollutant discharge elimination system, and making penalties applicable, was taken up for consideration.

Reasoner of Union 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. 2248)

The ayes were, 94:

Abdul-Samad	Alons	Arnold	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Fervert	Gaskill	Gayman	Grassley

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

The nays were, none.

Absent or not voting, 6:

Anderson	Olson, R.	Schulte	Sweeney
Wendt	Worthan		

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

HOUSE FILE 2416 WITHDRAWN

Reasoner of Union asked and received unanimous consent to withdraw House File 2416 from further consideration by the House.

House File 2418, a bill for an act relating to periodic evaluations of certain air quality standards, was taken up for consideration.

Reasoner of Union in the chair at 3:37 p.m.

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

On the question "Shall the bill pass?" (H.F. 2418)

The ayes were, 92:

Abdul-Samad	Arnold	Bailey	Baudler
Beard	Bell	Berry	Bukta
Burt	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Ficken	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Hanson	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
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
Raecker	Rants	Rayhons	Reichert
Roberts	Running-Marquardt	Sands	Schueller
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Taylor	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Windschitl	Zirkelbach	Reasoner, Presiding

The nays were, 2:

Alons	Watts
-------	-------

Absent or not voting, 6:

Anderson	Murphy, Spkr.	Schulte	Sweeney
Wendt	Worthan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2432, a bill for an act relating to a study of the opportunities for recruiting racial and ethnic minority teachers from outside the state, was taken up for consideration.

Ford 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. 2432)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reichert	Roberts	Running-Marquardt	Sands
Schueller	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Taylor	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Windschitl
Zirkelbach	Reasoner, Presiding		

The nays were, none.

Absent or not voting, 6:

De Boef	Murphy, Spkr.	Schulte	Sweeney
Wendt	Worthan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2437, a bill for an act relating to private sewage disposal system inspections and groundwater hazard statements as part of certain property transfers, was taken up for consideration.

Huser of Polk offered the following amendment H-8192 filed by her and moved its adoption:

H-8192

- 1 Amend House File 2437 as follows:
- 2 1. Page 2, after line 14 by inserting:

3 <Sec. ____ Section 455B.172, subsection 11, Code
 4 Supplement 2009, is amended by adding the following new
 5 paragraph:
 6 NEW PARAGRAPH. j. This subsection preempts any
 7 city or county ordinance related to the inspection of
 8 private sewage disposal systems in association with the
 9 transfer of ownership of a building.>
 10 2. By renumbering as necessary.

Amendment H-8192 was adopted.

Kressig of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2437)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	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	Raecker
Rants	Rayhons	Reichert	Roberts
Running-Marquardt	Sands	Schueller	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Taylor
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Windschitl	Zirkelbach	Reasoner, Presiding

The nays were, none.

Absent or not voting, 4:

Schulte Sweeney Wendt Worthan

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2440, a bill for an act establishing market factor teacher incentives for school district attendance centers located in areas that have high rates of crime, was taken up for consideration.

Under the provision of Rule 31.8, related to the timely filing of amendments, amendment H-8205 filed by Pettengill of Benton from the floor, was placed out of order.

Ford 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. 2440)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Bukta	Burt	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Murphy, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reichert	Roberts	Running-Marquardt
Sands	Schueller	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Windschitl	Zirkelbach	Reasoner, Presiding	

The nays were, none.

Absent or not voting, 5:

Berry	Schulte	Sweeney	Wendt
Worthan			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **House File 2456**, a bill for an act prohibiting a person from writing or sending a text message while driving a motor vehicle and providing penalties, previously deferred.

Zirkelbach of Jones in the chair at 4:23 p.m.

Tjepkes of Webster 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. 2456)

The ayes were, 65:

Abdul-Samad	Anderson	Arnold	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Cphoon	Cownie
Deyoe	Dolecheck	Drake	Ficken
Ford	Frevert	Gaskill	Gayman
Grassley	Hanson	Heaton	Heddens
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	May	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, S.	Olson, T.	Palmer	Petersen
Quirk	Reichert	Roberts	Shomshor
Smith	Steckman	Swaim	Thede
Thomas	Tjepkes	Van Engelenhoven	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Zirkelbach, Presiding			

The nays were, 31:

Alons	Chambers	De Boef	Forristall
Hagenow	Helland	Horbach	Hunter

Huseman	Lukan	McCarthy	Olson, R.
Paulsen	Pettengill	Raecker	Rants
Rayhons	Reasoner	Running-Marquardt	Sands
Schueller	Schultz	Soderberg	Sorenson
Struyk	Taylor	Tymeson	Upmeyer
Wagner	Watts	Windschitl	

Absent or not voting, 4:

Schulte	Sweeney	Wendt	Worthan
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2414, 2418, 2432, 2437, 2440, 2456** and **Senate File 2248**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Rants of Woodbury on request of Raecker of Polk.

House File 2443, a bill for an act requiring certain campaign finance statements and reports to be filed in an electronic format, was taken up for consideration.

SENATE FILE 2128 SUBSTITUTED FOR HOUSE FILE 2443

Isenhart of Dubuque asked and received unanimous consent to substitute Senate File 2128 for House File 2443.

Senate File 2128, a bill for an act requiring certain campaign finance statements and reports to be filed in an electronic format, was taken up for consideration.

Isenhart of Dubuque 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. 2128)

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	Horbach	Hunter
Huseman	Huser	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	Raecker
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Sands	Schueller	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Taylor
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Windschitl	Zirkelbach, Presiding	

The nays were, none.

Absent or not voting, 5:

Rants	Schulte	Sweeney	Wendt
Worthan			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2443 WITHDRAWN

Isenhart of Dubuque asked and received unanimous consent to withdraw House File 2443 from further consideration by the House.

House File 2453, a bill for an act relating to the status of posthumously conceived and born children in the context of legitimacy, inheritance, rights to claim an after-born child's share, and other rights, was taken up for consideration.

Kaufmann of Cedar 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. 2453)

The ayes were, 93:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Beard	Bell	Berry
Bukta	Burt	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhart	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	Schueller	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Swaim	Taylor	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Windschitl
Zirkelbach, Presiding			

The nays were, 1:

Baudler

Absent or not voting, 6:

Rants	Schulte	Struyk	Sweeney
Wendt	Worthan		

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 2200, by committee on judiciary, a bill for an act relating to transfer of guardianship for a child in need of assistance to the probate court.

Read first time and referred to committee on **judiciary**

Senate File 2243, by committee on environment and energy independence, a bill for an act regarding matters under the purview of the department of natural resources, and including effective date provisions.

Read first time and **passed on file**.

Senate File 2246, by committee on transportation, a bill for an act relating to the regulation of motor vehicles by the department of transportation, including modification of the definition of business-trade truck, provisions concerning licensing sanctions and penalties for vehicle recyclers and motor vehicle dealers, annual registration fees for certain vehicles equipped for a person with a disability or used by a person who relies on a wheelchair, requirements for the issuance of temporary persons with disabilities parking permits, and provisions for the operation of certain taxicabs and limousines.

Read first time and **passed on file**.

Senate File 2274, by committee on veterans affairs, a bill for an act relating to certain national security and military education benefits and programs.

Read first time and referred to committee on **veterans affairs**.

Senate File 2295, by committee on veterans affairs, a bill for an act providing for the development of programs to attract qualified disabled veterans for job opportunities in state government.

Read first time and **passed on file**.

Senate File 2298, by committee on judiciary, a bill for an act relating to the attendance of a child at juvenile court hearings or meetings during the pendency of a child in need of assistance case.

Read first time and referred to committee on **judiciary**.

Senate File 2325, by committee on commerce, a bill for an act relating to the practice of mortuary science and to the preneed sale of cemetery and funeral merchandise and funeral services and providing a penalty.

Read first time and referred to committee on **commerce**.

Senate File 2326, by committee on commerce, a bill for an act modifying disciplinary provisions applicable to real estate brokers and salespersons.

Read first time and referred to committee on **commerce**.

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 February 23, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2406, a bill for an act requiring the department of veterans affairs to promote and support the preservation of the U.S.S. Iowa as a naval museum.

Also: That the Senate has on February 23, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2422, a bill for an act relating to disaster recovery case management.

Also: That the Senate has on February 23, 2010, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 2002, a joint resolution relating to the placement of a statue in the United States capitol honoring Dr. Norman Borlaug

Also: That the Senate has on February 23, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2289, a bill for an act relating to deaccreditation of a school district by the state board of education.

Also: That the Senate has on February 23, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2310, a bill for an act creating a natural resources and outdoor recreation trust fund to implement a proposed amendment to the Constitution of the State of Iowa, and providing for contingent implementation.

Also: That the Senate has on February 23, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2318, a bill for an act concerning and affecting veterans and military members, related to employment benefits, professional licensing, and interest rate limit enforcement, and making penalties applicable.

Also: That the Senate has on February 23, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2328, a bill for an act allowing county treasurers to collect delinquent taxes on behalf of the department of revenue from a person renewing a vehicle registration, requiring a plan for the collection of court debt by county treasurers, and providing a fee.

Also: That the Senate has on February 23, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2331, a bill for an act relating to participation of chiropractors in the hawk-i program.

Also: That the Senate has on February 23, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2349, a bill for an act requiring certain group health insurance established for employees of the state to provide coverage for autism spectrum disorders for certain persons, requiring certification of behavior specialists, and providing an applicability date.

Also: That the Senate has on February 23, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2355, a bill for an act relating to the licensure of persons engaged in fire protection system installation, maintenance, repair, service, or inspection.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2453** and **Senate File 2128**.

Speaker Murphy in the chair at 5:00 p.m.

SENATE FILE 2226 REFERRED

The Speaker announced that Senate File 2226, previously referred to committee on **judiciary** was **passed on file**.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 22nd day of February, 2010: House File 2319.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

CAPITOL PLANNING COMMISSION

Annual report, pursuant to Chapter 8A.373, Code of Iowa.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Annual report, pursuant to Chapter 15A, Code of Iowa.

DEPARTMENT OF EDUCATION

Report of the Iowa Early Intervention Block Grant, pursuant to Chapter 256D.3, Code of Iowa.

DEPARTMENT OF HUMAN RIGHTS

Iowa Collaboration for Youth Development Council annual report, pursuant to Chapter 216A, Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

2009 analysis of employee turnover in nursing facilities, pursuant to Chapter 147, Code of Iowa.

Assisted Living Service Workgroup report, pursuant to Chapter 217, Code of Iowa.

Report on Lean Government Exchange report, pursuant to Chapter 217, Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

2009 Lakes Program annual report, pursuant to Chapter 455B.105(10), Code of Iowa.

DEPARTMENT OF TRANSPORTATION

Annual report of Public Transit Funding Study, pursuant to Chapter 307, Code of Iowa.

IOWA DEPARTMENT OF CORRECTIONS

Report on the use of paramedics in prisons, pursuant to Chapter 357F, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House File 2493

Agriculture: Zirkelbach, Chair; Drake and Wenthe.

Senate Joint Resolution 2008

Education: Winckler, Chair; Ficken and Forristall.

Senate File 2178

Education: Bukta, Chair; Cohoon and Dolecheck.

Senate File 2215

State Government: Running-Marquardt, Chair; Kaufmann and Lensing.

Senate File 2265

Local Government: D. Olson, Chair; Grassley, Huser, Schueller and Wagner.

Senate File 2303

Public Safety: Reichert, Chair; Alons and Bukta.

Senate File 2304

Public Safety: Hanson, Chair; Kressig and Rayhons.

Senate File 2344

Public Safety: Kuhn, Chair; Alons and Berry.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 728

Appropriations: Wenthe, Chair; Heaton and Heddens.

RESOLUTION FILED

HR 115, by Steckman, a resolution to recognize Iowa employer support for the Guard and Reserve, their 150 Iowa volunteers, and the programs they provide.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8196	H.F.	2504	T. Olson of Linn
H—8197	S.F.	2225	T. Olson of Linn
H—8199	H.F.	816	Pettengill of Benton
H—8202	H.F.	2402	Soderberg of Plymouth Alons of Sioux Forristall of Pottawattamie
H—8206	H.F.	2445	T. Olson of Linn L. Miller of Scott
H—8207	H.F.	2410	Schulte of Linn
H—8208	S.F.	2266	Schulte of Linn
H—8209	H.F.	2467	Quirk of Chickasaw
H—8210	S.F.	2199	Huser of Polk Helland of Polk
H—8211	H.F.	2492	May of Dickinson Dolecheck of Ringgold Chambers of O'Brien Raecker of Polk Tymeson of Madison

H—8212	H.F.	2297	Masher of Johnson
H—8213	H.F.	2492	Upmeyer of Hancock
H—8214	H.F.	2492	May of Dickinson Dolecheck of Ringgold Chambers of O'Brien Raecker of Polk Tymeson of Madison
H—8215	H.F.	2492	Tymeson of Madison
H—8216	H.F.	2492	Pettengill of Benton
H—8217	H.F.	2485	Horbach of Tama
H—8218	H.F.	2462	Pettengill of Benton
H—8219	H.F.	2417	Gayman of Scott
H—8220	H.F.	2475	Wagner of Linn
H—8221	H.F.	2492	Schulte of Linn

On motion by McCarthy of Polk the House adjourned at 5:03 p.m., until 9:00 a.m., Wednesday, February 24, 2010.

JOURNAL OF THE HOUSE

Forty-fifth Calendar Day - Thirty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 24, 2010

The House met pursuant to adjournment at 9:00 a.m., Speaker Murphy in the chair.

Prayer was offered by the Honorable Jodi Tymeson, state representative from Madison County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Brent Smith, House Page from Pella.

The Journal of Tuesday, February 23, 2010 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 23, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2161, a bill for an act providing an exception to licensing requirements for certain bingo occasions.

Also: That the Senate has on February 23, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2192, a bill for an act prohibiting the running of a transfer fee covenant with the title to real property.

Also: That the Senate has on February 23, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2235, a bill for an act requiring provision of deliverable fuels to customers under specified circumstances, and including effective date provisions.

Also: That the Senate has on February 23, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2288, a bill for an act relating to the duties and operations of the department of education and local school boards.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

Senate File 2289, by committee on education, a bill for an act relating to deaccreditation of a school district by the state board of education and to the disposition of certain former school district funds, and including effective date, validation, and retroactive applicability provisions.

Read first time and referred to committee on **education**.

Senate File 2310, by committee on natural resources, a bill for an act creating a natural resources and outdoor recreation trust fund to implement a proposed amendment to the Constitution of the State of Iowa, and providing for contingent implementation.

Read first time and **passed on file**.

Senate File 2318, by committee on veterans affairs, a bill for an act concerning and affecting veterans and military members, related to employment benefits, professional licensing, and interest rate limit enforcement, and making penalties applicable.

Read first time and referred to committee on **veterans affairs**.

Senate File 2349, by committee on commerce, a bill for an act requiring certain group health insurance plans established for employees of the state to provide coverage for autism spectrum disorders for certain persons, requiring certification of behavior specialists, and providing an applicability date.

Read first time and referred to committee on **commerce**.

Senate File 2355, by committee on state government, a bill for an act relating to the licensure of persons engaged in fire protection system installation, maintenance, repair, service, or inspection.

Read first time and **passed on file**.

On motion by Jacoby of Johnson, the House was recessed at 9:10 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:07 p.m., Speaker Murphy in the chair.

SENATE MESSAGES CONSIDERED

Senate Joint Resolution 2002, by Wilhelm, a joint resolution relating to the placement of a statue in the United States capitol honoring Dr. Norman Borlaug

Read first time and referred to committee on **state government**.

Senate File 2161, by committee on state government, a bill for an act providing an exception to licensing requirements for certain bingo occasions.

Read first time and referred to committee on **state government**.

Senate File 2192, by committee on commerce, a bill for an act prohibiting the running of a transfer fee covenant with the title to real property and including effective date and applicability provisions.

Read first time and referred to committee on **commerce**.

Senate File 2235, by committee on state government, a bill for an act requiring provision of deliverable fuels to customers under specified circumstances, providing penalties, and including effective date provisions.

Read first time and **passed on file**.

Senate File 2288, by committee on education, a bill for an act relating to the duties and operations of the department of education and local school boards.

Read first time and **passed on file**.

Senate File 2328, by committee on local government, a bill for an act allowing county treasurers to collect delinquent taxes on behalf of the department of revenue from a person renewing a vehicle registration, requiring a plan for the collection of court debt by county treasurers, and providing a fee.

Read first time and referred to committee on **local government**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Horbach of Tama and Rants of Woodbury on request of Paulsen of Linn; Wendt of Woodbury on request of McCarthy of Polk.

The House stood at ease at 4:08 p.m., until the fall of the gavel.

The House resumed session at 4:54 p.m., Speaker Murphy in the chair.

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.

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 February 24, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2343, a bill for an act relating to the appointment of judicial officers and senior judges.

Also: That the Senate has on February 24, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2346, a bill for an act relating to certain coverage provisions contained in uninsured and underinsured motor vehicle insurance coverage.

Also: That the Senate has on February 24, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2351, a bill for an act enhancing the penalty for certain domestic abuse assault cases and providing a penalty.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS

Regular Calendar

Senate File 2151, a bill for an act relating to public funding and regulatory matters by making and revising appropriations made for purposes of health and human services and providing effective dates, with report of committee recommending passage, was taken up for consideration.

Heddens of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2151)

The ayes were, 53:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Frevert	Gaskill	Gayman
Hanson	Heddens	Hunter	Huser
Isenhart	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	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, 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
Raecker	Rayhons	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson

Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Windschitl	Worthan		

Absent or not voting, 5:

Ford	Horbach	McCarthy	Rants
Wendt			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2322, a bill for an act relating to the Iowa finance authority by modifying certain duties and programs of the authority and establishing a workforce housing assistance grant fund administered by the authority, was taken up for consideration.

Forristall of Pottawattamie offered the following amendment H-8091 filed by Horbach of Tama and moved its adoption:

H-8091

1 Amend House File 2322 as follows:
 2 1. Page 2, after line 23 by inserting:
 3 <c. In any fiscal year, an area shall not receive
 4 grants totaling more than twenty-five percent of the
 5 moneys expended from the fund in that fiscal year. For
 6 purposes of this paragraph, "area" means the same area
 7 used to determine the median income under paragraph
 8 "a".>

Amendment H-8091 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Schulte of Linn on request of Windschitl of Harrison.

The House stood at ease at 5:24 p.m., until the fall of the gavel.

The House resumed session at 5:47 p.m., Speaker Murphy in the chair.

Gayman of Scott asked and received unanimous consent that House File 2322 be deferred and that the bill retain its place on the calendar.

House File 2348, a bill for an act relating to the collection of the use tax on manufactured housing, the licensing of manufactured home retailers, amending statutory references to certain types of home dealers, and making penalties applicable, was taken up for consideration.

Huser of Polk offered the following amendment H-8167 filed by her and moved its adoption:

H-8167

- 1 Amend House File 2348 as follows:
- 2 1. Page 6, after line 15 by inserting:
- 3 <Sec. ____ **NEW SECTION.** 435.26B Affidavit in lieu
- 4 of surrender of certificate of title – manufactured and
- 5 mobile homes.
- 6 1. If there is no record that a certificate of
- 7 title has been issued or surrendered for a manufactured
- 8 home or mobile home that is located outside a
- 9 manufactured home community or mobile home park, that
- 10 has been converted to real estate by being placed
- 11 on a permanent foundation, and that is entered on
- 12 the tax rolls, the owner may effectuate a surrender
- 13 of the certificate of title by recording with the
- 14 county recorder an affidavit that includes all of the
- 15 following:
- 16 a. The full legal name, Iowa driver's license
- 17 number or Iowa nonoperator's identification card
- 18 number, bona fide residence, and mailing address of
- 19 the owner, and any other identification information
- 20 required by the state department of transportation.
- 21 If the owner is a firm, association, or corporation,
- 22 the affidavit shall contain the bona fide business
- 23 address and federal employer identification number of
- 24 the owner.
- 25 b. A description of the manufactured or mobile
- 26 home including, insofar as the specified data may
- 27 exist with respect to a manufactured or mobile home,
- 28 the manufacturer, model, year of manufacture, and
- 29 identification number or other assigned number.
- 30 c. A statement of the affiant's title or ownership
- 31 interest and a statement of all liens, encumbrances,
- 32 or security interest upon the manufactured or mobile
- 33 home, including the names and mailing addresses of
- 34 all persons having any such liens, encumbrances, or
- 35 security interests.
- 36 d. A statement of any facts or information known to
- 37 the affiant that could affect the validity of title or
- 38 the existence or validity of any lien, encumbrance, or
- 39 security interest on the manufactured or mobile home.

40 e. The name and address of the person from whom the
41 owner purchased or acquired the manufactured or mobile
42 home, including information related to the location and
43 date of purchase or acquisition.

44 f. The affidavit shall also include an attached
45 written opinion of an attorney licensed in this
46 state that certifies marketable record title to the
47 manufactured or mobile home.

48 g. A statement that the manufactured or mobile home
49 is located outside a manufactured home community or
50 mobile home park, has been converted to real estate by

Page 2

1 being placed on a permanent foundation, and has been
2 entered on the tax rolls. This statement shall be
3 endorsed by the city or county assessor, as applicable,
4 and include the legal description of the real property
5 upon which the manufactured or mobile home is situated.

6 h. A statement that the owner has made a diligent
7 search and inquiry but has been unable to locate
8 and produce a manufacturer's certificate of origin
9 or a certificate of title for the manufactured or
10 mobile home and that the owner has no knowledge that
11 a certificate of title has previously been issued or
12 surrendered for the manufactured or mobile home.

13 i. (1) An endorsement by the state department
14 of transportation that the department has searched
15 its records and has no record of a certificate of
16 title or a surrender of a certificate of title for the
17 manufactured or mobile home and that the department
18 has no record of any ownership interest contrary
19 to the ownership interest asserted by the affiant.
20 The endorsement shall also specify that the state
21 department of transportation is unable to identify any
22 lien, encumbrance, or security interest contrary to
23 those specified by the affiant.

24 (2) The state department of transportation shall
25 not conduct any search of records or provide any
26 endorsement until the affidavit has been completed,
27 executed, and endorsed pursuant to paragraphs "a"
28 through "h" and the affiant has paid a fee not to
29 exceed two hundred dollars. The state department of
30 transportation shall set the amount of the fee by rule.

31 (3) Following endorsement of the affidavit, the
32 state department of transportation shall return the
33 affidavit to the owner for recording.

34 (4) If the state department of transportation
35 has endorsed an affidavit, the department shall not
36 issue a certificate of title for the manufactured or
37 mobile home unless the manufactured or mobile home is
38 reconverted under section 435.27.

- 39 2. Recording the affidavit with all necessary
40 endorsements and attachments shall establish the
41 surrender of the certificate of title.
- 42 3. After the surrender of the certificate of title
43 under this section, a conveyance of an interest in
44 the manufactured or mobile home shall not require a
45 transfer of title if the manufactured or mobile home
46 remains located on the same real property that is
47 identified in the affidavit under subsection 2.
- 48 4. A foreclosure action on a manufactured or mobile
49 home for which the certificate of title was surrendered
50 under this section shall be conducted as a real estate

Page 3

- 1 foreclosure.
- 2 5. A tax lien and its priority shall not be
3 modified as a result of a surrender of title under this
4 section.
- 5 6. The state department of transportation shall
6 adopt rules under chapter 17A to implement this
7 section. The rules adopted by the state department of
8 transportation shall include a standardized form for an
9 affidavit required under this section.>
- 10 2. Page 6, after line 23 by inserting:
11 <Sec. ____ EFFECTIVE UPON ENACTMENT. This Act,
12 being deemed of immediate importance, takes effect upon
13 enactment.>
- 14 3. Title page, by striking line 4 and inserting
15 <home dealers, establishing titling procedures for
16 certain manufactured and mobile homes, making penalties
17 applicable, and including effective date provisions.>
- 18 4. By renumbering as necessary.

Amendment H-8167 was adopted.

SENATE FILE 2199 SUBSTITUTED FOR HOUSE FILE 2348

Huser of Polk asked and received unanimous consent to substitute Senate File 2199 for House File 2348.

Senate File 2199, a bill for an act relating to the collection of the use tax on manufactured housing, the licensing of manufactured home retailers, amending statutory references to certain types of home dealers, establishing titling procedures for certain manufactured and mobile homes, making penalties applicable, and including effective date provisions, was taken up for consideration.

Huser of Polk offered the following amendment H-8210 filed by her and Helland of Polk and moved its adoption:

H-8210

1 Amend Senate File 2199, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 7, by striking lines 18 and 19 and
 4 inserting <opinion by an attorney licensed to practice
 5 law in this state who has examined the abstract of
 6 title of the land upon which the manufactured or
 7 mobile home is situated. The opinion shall state the
 8 names of the owners and holders of mortgages, liens,
 9 or other encumbrances on the land upon which the
 10 manufactured or mobile home is situated and shall note
 11 the encumbrances, along with any bonds securing the
 12 encumbrances. Utility easements shall not be construed
 13 to be encumbrances for the purpose of this section.>

Amendment H-8210 was adopted.

Huser 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. 2199)

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	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.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Sands	Schueller

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, none.

Absent or not voting, 5:

Ford	Horbach	Rants	Schulte
Wendt			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2348 WITHDRAWN

Huser of Polk asked and received unanimous consent to withdraw House File 2348 from further consideration by the House.

House File 2402, a bill for an act relating to the development of a plan for a stroke triage system and registry, was taken up for consideration.

T. Olson of Linn offered the following amendment H-8164 filed by him and moved its adoption:

H-8164

- 1 Amend House File 2402 as follows:
- 2 1. Page 1, line 3, after <135.40,> by inserting
- 3 <and the American heart association,>

Amendment H-8164 was adopted.

Soderberg of Plymouth offered the following amendment H-8202 filed by him, Alons of Sioux and Forristall of Pottawattamie and moved its adoption:

H-8202

- 1 Amend House File 2402 as follows:
- 2 1. Page 1, line 5, after <registry.> by inserting

3 <In developing the plan, consideration shall be given
 4 to inclusion in the stroke triage system of facilities
 5 outside the state that are the closest and most
 6 appropriate to provide stroke care to Iowans residing
 7 along the state's borders.>

Amendment H-8202 was adopted.

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?" (H.F. 2402)

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	Forristall
Frevert	Gaskill	Gayman	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.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Sands	Schueller
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, none.

Absent or not voting, 5:

Ford	Horbach	Rants	Schulte
Wendt			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2466, a bill for an act relating to the license or authorization issued to a person who qualifies as a driver education instructor and including effective date and retroactive applicability provisions, was taken up for consideration.

Bell of Jasper 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. 2466)

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	Forristall
Frevert	Gaskill	Gayman	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.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Sands	Schueller
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, none.

Absent or not voting, 5:

Ford	Horbach	Rants	Schulte
Wendt			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2469, a bill for an act relating to the administration of the election laws by the secretary of state and including effective date provisions, was taken up for consideration.

SENATE FILE 2196 SUBSTITUTED FOR HOUSE FILE 2469

Willems of Linn asked and received unanimous consent to substitute Senate File 2196 for House File 2469.

Senate File 2196, a bill for an act relating to the administration of the election laws by the secretary of state and including effective date provisions, was taken up for consideration.

Willems 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. 2196)

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	Forristall
Frevert	Gaskill	Gayman	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.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Sands	Schueller
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, none.

Absent or not voting, 5:

Ford	Horbach	Rants	Schulte
Wendt			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2469 WITHDRAWN

Willems of Linn asked and received unanimous consent to withdraw House File 2469 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: **House Files 2402, 2466 and Senate Files 2151, 2196 and 2199.**

House File 2478, a bill for an act relating to business organizations, including limited liability companies and business corporations, and providing for fees, was taken up for consideration.

Willems 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?" (H.F. 2478)

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	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.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk

Raecker	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Sands	Schueller
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, none.

Absent or not voting, 5:

Ford	Horbach	Rants	Schulte
Wendt			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2488, a bill for an act relating to the appointment of young adults to appointive boards, commissions, committees, and councils, was taken up for consideration.

Wenthe of Fayette 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. 2488)

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	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.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk

Raecker	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Sands	Schueller
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	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, 2:

Schultz	Sweeney
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Absent or not voting, 5:

Ford	Horbach	Rants	Schulte
Wendt			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2496, a bill for an act relating to recycling initiatives, 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?" (H.F. 2496)

The ayes were, 89:

Abdul-Samad	Anderson	Arnold	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Cphoon	Cownie
Deyoe	Dolecheck	Drake	Ficken
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.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rayhons	Reasoner	Reichert

Roberts	Running-Marquardt	Sands	Schueller
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, 6:

Alons	Chambers	De Boef	Forristall
Schultz	Watts		

Absent or not voting, 5:

Ford	Horbach	Rants	Schulte
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 Files 2478, 2488 and 2496.**

House File 2497, a bill for an act relating to special education rights and duties and to the related duties and operations of the department of education and local school boards, was taken up for consideration.

SENATE FILE 2291 SUBSTITUTED FOR HOUSE FILE 2497

Winckler of Scott asked and received unanimous consent to substitute Senate File 2291 for House File 2497.

Senate File 2291, a bill for an act relating to special education rights and duties and to the related duties and operations of the department of education and local school boards, was taken up for consideration.

May of Dickinson asked and received unanimous consent to withdraw amendment H-8189 filed by him and Abdul-Samad of Polk on February 22, 2010.

Under the provision of Rule 31.8, related to the timely filing of amendments, amendment H-8231 filed by Sweeney of Hardin from the floor, was placed out of order.

Winckler 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. 2291)

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	Forristall
Frevert	Gaskill	Gayman	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.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Sands	Schueller
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, none.

Absent or not voting and 5:

Ford	Horbach	Rants	Schulte
Wendt			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2497 WITHDRAWN

Winckler of Scott asked and received unanimous consent to withdraw House File 2497 from further consideration by the House.

House File 2229, a bill for an act prohibiting the imposition by a dental plan of fee schedules for the provision of dental services that are not covered by the plan, was taken up for consideration.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment H-8194 filed by him on February 22, 2010.

Reasoner of Union 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. 2229)

The ayes were, 93:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Beard	Bell	Berry
Bukta	Burt	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Hanson	Heaton	Heddens	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	Schueller	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:

Helland

Absent or not voting, 6:

Baudler
Schulte

Ford
Wendt

Horbach

Rants

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 February 24, 2010, amended and passed the following bill in which the concurrence of the House is asked:

House File 2456, a bill for an act prohibiting a person from writing or sending a text message while driving a motor vehicle and providing penalties.

Also: That the Senate has on February 24, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2234, a bill for an act relating to the regulation of motor vehicle franchises.

Also: That the Senate has on February 24, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2305, a bill for an act modifying sex offender registry provisions, and providing penalties and including effective date provisions.

Also: That the Senate has on February 24, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2323, a bill for an act concerning requirements for granting a new license to conduct gambling games on a gambling boat or structure in a county with an existing gambling boat or structure.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2229** and **Senate File 2291**.

HOUSE FILE 2494 REFERRED

The Speaker announced that House File 2494, previously referred to committee on **human resources** was placed on **calendar**.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 23, 2010, he approved and transmitted to the Secretary of State the following bills:

House File 2075, an Act requiring health benefit coverage for certain cancer treatment delivered pursuant to approved cancer clinical trials and providing an applicability date.

House File 2319, an Act relating to activities of the department of public safety including regulating the storage of flammable and combustible liquids in aboveground storage tanks and retaining fees.

Senate File 2076, an Act relating to economic development including changes to the administration of certain economic development programs and to the terms served by members of the economic development board and including effective date provisions.

Senate File 2117, an Act to allow therapeutically certified optometrists to supply pharmaceutical-delivering contact lenses.

Senate File 2146, an Act relating to claims for warranty parts, repairs, or service performed by motor vehicle dealers.

Senate File 2149, an Act relating to criminal history and abuse registry checks for employees of health care facilities and other health-related providers and requiring such checks for certified nurse aide training program students and providing a penalty.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 2007

Veterans Affairs: Bailey, Chair; Isenhart and Windschitl.

Senate File 2190 Reassigned

Judiciary: Swaim, Chair; Anderson and Wessel-Kroeschell.

Senate File 2250

Judiciary: R. Olson, Chair; Baudler and Mertz.

Senate File 2270

State Government: Willems, Chair; Kaufmann and Mascher.

Senate File 2274

Veterans Affairs: Gayman, Chair; Chambers and Whitead.

Senate File 2289

Education: Cohoon, Chair; Ficken and May.

Senate File 2297

Veterans Affairs: Kearns, Chair; Alons and Bukta.

Senate File 2317

Rebuild Iowa and Disaster Recovery: Kuhn, Chair; Grassley, Jacoby, Pettengill and Running-Marquardt.

Senate File 2318

Veterans Affairs: Zirkelbach, Chair; Bukta and Watts.

Senate File 2352

Judiciary: Mertz, Chair; Kaufmann and T. Olson.

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 LOCAL GOVERNMENT

Senate File 2264, a bill for an act relating to the review and approval of proposed subdivisions by a city.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 2010.

COMMITTEE ON PUBLIC SAFETY

Senate File 205, a bill for an act relating to required testing for infectious diseases of persons under supervision of judicial district departments of correctional services.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 2010.

COMMITTEE ON STATE GOVERNMENT

Senate File 2218, a bill for an act relating to elections by eliminating double election boards and by requiring the commissioner of elections, upon petition, to use automatic tabulating equipment in certain elections and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 2010.

Senate File 2247, a bill for an act authorizing the modification of the designation of a gaming enforcement officer.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 2010.

RESOLUTION FILED

HR 116, by Raecker, a resolution honoring the Urbandale Major League All-Star Team for a successful tournament season and for its participation in the 2009 Little League World Series.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8222	H.F.	2448	Baudler of Adair
H—8223	S.F.	2226	Gayman of Scott
H—8224	H.F.	2410	Windschitl of Harrison
H—8225	H.F.	2410	Windschitl of Harrison
H—8226	H.F.	2410	Windschitl of Harrison
H—8227	H.F.	2410	Windschitl of Harrison
H—8228	H.F.	2470	Roberts of Carroll
H—8229	H.F.	2470	Roberts of Carroll
H—8230	H.F.	2474	Petersen of Polk
H—8232	H.F.	2017	Zirkelbach of Jones
H—8233	S.F.	2067	Willems of Linn
H—8234	H.F.	2483	Huser of Polk
H—8235	H.F.	2483	Huser of Polk
H—8236	H.F.	2442	Huser of Polk
H—8237	S.F.	2345	Huser of Polk

H—8238	S.F.	2345	Huser of Polk
H—8239	H.F.	2508	Burt of Black Hawk
H—8240	S.F.	2288	May of Dickinson
H—8241	S.F.	2288	Schulte of Linn
H—8242	S.F.	2288	Pettengill of Benton
H—8243	S.F.	2288	May of Dickinson
			Dolecheck of Ringgold
			Chambers of O'Brien
			Raecker of Polk
			Tymeson of Madison
H—8244	S.F.	2288	May of Dickinson
			Dolecheck of Ringgold
			Chambers of O'Brien
			Raecker of Polk
			Tymeson of Madison
H—8245	S.F.	2288	Upmeyer of Hancock
H—8246	H.F.	2484	Running-Marquardt of Linn
H—8247	H.F.	2324	Kuhn of Floyd
			D. Olson of Boone
H—8248	S.F.	2288	May of Dickinson
H—8249	S.F.	2288	May of Dickinson
H—8250	H.F.	2322	Raecker of Polk

On motion by McCarthy of Polk the House adjourned at 7:08 p.m., until 9:00 a.m., Thursday, February 25, 2010.

JOURNAL OF THE HOUSE

Forty-sixth Calendar Day - Thirty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 25, 2010

The House met pursuant to adjournment at 9:12 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Ron Burchem, pastor of Gloria Dei Lutheran Church, Urbandale. He was the guest of Representative Scott Raecker of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Robert Grau, House Page from Des Moines.

The Journal of Wednesday, February 24, 2010 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

H. Miller of Webster and Wendt of Woodbury on request of McCarthy of Polk.

SENATE MESSAGES CONSIDERED

Senate File 2234, by committee on transportation, a bill for an act relating to the regulation of motor vehicle franchises.

Read first time and **passed on file**.

Senate File 2305, by committee on judiciary, a bill for an act modifying sex offender registry provisions, and providing penalties and including effective date provisions.

Read first time and **passed on file**.

Senate File 2323, by committee on state government, a bill for an act concerning requirements for granting a new license to conduct gambling games on a gambling boat or structure in a county with an existing gambling boat or structure.

Read first time and referred to committee on **state government**.

Senate File 2331, by committee on human resources, a bill for an act relating to participation of chiropractors in the hawk-i program.

Read first time and referred to committee on **human resources**.

Senate File 2343, by committee on judiciary, a bill for an act relating to the appointment of judicial officers and senior judges.

Read first time and referred to committee on **judiciary**.

Senate File 2346, by committee on commerce, a bill for an act relating to certain coverage provisions contained in uninsured and underinsured motor vehicle insurance coverage.

Read first time and referred to committee on **commerce**.

Senate File 2351, by committee on judiciary, a bill for an act enhancing the penalty for certain domestic abuse assault cases and providing a penalty.

Read first time and referred to committee on **judiciary**.

The House stood at ease at 9:22 a.m., until the fall of the gavel.

The House resumed session at 9:29 a.m., Speaker Murphy in the chair.

SPECIAL PRESENTATION

Heddens of Story introduced to the House, Consul General Huang Ping, the Consul General of the People's Republic of China to Chicago. He addressed the House regarding the population of China, its modernization and relations with Iowa and the United States.

Bell of Jasper presented a gift from the Iowa legislature to the Consul General and his wife.

The House rose and expressed its welcome.

On motion by Jacoby of Johnson, the House was recessed at 9:45 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:36 p.m., Speaker Murphy in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Raecker of Polk on request of Paulsen of Linn.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-eight members present, twelve absent.

Bailey of Hamilton in the chair at 4:40 p.m.

CONSIDERATION OF BILLS

House File 2498, a bill for an act relating to the contents of certain motor carrier transportation contracts by declaring certain indemnity provisions to be unlawful and void, was taken up for consideration.

SENATE FILE 2220 SUBSTITUTED FOR HOUSE FILE 2498

Worthan of Buena Vista asked and received unanimous consent to substitute Senate File 2220 for House File 2498.

Senate File 2220, a bill for an act relating to the contents of certain motor carrier transportation contracts by declaring certain indemnity provisions to be unlawful and void, was taken up for consideration.

Worthan of Buena Vista 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. 2220)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Beard	Bell	Berry
Bukta	Burt	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Hanson	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufman	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
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Bailey, Presiding			

The nays were, none.

Absent or not voting, 3:

Ford	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.

HOUSE FILE 2498 WITHDRAWN

Worthan of Buena Vista asked and received unanimous consent to withdraw House File 2498 from further consideration by the House.

House File 2484, a bill for an act exempting certain boat harbors from certain dock requirements and including effective date and retroactive applicability provisions, was taken up for consideration.

Running-Marquardt of Linn offered the following amendment H-8246 filed by her and moved its adoption:

H-8246

1 Amend House File 2484 as follows:

2 1. By striking page 1, line 3, through page 2, line
3 10, and inserting:

4 <1. A dock in a boat harbor located on the Cedar
5 river in a city with a population of more than one
6 hundred twenty-five thousand located in a county with a
7 population of more than two hundred thousand is exempt
8 from all dock requirements of the department of natural
9 resources if the dock is in compliance with local city
10 regulations for a dock in such a boat harbor except as
11 provided in subsection 2.

12 2. A dock in a boat harbor located on the Cedar
13 river in a city with a population of more than one
14 hundred twenty-five thousand located in a county with
15 a population of more than two hundred thousand that
16 meets the requirements of subsection 1 and that uses
17 containers as dock flotation devices that were not
18 originally manufactured as dock flotation devices, may
19 continue to use such containers as dock flotation
20 devices if the containers were in use on or before the
21 effective date of this Act. At the time that such
22 containers are replaced, the replacement dock flotation
23 devices shall be dock flotation devices that comply
24 with the rules of the department of natural resources.
25 However, if the ownership of the dock is transferred,
26 the new owner shall have six months from the date of
27 transfer to replace such containers with dock flotation
28 devices that comply with the rules of the department
29 of natural resources.

30 Sec. ____. EFFECTIVE UPON ENACTMENT. This Act,
31 being deemed of immediate importance, takes effect upon
32 enactment.>

33 2. Title page, lines 2 and 3, by striking <and
34 retroactive applicability>

Amendment H-8246 was adopted.

Running-Marquardt 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?" (H.F. 2484)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Beard	Bell	Berry
Bukta	Burt	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Hanson	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	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	Winckler
Windschitl	Worthan	Zirkelbach	Bailey, Presiding

The nays were, 1:

Sands

Absent or not voting, 3:

Ford	Raecker	Wendt
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 2485, a bill for an act relating to public employee collective bargaining, was taken up for consideration.

Horbach of Tama asked and received unanimous consent to withdraw amendment H-8217 filed by him on February 23, 2010.

Huser 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. 2485)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Beard	Bell	Berry
Bukta	Burt	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Hanson	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	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
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Bailey, Presiding			

The nays were, none.

Absent or not voting, 3:

Ford	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.

House File 2467, a bill for an act relating to the regulation of motor vehicle franchises, was taken up for consideration.

Quirk of Chickasaw asked and received unanimous consent to

withdraw amendment H-8166 filed by him on February 18, 2010.

Quirk of Chickasaw offered the following amendment H-8209 filed by him and moved its adoption:

H-8209

- 1 Amend House File 2467 as follows:
- 2 1. Page 1, by striking lines 1 through 6.
- 3 2. Page 1, line 18, after <of> by inserting <the>
- 4 3. Page 1, line 25, after <separate> by inserting
- 5 <written>
- 6 4. Page 1, line 26, by striking <relates to> and
- 7 inserting <materially affects>
- 8 5. Page 2, line 22, after <claims> by inserting
- 9 <controversies>
- 10 6. Page 2, line 23, after <chapter> by inserting
- 11 <by written release or other written document where
- 12 separate and adequate consideration is offered and
- 13 accepted>
- 14 7. Page 2, line 28, after <void.> by inserting
- 15 <This section does not limit a franchiser from
- 16 establishing good cause for the termination of a
- 17 franchise pursuant to sections 322A.2 and 322A.11 on
- 18 the grounds that the franchisee's dealership facility
- 19 is not adequate to accommodate an additional line-make
- 20 that has been added to the franchisee's dealership.>
- 21 8. Page 2, line 34, by striking <customer> and
- 22 inserting <customer, including information necessary to
- 23 complete the sale of the vehicle.>
- 24 9. By renumbering as necessary.

Amendment H-8209 was adopted.

SENATE FILE 2234 SUBSTITUTED FOR HOUSE FILE 2467

Quirk of Chickasaw asked and received unanimous consent to substitute Senate File 2234 for House File 2467.

Senate File 2234, a bill for an act relating to the regulation of motor vehicle franchises, was taken up for consideration.

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. 2234)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Beard	Bell	Berry
Bukta	Burt	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Hanson	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	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
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Bailey, Presiding			

The nays were, none.

Absent or not voting and 3:

Ford	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.

HOUSE FILE 2467 WITHDRAWN

Quirk of Chickasaw asked and received unanimous consent to withdraw House File 2467 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: **House Files 2484, 2485** and **Senate Files 2220 and 2234**.

House File 2461, a bill for an act relating to school business official training and authorization, was taken up for consideration.

Cownie of Polk offered the following amendment H-8186 filed by him and moved its adoption:

H-8186

1 Amend House File 2461 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. SCHOOL BUSINESS OFFICIALS TASK FORCE.

5 1. The department of education, in consultation
6 with the board of educational examiners, shall
7 convene a task force to determine the standards and
8 procedures, content, and processes of training programs
9 and renewal requirements for individuals who seek
10 licensure, certification, or authorization from the
11 board of educational examiners for employment as a
12 school business official responsible for the financial
13 operations of a school district. The task force shall
14 also review the tuition and fee costs to students and
15 applicants for the training program and for fulfillment
16 of continuing education requirements; review training
17 specifications including but not limited to the length
18 of time necessary for training and continuing education
19 purposes; identify who should receive training;
20 identify the costs to state agencies to administer and
21 implement licensure, certification or authorizations,
22 and to prescribe standards and procedures for the
23 approval of training programs; and identify the
24 appropriate level of licensure, certification, or
25 authorization based on an individual's position of
26 employment and educational background.

27 2. The task force shall be comprised of
28 representatives of the Iowa association of school
29 business officials, individuals holding financial
30 leadership roles in large, medium, and small school
31 districts, and a public member of the school budget
32 review committee. The task force shall review other
33 states professional organizations and programs
34 regarding authorization of school business officials,
35 determine the best practices for school district
36 business management training programs, and identify and
37 recommend the knowledge and skills necessary to obtain
38 a school business official authorization from the board
39 of educational examiners.

40 3. The task force shall submit its findings and
41 recommendations in a report to the state board of

42 education and the board of educational examiners by
 43 December 31, 2010.>

Roll call was requested by Cownie of Polk and May of Dickinson.

On the question “Shall amendment H–8186 be adopted?” (H.F. 2461)

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Hanson	Heaton	Helland
Horbach	Huseman	Kaufmann	Koester
Lukan	May	Miller, H.	Miller, L.
Olson, S.	Paulsen	Petersen	Pettengill
Rants	Rayhons	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

The nays were, 49:

Abdul-Samad	Beard	Bell	Berry
Bukta	Burt	Cphoon	Ficken
Frevert	Gaskill	Gayman	Heddens
Hunter	Huser	Isenhardt	Jacoby
Kearns	Kelley	Kressig	Kuhn
Lensing	Lykam	Marek	Mascher
McCarthy	Mertz	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Quirk	Reasoner	Running-Marquardt	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor	Thede	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Zirkelbach
Bailey, Presiding			

Absent or not voting, 4:

Ford	Raecker	Reichert	Wendt
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Amendment H–8186 lost.

Palmer of Mahaska 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. 2461)

The ayes were, 52:

Beard	Bell	Berry	Bukta
Burt	Cohoon	Ficken	Frevert
Gaskill	Gayman	Hanson	Heddens
Hunter	Huser	Isenhart	Jacoby
Kearns	Kelley	Kressig	Kuhn
Lensing	Lykam	Marek	Mascher
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Running-Marquardt	Schueller	Shomshor	Smith
Steckman	Swaim	Sweeney	Taylor
Thede	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Zirkelbach	Bailey, Presiding

The nays were, 43:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Rants	Rayhons	Roberts
Sands	Schulte	Schultz	Soderberg
Sorenson	Struyk	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

Absent or not voting, 5:

Abdul-Samad	Ford	Olson, D.	Raecker
Wendt			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cownie of Polk on request of Paulsen of Linn.

House File 2459, a bill for an act establishing a watershed planning advisory council, 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?" (H.F. 2459)

The ayes were, 81:

Abdul-Samad	Anderson	Arnold	Baudler
Beard	Bell	Berry	Bukta
Burt	Cohoon	Deyoe	Dolecheck
Drake	Ficken	Frevert	Gaskill
Gayman	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	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	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Schueller	Schulte
Shomshor	Smith	Sorenson	Steckman
Struyk	Swaim	Taylor	Thede
Thomas	Tjepkes	Tymeson	Van Engelenhoven
Wagner	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Worthan	Zirkelbach
Bailey, Presiding			

The nays were, 15:

Alons	Chambers	De Boef	Forrinstall
Grassley	Huseman	Lukan	Rants
Sands	Schultz	Soderberg	Sweeney
Upmeyer	Watts	Windschitl	

Absent or not voting, 4:

Cownie	Ford	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 MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2459** and **2461**.

House File 2447, a bill for an act relating to the regulation of motor vehicles by the department of transportation, including modification of the definition of business-trade truck, provisions concerning licensing sanctions and penalties for vehicle recyclers and motor vehicle dealers, annual registration fees for certain vehicles equipped for a person with a disability or used by a person who relies on a wheelchair, and requirements for the issuance of temporary persons with disabilities parking permits, was taken up for consideration.

Quirk of Chickasaw offered the following amendment H-8151 filed by him and moved its adoption:

H-8151

- 1 Amend House File 2447 as follows:
- 2 1. Page 4, after line 21 by inserting:
- 3 <Sec. ____ Section 325A.2, subsection 2, Code 2009,
- 4 is amended to read as follows:
- 5 2. A local authority, as defined in section 321.1,
- 6 shall not impose any regulations, including special
- 7 registration or inspection requirements, upon the
- 8 operation of motor carriers that are more restrictive
- 9 than any of the provisions of this chapter, or section
- 10 321.449 or 321.450. This subsection does not, however,
- 11 prohibit a local authority from exercising the home
- 12 rule power of the local authority to impose additional
- 13 or more restrictive regulations or requirements upon
- 14 the operation of taxicabs or limousines engaged in
- 15 nonfixed route transportation for hire.>
- 16 2. Title page, line 7, by striking <and>
- 17 3. Title page, line 9, by striking <permits.> and
- 18 inserting <permits, and provisions for the operation of
- 19 certain taxicabs and limousines.>
- 20 4. By renumbering as necessary.

Amendment H-8151 was adopted.

SENATE FILE 2246 SUBSTITUTED FOR HOUSE FILE 2447

Marek of Washington asked and received unanimous consent to substitute Senate File 2246 for House File 2447.

Senate File 2246, a bill for an act relating to the regulation of motor vehicles by the department of transportation, including modification of the definition of business-trade truck, provisions concerning licensing sanctions and penalties for vehicle recyclers and motor vehicle dealers, annual registration fees for certain vehicles equipped for a person with a disability or used by a person who relies on a wheelchair, requirements for the issuance of temporary persons with disabilities parking permits, and provisions for the operation of certain taxicabs and limousines, was taken up for consideration.

Marek of Washington 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. 2246)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Beard	Bell	Berry
Bukta	Burt	Chambers	Cohoon
De Boef	Deyoe	Dolecheck	Drake
Ficken	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Hanson
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	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	Struyk	Swaim	Sweeney
Taylor	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Bailey,		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Cownie
Raecker

Ford
Wendt

Kuhn

Olson, D.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2447 WITHDRAWN

Marek of Washington asked and received unanimous consent to withdraw House File 2447 from further consideration by the House.

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 February 25, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2402, a bill for an act relating to the development of a plan for a stroke triage system and registry.

Also: That the Senate has on February 25, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2366, a bill for an act making, reducing, and supplementing appropriations for expenditures in the fiscal year beginning July 1, 2009, and including effective date provisions.

MICHAEL E. MARSHALL, Secretary

House File 2444, a bill for an act relating to ethics regulations for the executive branch, legislative branch, and local officials and employees and including effective date provisions, was taken up for consideration.

Willems of Linn offered the following amendment H-8162 filed by him and moved its adoption:

H-8162

1 Amend House File 2444 as follows:

- 2 1. Page 1, lines 25 and 26, by striking <all
 3 registrations and reports> and inserting <~~and reports~~ >
 4 2. Page 1, line 31, after <~~under~~> by inserting <all
 5 registrations and reports>

Amendment H-8162 was adopted.

SENATE FILE 2067 SUBSTITUTED FOR HOUSE FILE 2444

Willems of Linn asked and received unanimous consent to substitute Senate File 2067 for House File 2444.

Senate File 2067, a bill for an act relating to ethics regulations for the executive branch, legislative branch, and local officials and employees and including effective date provisions, was taken up for consideration.

Willems of Linn offered the following amendment H-8233 filed by him and moved its adoption:

H-8233

- 1 Amend Senate File 2067, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, lines 23 and 24, by striking
 4 <subsections 5 and 9, Code Supplement 2009, are> and
 5 inserting <subsection 5, Code Supplement 2009, is>
 6 2. Page 2, by striking lines 3 through 11.

Amendment H-8233 was adopted.

Willems 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. 2067)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Beard	Bell	Berry
Bukta	Burt	Chambers	Cphoon
De Boef	Deyoe	Dolecheck	Drake
Ficken	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Hanson
Heaton	Heddens	Helland	Horbach

Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	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	Struyk	Swaim
Sweeney	Taylor	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Bailey, Presiding	

The nays were, none.

Absent or not voting, 5:

Cownie	Ford	Kuhn	Raecker
Wendt			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2444 WITHDRAWN

Willems of Linn asked and received unanimous consent to withdraw House File 2444 from further consideration by the House.

House File 2442, a bill for an act relating to judicial branch administration, and child custody and visitation matters, was taken up for consideration.

Huser of Polk asked and received unanimous consent to withdraw amendment H-8185 filed by her on February 22, 2010.

Huser of Polk offered the following amendment H-8236 filed by her and moved its adoption:

H-8236

1 Amend House File 2442 as follows:

- 2 1. Page 1, after line 28 by inserting:
 3 <Sec. _____. Section 236.4, Code 2009, is amended by
 4 adding the following new subsection:
 5 NEW SUBSECTION. 5A. Prior to the entry of a
 6 temporary order under this section that involves a
 7 child-custody determination as defined in section
 8 598B.102, the plaintiff shall furnish information to
 9 the court in compliance with section 598B.209.>
 10 2. Page 1, after line 34 by inserting:
 11 <Sec. _____. Section 236.5, subsection 1, paragraph
 12 b, subparagraph (4), Code Supplement 2009, is amended
 13 by adding the following new subparagraph division:
 14 NEW SUBPARAGRAPH DIVISION. (d) Prior to entry of
 15 an order or agreement under this section that involves
 16 a child-custody determination as defined in section
 17 598B.102, the parties shall furnish information to the
 18 court in compliance with section 598B.209.>
 19 3. By striking page 3, line 31, through page 4,
 20 line 7.
 21 4. Title page, line 1, by striking <and>
 22 5. By renumbering as necessary.

Amendment H-8236 was adopted.

Huser of Polk asked and received unanimous consent to withdraw amendment H-8184 filed by her on February 22, 2010.

SENATE FILE 2345 SUBSTITUTED FOR HOUSE FILE 2442

Huser of Polk asked and received unanimous consent to substitute Senate File 2345 for House File 2442.

Senate File 2345, a bill for an act relating to judicial branch administration, child custody and visitation matters, was taken up for consideration.

Speaker Murphy in the chair at 6:12 p.m.

Huser of Polk offered the following amendment H-8237 filed by her and moved its adoption:

H-8237

- 1 Amend Senate File 2345, as passed by the Senate, as
 2 follows:
 3 1. Page 4, after line 9 by inserting:
 4 <Sec. _____. Section 633.20, subsection 3, Code 2009,

5 is amended to read as follows:

6 3. A person appointed as an associate probate
7 judge shall have jurisdiction to audit accounts of
8 fiduciaries and to perform ministerial duties as
9 a referee provided in this section and shall have
10 additional jurisdiction to perform the judicial
11 functions as the court prescribes provided in section
12 633.20D.

13 Sec. ____ NEW SECTION. 633.20D Associate probate
14 judge – jurisdiction – appeals.

15 1. An associate probate judge shall have
16 the same jurisdiction to conduct probate court
17 proceedings, to issue no-contact or protective orders,
18 injunctions, contempt orders for adults in probate
19 court proceedings, and to issue orders, findings, and
20 decisions as the judge of the probate court. However,
21 the chief judge may limit the exercise of probate court
22 jurisdiction by the associate probate judge.

23 2. The parties to a proceeding heard by an
24 associate probate judge are entitled to appeal the
25 order, finding, or decision of an associate probate
26 judge, in the manner of an appeal from orders,
27 findings, or decisions of district court judges. An
28 appeal does not automatically stay the order, finding,
29 or decision of an associate probate judge.>

30 2. By renumbering as necessary.

Amendment H-8237 was adopted.

Huser of Polk offered the following amendment H-8238 filed by
her and moved its adoption:

H-8238

1 Amend Senate File 2345, as passed by the Senate, as
2 follows:

3 1. Page 4, after line 9 by inserting:

4 <Sec. ____ Section 665.7, Code 2009, is amended to
5 read as follows:

6 665.7 Notice to show cause.

7 Before punishing for contempt, unless the offender
8 is already in the presence of the court, the offender
9 must be served personally with ~~a rule~~ an order to
10 show cause against the punishment, and a reasonable
11 time given the offender therefor; or the offender may
12 be brought before the court forthwith, or on a given
13 day, by warrant, if necessary. In either case the
14 offender may, at the offender's option, make a written
15 explanation of the offender's conduct under oath, which

- 16 must be filed and preserved.>
 17 2. By renumbering as necessary.

Amendment H-8238 was adopted.

Huser 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. 2345)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	De Boef	Deyoe	Dolecheck
Drake	Ficken	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Hanson	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	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	Sands	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, none.

Absent or not voting and 5:

Cownie	Ford	Kuhn	Raecker
Wendt			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2442 WITHDRAWN

Huser of Polk asked and received unanimous consent to withdraw House File 2442 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 2067, 2246 and 2345.**

The House stood at ease at 6:17 p.m., until the fall of the gavel.

The House resumed session at 6:51 p.m., Speaker Murphy in the chair.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 2002

State Government: Schulte, Chair; Frevert and Lensing.

Senate File 2161

State Government: Koester, Chair; Mascher and Running-Marquardt.

Senate File 2192

Commerce: Reichert, Chair; Helland and Quirk.

Senate File 2200

Judiciary: Swaim, Chair; Schultz and Willems.

Senate File 2272

Commerce: Oldson, Chair; Pettengill and Wenthe.

Senate File 2298

Judiciary: Swaim, Chair; Schultz and Willems.

Senate File 2325

Commerce: Kelley, Chair; Reasoner and Sorenson.

Senate File 2326

Commerce: Jacoby, Chair; Helland and Wenthe.

Senate File 2331

Human Resources: Thede, Chair; Alons and Steckman.

Senate File 2343

Judiciary: Swaim, Chair; Helland and Palmer.

Senate File 2349

Commerce: T. Olson, Chair; Lukan and Petersen.

Senate File 2351

Judiciary: Lensing, Chair; Schulte and Smith.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 729 Ways and Means**

Exempting from the state sales and use taxes the sale of paint and other consumed materials to an auto body shop.

H.S.B. 730 Ways and Means

Relating to the administration of the sales and use taxes under the streamlined sales tax agreement and including effective date provisions.

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 HUMAN RESOURCES

Senate File 117, a bill for an act relating to the operation of bicycles on a street or highway, providing requirements for motor vehicle operators encountering other vehicles or bicycles, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8254** February 24, 2010.

COMMITTEE ON JUDICIARY

Senate File 285, a bill for an act relating to magistrate jurisdiction, specifying certain traffic-related offenses as simple misdemeanors, making other related changes to simple misdemeanor offenses, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2010.

Senate File 2190, a bill for an act relating to an exemption for a debtor's personal property from execution by creditors in a bankruptcy action.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2010.

Senate File 2223, a bill for an act relating to the deferral of costs and fees in a court proceeding for persons unable to pay such costs and fees.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2010.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 2419), concerning weight limits for vehicles carrying grain, fertilizer, agricultural lime, or agricultural chemicals on noninterstate highways.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2010.

AMENDMENTS FILED

H—8251	H.F.	2456	Senate Amendment
H—8252	S.F.	2288	Chambers of O'Brien
H—8253	H.F.	2491	Quirk of Chickasaw

H—8254	S.F.	117	Committee on Human Resources
H—8255	H.F.	2448	Rants of Woodbury
H—8256	H.F.	2448	Rants of Woodbury
H—8257	S.F.	2226	Gayman of Scott
H—8258	H.F.	2436	Raecker of Polk
H—8259	S.F.	2288	Tymeson of Madison
H—8260	H.F.	2470	Gaskill of Wapello
H—8261	H.F.	2452	T. Olson of Linn Kaufmann of Cedar R. Olson of Polk
H—8262	H.F.	2474	Helland of Polk
H—8263	H.F.	823	D. Olson of Boone
H—8264	H.F.	2410	Quirk of Chickasaw
H—8265	S.F.	117	Heaton of Henry
H—8266	S.F.	117	Heaton of Henry
H—8267	S.F.	117	Heaton of Henry
H—8268	S.F.	117	Soderberg of Plymouth
H—8269	H.F.	2410	Zirkelbach of Jones
H—8270	H.F.	2381	Bailey of Hamilton
H—8271	H.F.	2474	Helland of Polk
H—8272	H.F.	2474	Helland of Polk
H—8273	H.F.	2475	Reichert of Muscatine
H—8274	H.F.	2399	Reichert of Muscatine D. Olson of Boone Quirk of Chickasaw Soderberg of Plymouth Wagner of Linn
H—8275	S.F.	2235	Reichert of Muscatine

On motion by McCarthy of Polk the House adjourned at 6:51 p.m., until 9:00 a.m., Friday, February 26, 2010.

JOURNAL OF THE HOUSE

Forty-seventh Calendar Day - Thirty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 26, 2010

The House met pursuant to adjournment at 10:16 a.m., Reasoner of Union in the chair

Prayer was offered by the Honorable Tom Schueller, state representative from Jackson County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Schueller of Jackson.

The Journal of Thursday, February 25, 2010 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 25, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2217, a bill for an act concerning the purchasing of raffle tickets.

Also: That the Senate has on February 25, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2357, a bill for an act relating to prohibiting a person who is the subject of a no-contact order or a protective order or who has been convicted of a misdemeanor crime of domestic violence from possessing, transferring, or selling firearms and ammunition or offensive weapons and providing penalties.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

Senate File 2366, by committee on appropriations, a bill for an act relating to public funding and regulatory matters and making, reducing, and supplementing appropriations for expenditures in the

fiscal year beginning July 1, 2009, and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **appropriations**.

SUBCOMMITTEE ASSIGNMENTS

House File 2251

Ways and Means: Petersen, Chair; Hagenow and Huser.

House File 2304

Ways and Means: Thomas, Chair; Hagenow and Steckman.

House File 2305

Ways and Means: Thomas, Chair; Forristall and Steckman.

House File 2455

Ways and Means: Isenhardt, Chair; Bukta and Windschitl.

House File 2479

Ways and Means: Shomshor, Chair; Reasoner and Sands.

House File 2509

Ways and Means: Steckman, Chair; Isenhardt and Pettengill.

House File 2510

Ways and Means: Steckman, Chair; Isenhardt and Struyk.

Senate File 2323

State Government: Quirk, Chair; Running-Marquardt and Struyk.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 729

Ways and Means: Thomas, Chair; Reasoner and Sands.

House Study Bill 730

Ways and Means: Shomshor, Chair; Sands and Steckman.

RESOLUTION FILED

HCR 107, by Baudler, a concurrent resolution relating to the placement of a statue in the United States Capitol honoring Henry A. Wallace.

Laid over under **Rule 25**.

On motion by McCarthy of Polk the House adjourned at 10:18 a.m., until 10:00 a.m., Monday, March 1, 2010.

JOURNAL OF THE HOUSE

Fiftieth Calendar Day - Thirty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 1, 2010

The House met pursuant to adjournment at 10:17 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Brian Danner, pastor of St. Joseph Catholic Church, Milford. He was the guest of Representative Lisa Heddens of Story County and Mike May of Dickinson County.

The Journal of Friday, February 26, 2010 was approved.

INTRODUCTION OF BILL

House File 2511, by Bailey, a bill for an act relating to the repayment under certain circumstances of tax credits received for increasing research activities in the state and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **ways and means**.

SENATE MESSAGES CONSIDERED

Senate File 2217, by committee on state government, a bill for an act concerning the purchasing of raffle tickets.

Read first time and referred to committee on **state government**.

Senate File 2357, by committee on judiciary, a bill for an act relating to prohibiting a person who is the subject of a no-contact order or a protective order or who has been convicted of a misdemeanor crime of domestic violence from possessing, transferring, or selling firearms and ammunition or offensive weapons and providing penalties.

Read first time and referred to committee on **public safety**.

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 February 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 asked:

Senate File 2088, a bill for an act concerning state government reorganization and efficiency, making appropriations, establishing fees, establishing fees and penalties, and providing effective and applicability provisions.

Also: That the Senate has on February 25, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2252, a bill for an act relating to the criminal and juvenile justice planning advisory council, establishing a public safety advisory board, and providing for implementation.

Also: That the Senate has on February 25, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2302, a bill for an act relating to grandparents' rights to receive notice regarding child in need of assistance and related reviews and proceedings.

Also: That the Senate has on February 25, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2306, a bill for an act relating to grandparent and great-grandparent visitation.

Also: That the Senate has on February 25, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2316, a bill for an act relating to flood plain management.

Also: That the Senate has on February 25, 2010, passed the following bill in which the concurrence of the House is 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.

MICHAEL E. MARSHALL, Secretary

On motion by Steckman of Cerro Gordo, the House was recessed at 10:22 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:11 p.m., Speaker Murphy in the chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by preschool students from Horizon Elementary School, Johnston. They are part of a voluntary 4 year old preschool program and are accompanied by teachers Ms. Kelly Spencer and Ms. Kathy Wilson. They are the guest of Representative Janet Petersen of Polk County, whose daughter Maggie Pattinson is in the class.

SENATE MESSAGES CONSIDERED

Senate File 2252, by committee on judiciary, a bill for an act relating to the criminal and juvenile justice planning advisory council, establishing a public safety advisory board, and providing for implementation.

Read first time and referred to committee on **judiciary**.

Senate File 2306, by committee on judiciary, a bill for an act relating to grandparent and great-grandparent visitation.

Read first time and referred to committee on **judiciary**.

Senate File 2324, by committee on commerce, a bill for an act modifying provisions relating to franchises for the provision of cable service or video service, and including effective date provisions.

Read first time and referred to committee on **commerce**.

On motion by McCarthy of Polk, the House was recessed at 1:18 p.m., until 6:00 p.m.

EVENING SESSION

The House reconvened at 6:18 p.m., Speaker Murphy in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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 1, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2197, a bill for an act relating to providing false identification information to a peace officer, emergency medical care provider, or firefighter and providing a penalty.

Also: That the Senate has on March 1, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2333, a bill for an act relating to health care facilities and programs, including hospital inspector requirements and dependent adult abuse.

Also: That the Senate has on March 1, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2354, a bill for an act relating to campaign finance, including political campaign activities and independent expenditures by corporations and making penalties applicable.

Also: That the Senate has on March 1, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2356, a bill for an act relating to health reform in Iowa by creating an IowaCare plus program and an Iowa insurance information exchange.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

Senate File 2197, by committee on judiciary, a bill for an act relating to the enforcement of criminal law provisions including providing false identification information and public indecent exposure and providing penalties.

Read first time and referred to committee on **public safety**.

Senate File 2302, by committee on judiciary, a bill for an act relating to grandparents' rights to receive notice regarding child in need of assistance and related reviews and proceedings.

Read first time and referred to committee on **judiciary**.

Senate File 2316, by committee on rebuild Iowa, a bill for an act relating to flood plain management.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

Senate File 2356, by committee on human resources, 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.

Read first time and referred to committee on **human resources**.

SENATE AMENDMENT CONSIDERED

Mascher of Johnson called up for consideration **Senate File 2088**, a bill for an act concerning state government reorganization and efficiency, making appropriations, establishing fees and penalties, and providing effective and applicability provisions, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-8276 to the House amendment:

H-8276

1 Amend the amendment, S-5072, to Senate File 2088,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. By striking page 1, line 3, through page 22,
5 line 31, and inserting:
6 <__. Page 1, after line 31 by inserting:
7 <Oe. Network services, including equipment and
8 software which support local area networks, campus
9 area networks, wide area networks, and metro area
10 networks. Network services also include data network
11 services such as routers, switches, firewalls, virtual
12 private networks, intrusion detection systems, access

13 control, internet protocol load balancers, event
 14 logging and correlation, and content caching. Network
 15 services do not include services provided by the Iowa
 16 communications network pursuant to chapter 8D or by
 17 the public broadcasting division of the department of
 18 education.>

19 _____. Page 2, line 25, after <appointment.> by
 20 inserting <The chief information officer position is
 21 attached to the department of management.>

22 _____. Page 3, line 19, after <acquisition> by
 23 inserting <, utilization, or provision>

24 _____. Page 3, line 27, after <Whether the> by
 25 inserting <failure to grant a>

26 _____. Page 4, after line 12 by inserting:
 27 <(7) Whether the failure to grant a waiver would
 28 jeopardize federal funding.>

29 _____. Page 4, after line 30 by inserting:
 30 <d. A participating agency may appeal the decision
 31 of the chief information officer to the director within
 32 seven calendar days following the decision of the chief
 33 information officer. The director, after consultation
 34 with the technology advisory council, shall respond
 35 within fourteen days following the receipt of the
 36 appeal.>

37 _____. Page 4, after line 30 by inserting:
 38 <e. The department of public defense, including
 39 both the military division and the homeland security
 40 and emergency management division, shall not be
 41 required to obtain any information technology services
 42 pursuant to this subchapter for the department of
 43 public defense or its divisions that is provided by the
 44 department pursuant to this chapter without the consent
 45 of the adjutant general.>

46 _____. Page 7, line 10, by striking <or other
 47 agencies>

48 _____. Page 7, after line 25 by inserting:
 49 <g. Encourage participating agencies to utilize
 50 a print on demand strategy to reduce publication

Page 2

1 overruns, excessive inventory, and obsolete printed
 2 materials. >>

3 2. Page 22, after line 46 by inserting:
 4 <_____. Page 35, line 29, after <agencies> by
 5 inserting <, except the department of public safety,>>

6 3. Page 30, after line 3 by inserting:
 7 <Sec. _____. EFFECTIVE UPON ENACTMENT. This division
 8 of this Act, being deemed of immediate importance,
 9 takes effect upon enactment. >>

10 4. Page 36, line 4, after <state.> by inserting <A
 11 member of the state board shall not be a provider of

12 services or other entity receiving funding through the
13 early childhood Iowa initiative or be employed by such
14 a provider or other entity.>
15 5. Page 37, line 30, by striking <and data> and
16 inserting <and data reporting requirements, applicable
17 statewide,>
18 6. Page 37, by striking lines 32 and 33 and
19 inserting <boards. The data from common performance
20 measures and other data shall be posted on the early
21 childhood Iowa internet site and disseminated by other
22 means and shall also be aggregated to provide statewide
23 information.>
24 7. Page 38, line 8, by striking <If> and inserting
25 <Subject to the funding requirements and other
26 requirements established in law, if>
27 8. Page 38, line 9, by striking <shall> and
28 inserting <may>
29 9. Page 38, line 11, by striking <may> and
30 inserting <shall>
31 10. Page 39, lines 6 and 7, by striking
32 <coordination center> and inserting <Iowa office>
33 11. Page 39, line 13, by striking <Adopt> and
34 inserting <Except for the fiscal oversight measures to
35 be adopted by the department, adopt>
36 12. Page 39, line 33, by striking <measurer> and
37 inserting <measures>
38 13. Page 39, line 44, by striking <center> and
39 inserting <staff>
40 14. By striking page 39, line 45, through page 40,
41 line 18, and inserting:
42 <1. The department shall provide administrative
43 support for implementation of the early childhood Iowa
44 initiative and for the state board. The department
45 shall adopt rules in consultation with the state board
46 to provide fiscal oversight of the initiative. The
47 fiscal oversight measures adopted shall include but are
48 not limited to all of the following:
49 a. Reporting and other requirements to address the
50 financial activities employed by area boards.

Page 3

1 b. Regular audits and other requirements of fiscal
2 agents for area boards.
3 c. Requirements for area boards to undertake
4 and report on fiscal and performance reviews of the
5 programs, contracts, services, and other functions
6 funded by the area boards.
7 2. An early childhood Iowa office is established in
8 the department to provide leadership for facilitation,
9 communication, and coordination for the early childhood
10 Iowa initiative activities and funding and for

11 improvement of the early care, education, health,
 12 and human services systems. An administrator for the
 13 early childhood Iowa office shall be appointed by the
 14 director of the department. Other staff may also be
 15 designated, subject to appropriation made for this
 16 purpose.>

17 15. Page 40, line 22, by striking <center> and
 18 inserting <office>

19 16. Page 40, line 26, by striking <center> and
 20 inserting <office>

21 17. Page 40, line 28, by striking <center> and
 22 inserting <office>

23 18. Page 41, line 8, by striking <center> and
 24 inserting <office>

25 19. Page 42, line 2, by striking <A majority of
 26 the> and inserting <The>

27 20. Page 42, by striking lines 41 through 44 and
 28 inserting:

29 <a. Designate a public agency of this state, as
 30 defined in section 28E.2, a community action agency
 31 as defined in section 216A.91, an area education
 32 agency established under section 273.2, or a nonprofit
 33 corporation, to be the fiscal agent for grant moneys
 34 and for other moneys administered by the area board.>

35 21. Page 44, line 48, after <visitation.> by
 36 inserting <Of the funding from all sources that an area
 37 board designates for family support programs, at least
 38 sixty percent shall be committed to programs with a
 39 home visitation component.>

40 22. Page 45, line 20, by striking <may request> and
 41 inserting <shall require>

42 23. Page 45, lines 38 and 39, by striking <evaluate
 43 the funding flexibility> and inserting <funding
 44 amounts>

45 24. Page 45, line 43, by striking <Experience or
 46 other evidence> and inserting <Evidence>

47 25. Page 46, line 29, after <use.> by inserting
 48 <The information shall include data from the indicators
 49 of success and performance measures adopted by the
 50 state board and fiscal information and other data

Page 4

1 developed by the department.>

2 26. Page 47, line 6, after <account> by inserting
 3 <are appropriated to and>

4 27. Page 47, line 11, by striking <five> and
 5 inserting <three>

6 28. Page 47, line 16, by striking <management> and
 7 inserting <human services>

8 29. Page 47, by striking lines 17 through 19 and
 9 inserting <credited to the account are appropriated to

10 and shall be distributed by the department of human
11 services>
12 30. Page 47, line 40, by striking <early childhood
13 coordination center> and inserting <department of human
14 services>
15 31. Page 48, after line 25 by inserting:
16 <Sec. ____ NEW SECTION. 256I.12 Early childhood
17 stakeholders alliance.
18 1. Alliance created. An early childhood
19 stakeholders alliance is created to support the
20 state board in addressing the early care, health,
21 and education systems that affect children ages zero
22 through five in Iowa.
23 2. Purpose. The purpose of the early childhood
24 stakeholders alliance is to oversee and provide broad
25 input into the development of a high quality Iowa early
26 childhood system that meets the needs of children zero
27 through age five and their families and integrates
28 the early care, health, and education systems. The
29 alliance shall advise the governor, general assembly,
30 state board, and other public and private policy bodies
31 and service providers in coordinating activities
32 throughout the state to fulfill its purpose.
33 3. Vision statement. All system development
34 activities addressed by the early childhood
35 stakeholders alliance shall be aligned around the
36 following vision statement for the children of
37 Iowa: "Every child, beginning at birth, will be
38 healthy and successful."
39 4. Membership. The early childhood stakeholders
40 alliance membership shall include a representative
41 of any organization that touches the lives of young
42 children in the state zero through age five, has
43 endorsed the purpose and vision statement for the
44 alliance, has endorsed the guiding principles adopted
45 by the alliance for the early childhood system, and
46 has formally asked to be a member and remains actively
47 engaged in alliance activities. The alliance shall
48 work to ensure there is geographic, cultural, and
49 ethnic diversity among the membership.
50 5. Procedure. Except as otherwise provided by

Page 5

1 law, the early childhood stakeholders alliance shall
2 determine its own rules of procedure and operating
3 provisions.
4 6. Steering committee. The early childhood
5 stakeholders alliance shall operate with a steering
6 committee to organize, manage, and coordinate the
7 activities of the alliance and its component groups.
8 The steering committee may act on behalf of the

9 alliance as necessary. The steering committee
 10 membership shall consist of the co-chairpersons of
 11 the alliance's component groups, the administrator of
 12 the early childhood Iowa office, and other leaders
 13 designated by the alliance.

14 7. Component groups. The early childhood
 15 stakeholders alliance shall maintain component groups
 16 to address the key components of the Iowa early
 17 childhood system. Each component group shall have one
 18 private and one public agency co-chairperson. The
 19 alliance may change the component groups as deemed
 20 necessary by the alliance. Initially, there shall be a
 21 component group for each of the following:

22 a. Governance planning and administration.
 23 b. Professional development.
 24 c. Public engagement.
 25 d. Quality services and programs.
 26 e. Resources and funding.
 27 f. Results accountability.

28 8. Duties. The early childhood stakeholders
 29 alliance duties shall include but are not limited to
 30 all of the following regarding the Iowa early childhood
 31 system:

32 a. Coordinate with the early childhood Iowa state
 33 board.
 34 b. Serve as the state advisory council required
 35 under the federal Improving Head Start for School
 36 Readiness Act of 2007, Pub. L. No. 110-134, as
 37 designated by the governor.

38 9. Staffing. Staff support for the early childhood
 39 stakeholders alliance shall be provided by the
 40 department.>

41 32. By striking page 49, line 34, through page 53,
 42 line 14.

43 33. Page 53, line 38, by striking <coordination
 44 center> and inserting <Iowa office>

45 34. Page 54, line 32, by striking <coordination
 46 center> and inserting <Iowa office>

47 35. Page 55, lines 14 and 15, by striking
 48 <coordination center> and inserting <Iowa office>

49 36. Page 56, line 41, by striking <coordination
 50 center> and inserting <Iowa office>

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1 37. Page 56, line 48, by striking <coordination
 2 center> and inserting <Iowa office>

3 38. Page 57, line 28, by striking <Chapter> and
 4 inserting:
 5 <1. Sections 135.173 and 135.174, Code 2009, are
 6 repealed.
 7 2. Chapter>

8 39. Page 58, after line 15 by inserting:

9 <4. The department of management and the early
10 childhood Iowa board shall implement requirements
11 for school ready children grant funds or other state,
12 federal, or other funds in possession of a community
13 empowerment area remaining unobligated or unexpended to
14 be remitted to the successor early childhood Iowa area
15 board designated to serve that area. The requirements
16 shall include measures to ensure there is continuity
17 of services in the transition from the community
18 empowerment initiative to the early childhood Iowa
19 initiative.>

20 40. By striking page 58, line 19, through page 59,
21 line 42, and inserting:

22 <Sec. ___. DEPARTMENT OF EDUCATION – COMMUNITY
23 COLLEGE ACCREDITATION RECOMMENDATIONS IMPLEMENTATION
24 REVIEW. The department of education shall review and
25 evaluate the implementation of the recommendations
26 submitted on January 22, 2010, by the community college
27 accreditation advisory committee in its final report to
28 the general assembly. The department shall submit its
29 findings and recommendations to the general assembly on
30 or before December 31, 2010.

31 Sec. ___. DEPARTMENT OF EDUCATION – COMMUNITY
32 COLLEGE ACCREDITATION ADVISORY COMMITTEE –
33 INSTRUCTIONAL HOURS STUDY. The department of education
34 shall convene a working group, whose members shall
35 include at a minimum the members of the community
36 college accreditation advisory committee and the
37 community college faculty advisory committee. The
38 working group shall solicit comments from each of the
39 community college quality faculty committees. The
40 working group shall study the maximum academic credit
41 hour per school term workload appropriate for an
42 instructor beyond the standard workload. The working
43 group shall submit its findings and recommendations to
44 the state board of education and the general assembly
45 on or before December 31, 2010.

46 Sec. ___. COMMUNITY COLLEGE ACADEMIC WORKLOAD
47 EXCEPTION – FISCAL YEAR 2010-2011. Notwithstanding
48 section 260C.48, subsection 2, a faculty member who
49 has in previous fiscal years exceeded the eighteen
50 credit hour standard set pursuant to section 260C.48,

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1 subsection 2, may continue to exceed the eighteen
2 credit hour workload standard for the 2010-2011 fiscal
3 year if the faculty member elects to teach beyond the
4 eighteen credit hour workload standard.>

5 41. Page 90, after line 30 by inserting:

6 <___. Page 251, line 6, by striking <October> and

7 inserting <July>
 8 _____. Page 251, line 6, after <and> by inserting <by
 9 January 1, 2011,>
 10 _____. Page 251, after line 10 by inserting:
 11 <Sec. _____. EFFECTIVE UPON ENACTMENT. The section
 12 of this division of this Act concerning correctional
 13 facility closure, being deemed of immediate importance,
 14 takes effect upon enactment. >>
 15 42. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8276, to the House amendment.

Mascher of Johnson 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.

On the question "Shall the bill pass?" (S.F. 2088)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	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, 1:

Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

CONSIDERATION OF BILLS Regular Calendar

House File 755, a bill for an act concerning eligibility for the injured veterans grant program, was taken up for consideration.

Bailey of Hamilton 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. 755)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	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	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wenthe	Wessel-Kroeschell

Whitead
Worthan

Willems
Zirkelbach

Winckler
Mr. Speaker
Murphy

Windschitl

The nays were, none.

Absent or not voting, 1:

Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 823, a bill for an act requiring public schools and state agencies to utilize environmentally preferable cleaning and maintenance products in school facilities and state buildings, with report of committee recommending amendment and passage, was taken up for consideration.

Reichert of Muscatine offered amendment H-8088 filed by the committee on environmental protection as follows:

H-8088

1 Amend House File 823 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. NEW SECTION. 8A.318 Building cleaning
5 and maintenance – environmentally preferable cleaning
6 products.

7 1. Findings and intent. The general assembly finds
8 that human beings are vulnerable to and may be severely
9 affected by exposure to chemicals, hazardous waste, and
10 other environmental hazards. The federal environmental
11 protection agency estimates that human exposure to
12 indoor air pollutants can be two to five times, and
13 up to one hundred times, higher than outdoor levels.
14 Children, teachers, janitors, and other staff members
15 spend a significant amount of time inside school
16 buildings. Likewise, state employees and citizens of
17 this state spend a significant amount of time inside
18 state buildings. These individuals are continuously
19 exposed to chemicals from cleaners, waxes, deodorizers,
20 and other maintenance products.

21 2. Definitions. As used in this section, unless
22 the context otherwise requires:

23 a. "Environmentally preferable cleaning and
24 maintenance products" includes but is not limited to
25 cleaning and maintenance products identified by the

26 department and posted on the department's internet
27 site.

28 b. "State building" means a public facility or
29 building owned by or leased by the state, or an agency
30 or department of the state.

31 3. Use of environmentally preferable cleaning and
32 maintenance products.

33 a. All school districts in this state, and state
34 agencies utilizing state buildings, are encouraged
35 to conform to an environmentally preferable cleaning
36 policy designed to facilitate the purchase and use of
37 environmentally preferable cleaning and maintenance
38 products for purposes of public school and state
39 building cleaning and maintenance.

40 b. Each school district or state agency utilizing
41 public buildings shall conduct an evaluation
42 and assessment regarding implementation of an
43 environmentally preferable cleaning policy pursuant
44 to this section. On or after July 1, 2012, all state
45 agencies, other than an institution under the control
46 of the state board of regents, and all school districts
47 and institutions under the control of the state board
48 of regents which have not opted out of compliance
49 pursuant to paragraph "c", shall purchase only cleaning
50 and maintenance products identified by the department

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1 or that meet nationally recognized standards. School
2 districts and state agencies procuring supplies
3 for schools and state buildings may deplete their
4 existing cleaning and maintenance supply stocks and
5 implement the new requirements in the procurement
6 cycle for the following year. This section shall not
7 be interpreted in a manner that prohibits the use of
8 disinfectants, disinfecting cleaners, sanitizers,
9 or any other antimicrobial product regulated by the
10 federal Insecticide, Fungicide, and Rodenticide Act, 7
11 U.S.C. § 136 et seq., when necessary to protect public
12 health and provided that the use of these products
13 is in accordance with responsible cleaning procedure
14 requirements.

15 c. A school district or institution under the
16 control of the state board of regents may, based upon
17 the evaluation and assessment conducted pursuant
18 to paragraph "b", opt out of compliance with the
19 requirements of this section, upon the affirmative
20 vote of a majority of the members of the board of
21 directors of the school district or a determination by
22 the president or administrative officer of the regents
23 institution. A school district or regents institution
24 opting out of compliance pursuant to this paragraph

25 shall notify the department of education, or the state
 26 board of regents, respectively, of this decision.
 27 4. Information requirements – department internet
 28 site. The department shall provide information on the
 29 department's internet site regarding environmentally
 30 preferable cleaning and maintenance products used
 31 by the department. The department may also provide
 32 information regarding other cleaning and maintenance
 33 products that the department is aware of that meet
 34 nationally recognized standards. Information shall
 35 also be provided, at the discretion of the department,
 36 regarding the nationally recognized standards and the
 37 entity establishing the standards.>
 38 2. Title page, by striking lines 1 through 3 and
 39 inserting <An Act requiring public schools and state
 40 agencies to comply with an environmentally preferable
 41 cleaning and maintenance policy unless specified
 42 conditions for noncompliance are satisfied.>

D. Olson of Boone offered the following amendment H–8263, to the committee amendment H–8088, filed by him and moved its adoption:

H–8263

1 Amend the amendment, H–8088, to House File 823 as
 2 follows:
 3 1. Page 1, line 33, after <state,> by inserting
 4 <community colleges, institutions under the control of
 5 the state board of regents,>
 6 2. Page 1, line 38, after <school> by inserting <,
 7 community college, regents institution,>
 8 3. Page 1, line 40, by striking <district> and
 9 inserting <district, community college, institution
 10 under the control of the state board of regents,>
 11 4. Page 1, by striking lines 45 and 46 and
 12 inserting <agencies, and all school districts,
 13 community colleges,>
 14 5. Page 2, by striking line 2 and inserting
 15 <districts, community colleges, institutions under
 16 the control of the state board of regents, and state
 17 agencies procuring supplies>
 18 6. Page 2, by striking line 15 and inserting:
 19 <c. A school district, community college, or
 20 institution under the>
 21 7. Page 2, line 22, after <president> by inserting
 22 <of the community college or by the president>
 23 8. Page 2, by striking lines 23 through 26 and
 24 inserting <institution. A school district, community
 25 college, or regents institution opting out of
 26 compliance pursuant to this paragraph shall notify the
 27 department of education, the state board for community

28 colleges, or the state board of regents, respectively,
29 of this decision.>

30 9. Page 2, by striking lines 38 through 40 and
31 inserting:

32 <2. Title page, by striking lines 1 through 3 and
33 inserting <An Act requiring public schools, community
34 colleges, institutions under the control of the state
35 board of regents, and state agencies to comply with an
36 environmentally preferable>

Amendment H-8263 was adopted.

Reichert of Muscatine moved the adoption of committee amendment H-8088, as amended.

A non-record roll call was requested.

The ayes were 52, nays 37.

The committee amendment H-8088, as amended, was adopted.

Reichert of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 823)

The ayes were, 52:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	Isenhardt	Jacoby	Kearns
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Running-Marquardt	Shomshor
Smith	Steckman	Swaim	Taylor
Thede	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker
			Murphy

The nays were, 47:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Kelley	Koester
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rayhons	Roberts	Sands	Schueller
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

Absent or not voting, 1:

Wendt

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Koester of Polk on request of Paulsen of Linn.

House File 2194, a bill for an act creating the local public health governance Act, and providing penalties, was taken up for consideration.

Hunter of Polk offered the following amendment H-8152 filed by him and moved its adoption:

H-8152

- 1 Amend House File 2194 as follows:
- 2 1. By striking page 7, line 18, through page 8,
- 3 line 3.
- 4 2. By renumbering as necessary.

Amendment H-8152 was adopted.

SENATE FILE 2266 SUBSTITUTED FOR HOUSE FILE 2194

Hunter of Polk asked and received unanimous consent to substitute Senate File 2266 for House File 2194.

Senate File 2266, a bill for an act creating the local public health governance Act, and providing penalties, was taken up for consideration.

Schulte of Linn offered the following amendment H-8208 filed by her and moved its adoption:

H-8208

1 Amend Senate File 2266, as passed by the Senate, as
 2 follows:
 3 1. Page 4, by striking lines 15 through 19
 4 and inserting <at least one but no more than four
 5 members to the district board. Each county board
 6 of supervisors shall appoint a number of members to
 7 the district board based on the population of that
 8 county that is proportionate to the number of members
 9 appointed by the county board of supervisors of each of
 10 the other counties represented by the district board
 11 based on each county's population. There shall be no
 12 more than one board of supervisors member from any
 13 participating county on the district board.>

Amendment H-8208 lost.

Hunter 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. 2266)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby

Kaufmann	Kearns	Kelley	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	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor	Thede	Thomas	Tjepkes
Tymeson	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, 2

Koester Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2285, a bill for an act relating to the rights of a donee created by an anatomical gift, was taken up for consideration.

SENATE FILE 2138 SUBSTITUTED FOR HOUSE FILE 2285

Swaim of Davis asked and received unanimous consent to substitute Senate File 2138 for House File 2285.

Senate File 2138, a bill for an act relating to the rights of a donee created by an anatomical gift, was taken up for consideration.

Swaim of Davis 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. 2138)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Berry
Bukta	Burt	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	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
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Tymeson
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, 3.

Bell	Koester	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.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bell of Jasper on request of McCarthy of Polk.

House File 2462, a bill for an act relating to the use of certain regular physical plant and equipment levy funds and including effective date provisions, was taken up for consideration.

Kuhn of Floyd in the chair at 7:35 p.m.

Pettengill of Benton offered amendment H-8218 filed by her as follows:

H-8218

- 1 Amend House File 2462 as follows:
- 2 1. Page 1, by striking lines 10 through 12 and
- 3 inserting:
- 4 <(1) The costs of utilities.>
- 5 2. Page 1, after line 17 by inserting:
- 6 <(4) The maintenance costs of schoolhouses or
- 7 buildings and additions to existing schoolhouses.>
- 8 3. By renumbering as necessary.

Huser of Polk offered the following amendment H-8289, to amendment H-8218, filed by Struyk of Pottawattamie, Huser of Polk, Kelley of Black Hawk and Pettengill of Benton from the floor and moved its adoption:

H-8289

- 1 Amend the amendment, H-8218, to House File 2462 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 7 and
- 4 inserting:
- 5 <___. Page 1, by striking lines 13 through 15.>

A non-record roll call was requested.

The ayes were 51, nays 46.

Amendment H-8289 was adopted.

Pettengill of Benton moved the adoption of amendment H-8218, as amended.

Roll call was requested by Paulsen of Linn and Windschitl of Harrison.

Rule 75 was invoked.

On the question “Shall amendment H–8218, as amended, be adopted?” (H.F. 2462)

The ayes were, 48:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Huser	Kaufmann	Kelley
Lukan	Marek	May	Mertz
Miller, L.	Olson, S.	Paulsen	Pettengill
Quirk	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

The nays were, 49:

Abdul-Samad	Bailey	Beard	Berry
Bukta	Burt	Cohoon	Ficken
Ford	Frevert	Gaskill	Gayman
Hanson	Heddens	Hunter	Isenhardt
Jacoby	Kearns	Kressig	Lensing
Lykam	Mascher	McCarthy	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	Winckler	Zirkelbach
Kuhn, Presiding			

Absent or not voting, 3:

Bell	Koester	Wendt
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Amendment H–8218, as amended, lost.

Raecker of Polk offered the following amendment H–8155 filed by him and moved its adoption:

H–8155

- 1 Amend House File 2462 as follows:
- 2 1. Page 1, after line 20 by inserting:
- 3 <c. Expenditures allowed under this subsection
- 4 shall not be made until all facilities within a

5 school district have been certified in writing as
 6 being compliant with state and local fire codes,
 7 safety codes, provisions of the federal Americans
 8 with Disabilities Act, 42 U.S.C. § 12101-12117, by
 9 an architect registered under chapter 544A or an
 10 engineer licensed under chapter 542B, and the removal,
 11 management, or abatement of environmental hazards, such
 12 as asbestos and lead, are fully funded.>

Roll call was requested by Raecker of Polk and Struyk of Pottawattamie.

On the question "Shall amendment H-8155 be adopted?" (H.F. 2462)

The ayes were, 48:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Huser	Kaufmann	Kelley
Lukan	Marek	May	Mertz
Miller, L.	Olson, S.	Paulsen	Pettengill
Quirk	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

The nays were, 49:

Abdul-Samad	Bailey	Beard	Berry
Bukta	Burt	Cohoon	Ficken
Ford	Frevert	Gaskill	Gayman
Hanson	Heddens	Hunter	Isenhart
Jacoby	Kearns	Kressig	Lensing
Lykam	Mascher	McCarthy	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	Winckler	Zirkelbach
Kuhn			
Presiding			

Absent or not voting, 3:

Bell	Koester	Wendt
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Amendment H-8155 lost.

Raecker of Polk offered the following amendment H-8156 filed by him and moved its adoption:

H-8156

- 1 Amend House File 2462 as follows:
- 2 1. Page 1, after line 20 by inserting:
- 3 <c. Expenditures allowed under this subsection
- 4 shall not be made until the regular physical plant
- 5 and equipment levy funds have been used to reduce the
- 6 school district's bond levies under sections 298.18 and
- 7 298.18A and all other debt levies.>

Roll call was requested by Raecker of Polk and Paulsen of Linn.

On the question "Shall amendment H-8156 be adopted?" (H.F. 2462)

The ayes were, 48:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Huser	Kaufmann	Kelley
Lukan	Marek	May	Mertz
Miller, L.	Olson, S.	Paulsen	Pettengill
Quirk	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

The nays were, 49:

Abdul-Samad	Bailey	Beard	Berry
Bukta	Burt	Cphoon	Ficken
Ford	Frevert	Gaskill	Gayman
Hanson	Heddens	Hunter	Isenhart
Jacoby	Kearns	Kressig	Lensing
Lykam	Mascher	McCarthy	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 Winckler Zirkelbach
 Kuhn
 Presiding

Absent or not voting, 3:

Bell Koester Wendt

Amendment H-8156 lost.

Raecker of Polk offered amendment H-8157 filed by him as follows:

H-8157

1 Amend House File 2462 as follows:
 2 1. Page 2, after line 10 by inserting:
 3 <Sec. ____ SCHOOL DISTRICT HOME RULE. It is the
 4 intent of the general assembly to provide for the
 5 exercise of home rule power and authority by school
 6 districts. Therefore, the general assembly shall
 7 initiate the process to amend the Constitution of the
 8 State of Iowa in order to provide school districts with
 9 such home rule power and authority.>
 10 2. Title page, line 2, after <funds> by inserting
 11 <and the intention to provide home rule authority to
 12 school districts>

Raecker of Polk offered the following amendment H-8297, to amendment H-8157, filed by him from the floor and moved its adoption:

H-8297

1 Amend the amendment, H-8157, to House File 2462 as
 2 follows:
 3 1. Page 1, by striking lines 2 through 12 and
 4 inserting:
 5 <____. Page 1, lines 11 and 12, by striking <, and
 6 computer software>>
 7 2. By renumbering as necessary.

Roll call was requested by Raecker of Polk and Tymeson of Madison.

Raecker of Polk and Tymeson of Madison withdrew their request for a record roll call.

Amendment H-8297 was adopted.

Raecker of Polk moved the adoption of amendment H-8157, as amended.

Roll call was requested by De Boef of Keokuk and Sorenson of Warren.

On the question "Shall amendment H-8157, as amended, be adopted?" (H.F. 2462)

The ayes were, 48:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Huser	Kaufmann	Kelley
Lukan	Marek	May	Mertz
Miller, L.	Olson, S.	Paulsen	Pettengill
Quirk	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

The nays were, 49:

Abdul-Samad	Bailey	Beard	Berry
Bukta	Burt	Cohoon	Ficken
Ford	Frevert	Gaskill	Gayman
Hanson	Heddens	Hunter	Isenhardt
Jacoby	Kearns	Kressig	Lensing
Lykam	Mascher	McCarthy	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	Winckler	Zirkelbach
Kuhn, Presiding			

Absent or not voting, 3:

Bell	Koester	Wendt
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Amendment H-8157, as amended, lost.

The House stood at ease at 8:47 p.m., until the fall of the gavel.

The House resumed session at 9:06 p.m., Kuhn of Floyd in the chair.

Steckman of Cerro Gordo 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. 2462)

The ayes were, 58:

Abdul-Samad	Bailey	Beard	Berry
Bukta	Burt	Chambers	Cohoon
Dolecheck	Ficken	Ford	Frevert
Gaskill	Gayman	Hanson	Heddens
Horbach	Hunter	Isenhart	Jacoby
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	May	McCarthy
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Pettengill	Quirk	Reasoner	Reichert
Running-Marquardt	Schueller	Shomshor	Smith
Steckman	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Zirkelbach	Kuhn, Presiding		

The nays were, 39:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Drake
Forristall	Grassley	Hagenow	Heaton
Helland	Huseman	Huser	Kaufmann
Lukan	Marek	Mertz	Miller, L.
Olson, S.	Paulsen	Raecker	Rants
Rayhons	Roberts	Sands	Schulte
Schultz	Soderberg	Sorenson	Struyk
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

Absent or not voting, 3:

Bell	Koester	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 MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 755, 823, 2462** and **Senate Files, 2088, 2138** and **2266**.

HOUSE FILE 2194 WITHDRAWN

Hunter of Polk asked and received unanimous consent to withdraw House File 2194 from further consideration by the House.

HOUSE FILE 2285 WITHDRAWN

Swaim of Davis asked and received unanimous consent to withdraw House File 2285 from further consideration by the House.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 1st day of March, 2010: House Files 2253, 2282, 2376 and 2407.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2328

Local Government: Windschitl, Chair; Burt and Whitead.

Senate File 2357

Public Safety: Berry, Chair; Baudler and R. Olson.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 731 Appropriations

Relating to and making appropriations to the justice system, and including effective date provisions.

H.S.B. 732 Appropriations

Relating to and making appropriations to the judicial branch.

H.S.B. 733 Appropriations

Relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and including effective date provisions.

H.S.B. 734 Appropriations

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.

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 EDUCATION

Senate File 2289, a bill for an act relating to deaccreditation of a school district by the state board of education.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2010.

COMMITTEE ON HUMAN RESOURCES

Senate File 2156, a bill for an act relating to the IowaCare program, and providing for repeals.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8293** March 1, 2010.

Senate File 2158, a bill for an act relating to child support recovery including child support provisions for minor parents, medical support, and the review and adjustment process.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2010.

COMMITTEE ON LABOR

Senate File 2286, a bill for an act relating to the regulation of professional and amateur mixed martial arts matches and events by the labor commissioner and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8277** February 25, 2010.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 2254, a bill for an act relating to the powers and duties of county treasurers to assess certain property associated with fence disputes and water districts.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8291** March 1, 2010.

COMMITTEE ON PUBLIC SAFETY

Senate File 2095, a bill for an act relating to the authority of a certified law enforcement officer.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2010.

Senate File 2303, a bill for an act relating to detainers lodged against parolees in this state.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2010.

Senate File 2304, a bill for an act relating to vehicular accident reporting requirements by increasing the minimum amount of property damage necessitating a written report.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2010.

Senate File 2344, a bill for an act relating to the violator facility established within the department of corrections.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2010.

RESOLUTIONS FILED

HR 117, by Masher, a resolution urging Congress to require nutritional quality and options for school meals.

Laid over under **Rule 25**.

HR 118, by D. Olson, a resolution to commemorate the construction and opening of the new Kate Shelley high bridge and to recognize March 9, 2010, as Railroad Day in Iowa.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8277	S.F.	2286	Committee on Labor
H—8278	H.F.	2410	Smith of Marshall
H—8279	H.F.	2410	Smith of Marshall
H—8280	H.F.	2499	Chambers of O'Brien
H—8281	H.F.	2492	Kelley of Black Hawk
H—8282	H.F.	2446	Horbach of Tama
H—8283	S.F.	2150	Raecker of Polk
H—8284	H.F.	2473	Watts of Dallas
H—8285	H.F.	2399	Quirk of Chickasaw
H—8286	H.F.	2503	Bell of Jasper
H—8287	S.F.	2310	Bell of Jasper
H—8288	H.F.	2193	Thomas of Clayton
H—8290	S.F.	2150	Raecker of Polk
H—8291	S.F.	2254	Committee on Local Government

H—8292	H.F.	2502	Pettengill of Benton Drake of Cass
H—8293	S.F.	2156	Committee on Human Resources
H—8294	H.F.	2502	Pettengill of Benton Drake of Cass
H—8295	H.F.	2502	Pettengill of Benton Drake of Cass
H—8296	S.F.	2288	Cownie of Polk
H—8298	H.F.	2494	Mascher of Johnson
H—8299	S.F.	2243	Pettengill of Benton Hanson of Jefferson
H—8300	H.F.	2481	Pettengill of Benton Hanson of Jefferson

On motion by McCarthy of Polk the House adjourned at 9:20 p.m., until 9:00 a.m., Tuesday, March 2, 2010.

JOURNAL OF THE HOUSE

Fifty-first Calendar Day - Thirty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 2, 2010

The House met pursuant to adjournment at 9:11 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend David Lewis, pastor of the Iowa River Church, Marshalltown. He was the guest of Representative Rich Arnold of Lucas County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Tessa Reynolds, House Page from Anamosa.

The Journal of Monday, March 1, 2010 was approved.

PETITION FILED

The following petition was received and placed on file:

By Mertz of Kossuth, from one hundred thirty-eight constituents from House District 8 favoring a constitutional amendment supporting marriage between a man and a woman.

SENATE MESSAGES CONSIDERED

Senate File 2333, by committee on human resources, a bill for an act relating to health care facilities and programs, including hospital inspector requirements and dependent adult abuse.

Read first time and referred to committee on **human resources**.

Senate File 2354, by committee on state government, a bill for an act relating to campaign finance, including political campaign activities and independent expenditures by corporations, making penalties applicable, and including effective date provisions.

Read first time and referred to committee on **state government**.

The House stood at ease at 9:16 a.m., until the fall of the gavel.

The House resumed session at 10:50 a.m., Speaker Murphy in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Smith of Marshall and Wendt of Woodbury on request of McCarthy of Polk.

CONSIDERATION OF BILLS

Regular Calendar

House File 2491, a bill for an act relating to the licensure of persons engaged in fire protection system installation, maintenance, repair, service, or inspection, was taken up for consideration.

Quirk of Chickasaw offered the following amendment H-8253 filed by him and moved its adoption:

H-8253

1 Amend House File 2491 as follows:

2 1. Page 1, line 34, after <department> by inserting
3 <to install or maintain the types of fire protection
4 systems endorsed on the license>

5 2. Page 2, after line 1 by inserting:

6 <NEW SUBSECTION. 8A. "Preengineered fire protection
7 system" means a fire protection system that has a
8 predetermined flow rate, nozzle pressure, and quantity
9 of extinguishing agent.>

10 3. Page 2, line 28, before <with> by inserting
11 <with appropriate endorsements for that type of
12 system.>

13 4. Page 3, by striking lines 23 through 25 and
14 inserting <be licensed to work on special hazard fire
15 protection systems but shall not be licensed to perform
16 installation or maintenance on a preengineered fire
17 protection system or on>

18 5. Page 4, after line 33 by inserting:

19 <1A. The state fire marshal shall issue a fire
20 protection system installer and maintenance worker
21 license with endorsements restricted to preengineered
22 fire protection systems to an applicant who does not
23 meet the requirements of subsection 1 but does meet the
24 following requirements:

- 25 a. To be endorsed as a preengineered kitchen fire
 26 extinguishing system installer, has successfully
 27 completed training and an examination verified by
 28 a preengineered system manufacturer, an agent of a
 29 preengineered system manufacturer, or an organization
 30 that is approved by the state fire marshal.
 31 b. To be endorsed as a preengineered kitchen
 32 fire extinguishing system maintenance worker, has
 33 successfully completed training by the worker's
 34 employer or the system's manufacturer and has passed a
 35 written or online examination for preengineered kitchen
 36 fire extinguishing system maintenance that is approved
 37 by the state fire marshal.
 38 c. To be endorsed as a preengineered industrial
 39 fire extinguishing system installer, possesses
 40 a training and examination certification from a
 41 preengineered system manufacturer, an agent of a
 42 preengineered system manufacturer, or an organization
 43 that is approved by the state fire marshal.
 44 d. To be endorsed as a preengineered industrial
 45 fire extinguishing system maintenance worker, has
 46 been trained by the worker's employer, and has passed
 47 a written or online examination for preengineered
 48 industrial fire extinguishing system maintenance that
 49 is approved by the state fire marshal.>
 50 6. Page 5, line 19, after <license> by

Page 2

- 1 inserting <with appropriate endorsements>
 2 7. By renumbering as necessary.

Amendment H-8253 was adopted.

SENATE FILE 2355 SUBSTITUTED FOR HOUSE FILE 2491

Quirk of Chickasaw asked and received unanimous consent to substitute Senate File 2355 for House File 2491.

Senate File 2355, a bill for an act relating to the licensure of persons engaged in fire protection system installation, maintenance, repair, service, or inspection, was taken up for consideration.

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. 2355)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	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	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Sands	Schueller	Schulte
Schultz	Shomshor	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, none.

Absent or not voting and 2:

Smith Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2491 WITHDRAWN

Quirk of Chickasaw asked and received unanimous consent to withdraw House File 2491 from further consideration by the House.

House File 2449, a bill for an act relating to the encouragement and assistance of businesses owned by disabled veterans, was taken up for consideration.

Bailey of Hamilton 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. 2449)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Sands	Schueller	Schulte
Schultz	Shomshor	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, none.

Absent or not voting, 2:

Smith Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2452, a bill for an act relating to driver's license sanctions, including the issuance of temporary restricted licenses and certain requirements relating to ignition interlock devices, and providing penalties, was taken up for consideration.

T. Olson of Linn offered the following amendment H-8261 filed by him, Kaufmann of Cedar and R. Olson of Polk and moved its adoption:

H-8261

1 Amend House File 2452 as follows:

2 1. Page 1, by striking line 26 and inserting <for a
3 case of ~~extreme~~ hardship or ~~compelling~~ circumstances>

4 2. Page 3, by striking lines 26 through 28 and
5 inserting <ninety days if a test was refused under
6 section 321J.9>

7 3. Page 5, by striking lines 5 through 8 and
8 inserting <The temporary restricted license shall be
9 issued in accordance with section 321J.20.>

10 4. Page 6, by striking line 16 and inserting
11 <license for ~~at least~~ one year after the effective date
12 of the>

13 5. Page 7, line 5, after <~~revocation.~~> by inserting
14 <A temporary restricted license issued to a person
15 whose driver's license or nonresident driving privilege
16 has been revoked under subsection 1, paragraph "b".
17 shall be issued in accordance with section 321J.20,
18 subsection 2.>

19 6. Page 8, by striking lines 13 and 14 and
20 inserting <be eligible for any temporary restricted
21 license for ~~one year~~ forty-five days after the
22 effective date of the revocation, and the>

23 7. Page 8, by striking lines 20 and 21 and
24 inserting <The temporary restricted license shall be
25 issued in accordance with section 321J.20, subsection
26 2. A>

27 8. By striking page 10, line 30, through page 11,
28 line 33, and inserting:

29 <2. a. Notwithstanding section 321.560, the
30 department may, on application, and upon the expiration
31 of the minimum period of ineligibility for a temporary
32 restricted license provided for under section
33 321.560, 321J.4, 321J.9, or 321J.12, issue a temporary
34 restricted license to a person whose noncommercial
35 driver's license has either been revoked under this
36 chapter, or revoked or suspended under chapter 321
37 solely for violations of this chapter, or who has been
38 determined to be a habitual offender under chapter
39 321 based solely on violations of this chapter or on
40 violations listed in section 321.560, subsection 1,
41 paragraph "b", and who is not eligible for a temporary
42 restricted license under subsection 1. However, the
43 department may not issue a temporary restricted license
44 under this subsection for a violation of section
45 321J.2A or to a person under the age of twenty-one

46 whose license is revoked under section 321J.4, 321J.9,
 47 or 321J.12. A temporary restricted license issued
 48 under this subsection may allow the person to drive
 49 to and from the person's home and specified places at
 50 specified times which can be verified by the department

Page 2

1 and which are required by the person's full-time or
 2 part-time employment, continuing education while
 3 enrolled in an educational institution on a part-time
 4 or full-time basis and while pursuing a course of study
 5 leading to a diploma, degree, or other certification of
 6 successful educational completion, or substance abuse
 7 treatment.

8 b. Notwithstanding paragraph "a", a temporary
 9 restricted license issued to a person whose
 10 noncommercial driver's license has been revoked
 11 under section 321J.4, subsection 2, section 321J.9,
 12 subsection 1, paragraph "b", or section 321J.12,
 13 subsection 1, paragraph "b", shall provide for but not
 14 exceed the uses permitted by 23 U.S.C. § 164. This
 15 restriction applies only during the first three hundred
 16 sixty-five days of the person's revocation.

17 c. A temporary restricted license issued under this
 18 subsection shall be conditioned upon the installation
 19 of an approved ignition interlock device on all motor
 20 vehicles owned or operated by the person. However, a
 21 person whose driver's license or nonresident operating
 22 privilege has been revoked under section 321J.21 may
 23 apply to the department for a temporary restricted
 24 license without the requirement of an ignition
 25 interlock device if at least twelve years have elapsed
 26 since the end of the underlying revocation period for a
 27 violation of section 321J.2.>

Amendment H-8261 was adopted.

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?" (H.F. 2452)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bear	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe

Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Sands	Schueller	Schulte
Schultz	Shomshor	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, none.

Absent or not voting, 2:

Smith 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 Files 2449, 2452** and **Senate File 2355**.

House File 2457, a bill for an act regarding matters under the purview of the department of natural resources, and including effective date provisions, was taken up for consideration.

SENATE FILE 2243 SUBSTITUTED FOR HOUSE FILE 2457

Lensing of Johnson asked and received unanimous consent to substitute Senate File 2243 for House File 2457.

Senate File 2243, a bill for an act regarding matters under the purview of the department of natural resources, and including effective date provisions, was taken up for consideration.

Pettengill of Benton offered amendment H-8299 filed by her and Hanson of Jefferson as follows:

H-8299

- 1 Amend Senate File 2243, as passed by the Senate, as
- 2 follows:
- 3 1. Page 3, after line 1 by inserting:
- 4 <Sec. ____ DEER LICENSE STUDY.
- 5 1. The legislative services agency shall prepare a
- 6 study to determine the economic impact of increasing
- 7 the number of antlered and antlerless deer hunting
- 8 licenses available for sale to nonresidents who own
- 9 Iowa farmland.
- 10 2. To the extent practicable, the study shall
- 11 estimate the potential revenue to the state by
- 12 increasing the number of such licenses and shall
- 13 estimate the impact on the deer population.
- 14 3. The legislative services agency shall submit
- 15 the results of the study to the legislative council by
- 16 January 1, 2011.>
- 17 2. By renumbering as necessary.

Lensing of Johnson rose on a point of order that amendment H-8299 was not germane.

The Speaker ruled the point well taken and amendment H-8299 not germane.

Lensing of Johnson 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. 2243)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman

Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Sands	Schueller	Schulte
Schultz	Shomshor	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, none.

Absent or not voting and 2:

Smith Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2457 WITHDRAWN

Lensing of Johnson asked and received unanimous consent to withdraw House File 2457 from further consideration by the House.

House File 2460, a bill for an act relating to small business and disadvantaged business enterprise contracts with the department of transportation, was taken up for consideration.

Ford 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. 2460)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	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	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Sands	Schueller	Schulte
Schultz	Shomshor	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, none.

Absent or not voting, 2:

Smith Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2471, a bill for an act making technical changes to the laws relating to elections and voter registration and including effective date and applicability provisions, was taken up for consideration.

SENATE FILE 2194 SUBSTITUTED FOR HOUSE FILE 2471

Beard of Winneshiek asked and received unanimous consent to substitute Senate File 2194 for House File 2471.

Senate File 2194, a bill for an act making technical changes to the laws relating to elections and voter registration and including effective date and applicability provisions, was taken up for consideration.

Beard of Winneshiek 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. 2194)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Sands	Schueller	Schulte
Schultz	Shomshor	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, none.

Absent or not voting and 2:

Smith 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 2460** and **Senate Files 2194** and **2243**.

HOUSE FILE 2471 WITHDRAWN

Beard of Winneshiek asked and received unanimous consent to withdraw House File 2471 from further consideration by the House.

On motion by McCarthy of Polk, the House was recessed at 11:37 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:13 p.m., Speaker Murphy in the chair.

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 2, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2318, a bill for an act relating to the limitation on length of service for city development board members and including effective date provisions.

Also: That the Senate has on March 2, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2320, a bill for an act to allow the use of motorcycles equipped with detachable stabilizing rear wheels on Iowa roads.

Also: That the Senate has on March 2, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2329, a bill for an act establishing an Iowa communications network advisory committee.

Also: That the Senate has on March 2, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2332, a bill for an act relating to reimbursement for administrative costs under the medical assistance home and community-based services waiver for intellectual disabilities.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

Senate File 2320, by committee on transportation, a bill for an act to allow the use of motorcycles equipped with detachable stabilizing rear wheels on Iowa roads.

Read first time and referred to committee on **transportation**.

Senate File 2329, by committee on local government, a bill for an act establishing an Iowa communications network advisory committee.

Read first time and referred to committee on **state government**.

Senate File 2332, by committee on human resources, a bill for an act relating to reimbursement for administrative costs under the medical assistance home and community-based services waiver for intellectual disabilities and providing for implementation.

Read first time and **passed on file**.

The House stood at ease at 4:15 p.m., until the fall of the gavel.

The House resumed session at 5:10 p.m., Speaker Murphy in the chair.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House File 2399.

CONSIDERATION OF BILLS Regular Calendar

House File 2399, a bill for an act modifying provisions applicable to electric generating and transmission facilities, was taken up for consideration.

Reichert of Muscatine offered amendment H-8274 filed by Reichert, et al., as follows:

H-8274

1 Amend House File 2399 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Sec. ____ Section 476.6, Code Supplement 2009, is
4 amended by adding the following new subsection:

5 NEW SUBSECTION. 22. a. It is the intent of the
6 general assembly to require certain rate-regulated
7 public utilities to undertake analyses of and
8 preparations for the possible construction of nuclear
9 generating facilities in this state that would be
10 beneficial in a carbon-constrained environment.

11 b. A rate-regulated electric utility that was
12 subject to a revenue sharing settlement agreement with
13 regard to its electric base rates as of January 1,
14 2010, shall recover, through a rider and pursuant to a
15 tariff filing made on or after the effective date of
16 this Act and through December 31, 2013, the reasonable
17 and prudent costs of its analyses of and preparations
18 for the possible construction of facilities of the type
19 referenced in paragraph "a". Cost recovery shall be
20 accomplished by instituting a revenue increase applied
21 in the same percentage amount to each customer class
22 and not designed to recover, on an annual basis, more
23 than five-tenths percent of the electric utility's
24 calendar year 2009 revenues attributable to billed base
25 rates in this state. At the conclusion of the cost
26 recovery period, the board shall conduct a contested
27 case proceeding pursuant to chapter 17A to evaluate the
28 reasonableness and prudence of the cost recovery. The
29 utility shall file such information with the board as
30 the board deems appropriate, including the filing of an
31 annual report identifying and explaining expenditures
32 identified in the rider as items for cost recovery,
33 and any other information required by the board. If
34 the board determines that the utility has imprudently
35 incurred costs, or has incurred costs that are less
36 than the amount recovered, the board shall order
37 the utility to modify the rider to adjust the amount
38 recoverable.

39 c. Costs that may be recovered through the rider
40 described in paragraph "b" shall be consistent with
41 the United States nuclear regulatory guide, section
42 4.7, general site suitability criteria for nuclear
43 power stations, revision two, April 1998, including
44 costs related to the study and use of sites for nuclear
45 generation.>

46 2. Page 1, line 8, after <state.> by inserting

47 <It is also the intent of the general assembly
48 to encourage rate-regulated public utilities to
49 consider altering existing electric generating
50 facilities, where reasonable, to manage carbon emission

Page 2

1 intensity in order to facilitate the transition to a
2 carbon-constrained environment.>

3 3. By striking page 1, line 25, through page 2,
4 line 2, and inserting:

5 ~~<4.3. a. The board shall specify in advance, by~~
6 ~~order issued after a contested case proceeding, the~~
7 ~~ratemaking principles that will apply when the costs~~
8 ~~of the electric power generating facility, the costs~~
9 ~~of significant alteration of the generating facility~~
10 ~~as defined in section 476A.2, subsection 2, and any~~
11 ~~related emissions control or storage facilities, or~~
12 ~~the costs of the alternate energy production facility,~~
13 ~~renewable energy pilot project facility, or energy sales~~
14 ~~agreement~~ are included in regulated electric rates
15 whenever a rate-regulated public utility does any of
16 the following:

17 (1) Files an application pursuant to section 476A.3
18 to construct in Iowa a baseload electric generating
19 facility, or to significantly alter an existing
20 generating facility, with a nameplate generating
21 capacity equal to or greater than three hundred
22 megawatts or a combined-cycle electric power generating
23 facility, or an alternative energy production facility
24 as defined in section 476.42. For purposes of this
25 subparagraph, a significant alteration of an existing
26 generating facility must, in order to qualify for
27 establishment of ratemaking principles, fall into one
28 of the following categories:

29 (a) Conversion of a coal fueled facility into a gas
30 fueled facility.

31 (b) Addition of carbon capture and storage
32 facilities at a coal fueled facility.

33 (c) Addition of gas fueled capability to a coal
34 fueled facility, in order to convert the facility
35 to one that will rely primarily on gas for future
36 generation.

37 (d) Addition of a biomass fueled capability to a
38 coal fueled facility.

39 With respect to a significant alteration of an
40 existing generating facility, an original facility
41 shall not be required to be either a baseload or
42 a combined-cycle facility. Only the incremental
43 investment undertaken by a utility under subparagraph
44 divisions (a), (b), (c), or (d) shall be eligible to
45 apply the ratemaking principles established by the

46 order issued pursuant to paragraph "e". Facilities
 47 for which advanced ratemaking principles are obtained
 48 pursuant to this section shall not be subject to a
 49 subsequent board review pursuant to section 476.6,
 50 subsection 21 to the extent that the investment has

Page 3

1 been considered by the board under this section. To
 2 the extent an eligible utility has been authorized to
 3 make capital investments subject to section 476.6,
 4 subsection 21, such investments shall not be eligible
 5 for ratemaking principles pursuant to this section.>

6 4. Page 4, after line 33 by inserting:
 7 <Sec. __. EFFECTIVE UPON ENACTMENT. This Act,
 8 being deemed of immediate importance, takes effect upon
 9 enactment.>

10 5. Title page, by striking lines 1 through 2 and
 11 inserting <An Act requiring certain rate-regulated
 12 public utilities to undertake analyses of and
 13 preparation for the possible construction of low carbon
 14 emitting nuclear generating facilities in this state,
 15 and including effective date provisions.>

Quirk of Chickasaw offered the following amendment H-8285, to
 amendment H-8274, filed by him and moved its adoption:

H-8285

1 Amend the amendment, H-8274, to House File 2399 as
 2 follows:

3 1. Page 1, by striking lines 15 and 16 and
 4 inserting <tariff filing made on or before December 31,
 5 2013, the reasonable>

6 2. Page 1, line 26, after <period,> by inserting
 7 <which shall extend no more than thirty-six months in
 8 total,>

9 3. Page 2, after line 2 by inserting:
 10 <__. Page 1, by striking line 11 and inserting
 11 <facilities, or the significant alteration of an
 12 existing generating facility as provided in subsection
 13 1, shall be implemented>>

14 4. Page 2, by striking lines 8 through 12
 15 and inserting <of the electric power generating
 16 facility, or alternate energy production facility,>

17 5. Page 2, by striking lines 19 and 20 and
 18 inserting <facility with a nameplate generating>

19 6. Page 2, line 24, after <476.42> by inserting
 20 <, or to significantly alter an existing generating
 21 facility>

22 7. Page 3, line 14, after <state,> by inserting

23 <permitting all rate-regulated public utilities to
 24 make significant alterations to an existing generating
 25 facility,>
 26 8. By renumbering as necessary.

Amendment H-8285 was adopted.

On motion by Reichert of Muscatine, amendment H-8274, as amended, was adopted.

Reichert of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2399)

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	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Helland	Horbach	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lukan	Lykam	Marek	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wenthe	Whitead	Winckler	Windschitl
Worthan	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, 7:

Heddens	Hunter	Lensing	Mascher
Running-Marquardt	Wessel-Kroeschell	Willems	

Absent or not voting, 2:

Smith

Wendt

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 2495, a bill for an act specifying those authorized to solemnize marriages in this state, and including effective date provisions, was taken up for consideration.

RULE 31.8 SUSPENDED

Anderson of Page asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for the immediate consideration of amendment H-8303.

Anderson of Page offered the following amendment H-8303 filed by him and Swaim of Davis from the floor and moved its adoption:

H-8303

1 Amend House File 2495 as follows:
 2 1. By striking everything after the enacting clause
 3 and inserting:
 4 <Section 1. SOLEMNIZATION OF MARRIAGES. In
 5 addition to the individuals specified to solemnize
 6 marriages pursuant to section 595.10, subsection 1,
 7 a retired supreme court justice, a retired court of
 8 appeals judge, a retired district court judge, or a
 9 retired judicial magistrate may solemnize a marriage.
 10 This section is repealed June 30, 2010.
 11 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being
 12 deemed of immediate importance, takes effect upon
 13 enactment.>
 14 2. Title page, line 2, after <date> by inserting
 15 <and future repeal>

Amendment H-8303 was adopted.

Wessel-Kroeschell of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2495)

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	Horbach	Huseman
Huser	Isenhart	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	Schueller	Schulte	Schultz
Shomshor	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Windschitl	Worthan	Mr. Speaker	
		Murphy	

The nays were, 3:

Hunter	Taylor	Zirkelbach
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Absent or not voting, 2:

Smith	Wendt
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 2489, a bill for an act concerning choice of automobile glass replacement or repair facilities under automobile liability insurance policies and requiring a study of automobile glass replacement or repair insurance claims processing procedures, was taken up for consideration.

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?" (H.F. 2489)

The ayes were, 97:

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	Isenhart	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	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	Schueller	Schulte	Schultz
Shomshor	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:

Horbach

Absent or not voting, 2:

Smith

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 Files 2399, 2489 and 2495.**

House File 2487, a bill for an act relating to the allocation, issuance, reporting, recapture, and reallocation of recovery zone bonds, and including effective date provisions, was taken up for consideration.

Schueller of Jackson 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. 2487)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Sands	Schueller	Schulte
Schultz	Shomshor	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, none.

Absent or not voting, 2:

Smith	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.

House File 2473, a bill for an act relating to criminal offense definitions, penalties, and the forfeiture of an unsecured appearance bond in a criminal proceeding, was taken up for consideration.

Watts of Dallas offered amendment H-8284 filed by him as follows:

H-8284

- 1 Amend House File 2473 as follows:
- 2 1. Page 1, after line 31 by inserting:
- 3 <Sec. ____ Section 716.7, subsection 2, Code 2009,
- 4 is amended by adding the following new paragraph:
- 5 NEW PARAGRAPH. f. Entering upon or in property
- 6 that is under consideration for condemnation by an
- 7 acquiring agency, as defined in section 6B.1, but prior
- 8 to the commencement of eminent domain proceedings under
- 9 chapter 6A or 6B, without the express permission of the
- 10 owner, lessee, or person in lawful possession.>
- 11 2. By renumbering as necessary.

Palmer of Mahaska rose on a point of order that amendment H-8284 was not germane.

The Speaker ruled the point well taken and amendment H-8284 not germane.

Watts of Dallas moved to suspend the rules to consider amendment H-8284.

Roll call was requested by Watts of Dallas and Windschitl of Harrison.

On the question "Shall the rules be suspended to consider amendment H-8284?" (H.F. 2473)

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

The nays were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevrt	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	Isenhardt	Jacoby	Kearns
Kelley	Kressig	Kuhn	Lensing
Lykam	Marek	Mascher	McCarthy
Mertz	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Running-Marquardt
Schueller	Shomshor	Steckman	Swaim
Taylor	Thede	Thomas	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Zirkelbach	Mr. Speaker Murphy		

Absent or not voting, 2:

Smith	Wendt
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The motion to suspend the rules lost.

Palmer of Mahaska 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. 2473)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe

Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Sands	Schueller	Schulte
Schultz	Shomshor	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, 1:

Watts

Absent or not voting, 2:

Smith

Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

INTRODUCTION OF BILL

House File 2512, by McCarthy and Paulsen, a bill for an act concerning weight limits for certain commercial motor vehicles on noninterstate highways.

Read first time and referred to committee on **agriculture**.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2473** and **2487**.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 2nd day of March, 2010: House File 2380.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

SUBCOMMITTEE ASSIGNMENTS**House File 2502**

Appropriations: Taylor, Chair; Cohoon and Roberts.

Senate File 2197

Public Safety: Burt, Chair; Baudler and Kressig.

Senate File 2200 Reassigned

Judiciary: Swaim, Chair; Huser and Schultz.

Senate File 2217

State Government: Quirk, Chair; Running-Marquardt and Struyk.

Senate File 2252

Judiciary: Ford, Chair; Schultz and Swaim.

Senate File 2279

Labor: Willems, Chair; Chambers and Kearns.

Senate File 2298 Reassigned

Judiciary: Swaim, Chair; Huser and Schultz.

Senate File 2306

Judiciary: Swaim, Chair; Mertz and Schulte.

Senate File 2316

Rebuild Iowa and Disaster Recovery: Schueller, Chair; Berry, Pettengill, Running-Marquardt and Sands.

Senate File 2324

Commerce: Quirk, Chair; Lukan and Petersen.

Senate File 2346

Commerce: Wenthe, Chair; Windschitl and Zirkelbach.

Senate File 2354

State Government: Cohoon, Chair; Beard and Rants.

Senate File 2366

Appropriations: Oldson, Chair; Dolecheck and Wenthe.

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 JUDICIARY

Senate File 2200, a bill for an act relating to transfer of guardianship for a child in need of assistance to the probate court.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8316** March 2, 2010.

COMMITTEE ON REBUILD IOWA AND DISASTER RECOVERY

Senate File 2317, a bill for an act authorizing the creation of watershed management authorities.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8312** March 1, 2010.

COMMITTEE ON STATE GOVERNMENT

Senate Joint Resolution 2002, a joint resolution relating to the placement of a statue in the United States capitol honoring Dr. Norman Borlaug.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2010.

Senate File 2161, a bill for an act providing an exception to licensing requirements for certain bingo occasions.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2010.

Senate File 2270, a bill for an act relating to workplace accommodations for employees who express breast milk.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2010.

RESOLUTION FILED

HR 119, by Mascher, Lensing and Jacoby, a resolution honoring the life and work of Eliot Keller.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8301	H.F.	2481	Schulte of Linn
H—8302	H.F.	2381	Bailey of Hamilton
H—8304	H.F.	2439	Sorenson of Warren
H—8305	H.F.	2451	Hunter of Polk
H—8306	H.F.	2381	Zirkelbach of Jones
H—8307	H.F.	2481	De Boef of Keokuk
H—8308	S.F.	2224	Isenhardt of Dubuque
H—8309	S.F.	2288	Tymeson of Madison
H—8310	S.F.	2235	Reichert of Muscatine
H—8311	H.F.	2446	Horbach of Tama
H—8312	S.F.	2317	Committee on Rebuild Iowa and Disaster Recovery
H—8313	H.F.	2481	De Boef of Keokuk
H—8314	H.F.	2494	L. Miller of Scott

H—8315	H.F.	2481	May of Dickinson
H—8316	S.F.	2200	Committee on Judiciary
H—8317	H.F.	2494	L. Miller of Scott
H—8318	H.F.	2494	L. Miller of Scott
H—8319	H.F.	2494	L. Miller of Scott
H—8320	H.F.	2494	L. Miller of Scott
H—8321	H.F.	2494	L. Miller of Scott
H—8322	H.F.	2481	Windschitl of Harrison
H—8323	H.F.	2322	Schueller of Jackson
H—8324	H.F.	2446	Horbach of Tama
H—8325	H.F.	2477	Palmer of Mahaska

On motion by McCarthy of Polk the House adjourned at 5:56 p.m., until 9:00 a.m., Wednesday, March 3, 2010.

JOURNAL OF THE HOUSE

Fifty-second Calendar Day - Thirty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 3, 2010

The House met pursuant to adjournment at 9:20 a.m., Abdul-Samad of Polk in the chair.

Prayer was offered by Reverend Cathleen Bascom, Dean of the Cathedral of St. Paul, Des Moines. She was the guest of Representative Ako Abdul-Samad of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chancellor and Brigitte Dakovich from St. Edwards School, Waterloo. They were the guests of Representative Doris Kelley of Black Hawk County.

The Journal of Tuesday, March 2, 2010 was approved.

PETITION FILED

The following petition was received and placed on file:

By Frevert of Palo Alto from eighty-five constituents of the seventh district favoring a vote on the definition of marriage.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Speaker Murphy of Dubuque and Wendt of Woodbury on request of McCarthy of Polk.

ADOPTION OF HOUSE RESOLUTION 116

Raecker of Polk called up for consideration **House Resolution 116**, a resolution honoring the Urbandale Major League All-Star Team for a successful tournament season and for its participation in

the 2009 Little League World Series, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 115

Zirkelbach of Jones, Tymeson of Madison, Gayman of Scott, Chambers of O'Brien and Steckman of Cerro Gordo called up for consideration **House Resolution 115**, a resolution to recognize Iowa employer support for the Guard and Reserve, their 150 Iowa volunteers, and the programs they provide, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 109

Bukta of Clinton called up for consideration **House Resolution 109**, a resolution to honor state, county, and city road workers for their diligent work in clearing snow and ice from Iowa's vital road network, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 9:45 a.m., until the fall of the gavel.

The House resumed session at 10:47 a.m., Zirkelbach of Jones in the chair.

CONSIDERATION OF BILLS

Regular Calendar

House File 2499, a bill for an act requiring the department of veterans affairs to provide copies of certain discharge documents to the county commissions of veteran affairs, was taken up for consideration.

Chambers of O'Brien offered the following amendment H-8280 filed by him and moved its adoption:

H-8280

- 1 Amend House File 2499 as follows:
- 2 1. Page 1, after line 17 by inserting:

3 <Sec. ____ Section 331.608, subsection 6, paragraph
 4 e, Code Supplement 2009, is amended to read as follows:
 5 e. When otherwise required by a department or
 6 agency of the federal or state government or a
 7 political subdivision. The recorder shall make these
 8 records available to the department of veterans affairs
 9 and the county commission of veteran affairs. For
 10 records recorded before, on, or after the effective
 11 date of this Act, the recorder shall provide a copy of
 12 each such record to the county commission of veteran
 13 affairs and to the department of veterans affairs.
 14 Copies of records recorded before the effective date of
 15 this Act shall be provided not later than January 1,
 16 2011. For records recorded on or after the effective
 17 date of this Act, such copies shall be provided within
 18 thirty days of recording. The department of veterans
 19 affairs and its employees and the county commission of
 20 veteran affairs and its employees shall be subject to
 21 the same state and federal confidentiality restrictions
 22 and requirements that are imposed on the recorder.>
 23 2. Title page, line 1, after <Act> by inserting
 24 <relating to veterans records by requiring county
 25 recorders to provide copies of certain records to
 26 the department of veterans affairs and the county
 27 commission of veteran affairs and by>
 28 3. By renumbering as necessary.

Amendment H-8280 was adopted.

Chambers of O'Brien 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. 2499)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	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	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach, Presiding		

The nays were, none.

Absent or not voting, 2:

Murphy, Spkr. Wendt

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 2477, a bill for an act relating to mechanics' liens including the establishment of a state construction registry for residential construction property and providing an effective date, was taken up for consideration.

Palmer of Mahaska offered the following amendment H-8325 filed by him and moved its adoption:

H-8325

- 1 Amend House File 2477 as follows:
 - 2 1. Page 1, line 33, after <record> by inserting
 - 3 <who furnishes material or performs labor upon a
 - 4 building, erection, or other improvement and>
 - 5 2. Page 2, line 32, after <owner,> by inserting
 - 6 <owner-builder>
 - 7 3. Page 7, line 19, after <2.> by inserting <a.>
 - 8 4. Page 7, after line 22 by inserting:
 - 9 <b. Except for residential construction property
 - 10 owned by an owner-builder, a mechanic's lien perfected
 - 11 under this chapter is enforceable only to the extent
 - 12 of the balance due the general contractor at the time
 - 13 the owner actually receives the notice sent pursuant
 - 14 to subsection 3.
 - 15 c. In any action to enforce a mechanic's lien
 - 16 perfected under this chapter against the owner,

17 the subcontractor bears the burden to prove by a
 18 preponderance of the evidence that the owner actually
 19 received notice pursuant to subsection 3.>
 20 5. Page 7, line 25, after <rule> by inserting <
 21 including the owner notice described in section 572.13,
 22 subsection 1>
 23 6. Page 7, line 26, after <owner-builders.> by
 24 inserting <For purposes of satisfying the notice
 25 requirement in subsection 2, concerning actual receipt
 26 of such notice, a subcontractor may provide a separate
 27 notice directly to the owner.>
 28 7. Page 10, line 24, after <dwelling> by inserting
 29 <residential construction>
 30 8. Page 12, by striking lines 12 and 13 and
 31 inserting:
 32 <2. In a court action to challenge a mechanic's
 33 lien filed on ~~an owner-occupied dwelling~~ a residential
 34 construction property, if the person challenging>
 35 9. Page 14, line 26, after <website.> by inserting
 36 <The authority shall not charge a filing fee for a
 37 preliminary notice required pursuant to this chapter
 38 that exceeds the cost of sending such notice by
 39 certified mail with restricted delivery and return
 40 receipt.>
 41 10. Page 14, line 30, after <registry.> by
 42 inserting <The authority shall administer the registry
 43 on a revenue neutral basis and shall adjust fees on an
 44 annual basis to prevent the accumulation of surplus
 45 funds.>

Amendment H-8325 was adopted.

Palmer of Mahaska 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. 2477)

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	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Jacoby	Kaufmann	Koester
Kressig	Kuhn	Lensing	Lukan

Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Roberts	Running-Marquardt	Sands
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Worthan	Zirkelbach, Presiding		

The nays were, 8:

Gaskill	Isenhart	Kearns	Kelley
Olson, D.	Reichert	Schueller	Whitead

Absent or not voting, 2:

Murphy, Spkr.	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 MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2477** and **2499**.

RULE 57 SUSPENDED

McCarthy of Polk asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on transportation to meet after 4:00 p.m.

On motion by McCarthy of Polk, the House was recessed at 11:12 a.m., until 6:00 p.m.

EVENING SESSION

The House reconvened at 6:10 p.m., Speaker pro tempore Bukta in the chair.

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 3, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2484, a bill for an act exempting certain boat harbors from certain dock requirements and including effective date and retroactive applicability provisions.

Also: That the Senate has on March 3, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2348, a bill for an act providing for the licensing and regulation of real estate closing agents, making penalties applicable, and including effective date provisions.

Also: That the Senate has on March 3, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2353, a bill for an act relating to the provision of services through Iowa communications network connection facilities under specified circumstances.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

Senate File 2348, by committee on commerce, a bill for an act providing for the licensing and regulation of real estate closing agents, making penalties applicable, and including effective date provisions.

Read first time and referred to committee on **commerce**.

Senate File 2353, by committee on state government, a bill for an act relating to the provision of services through Iowa communications network connection facilities under specified circumstances.

Read first time and referred to committee on **state government**.

COMMITTEE REVISIONS

Speaker Murphy announced the following revisions to the House committee assignments effective immediately:

David Jacoby of Johnson County replaces Representative Roger Wendt on the committee on **human resources**.

Tom Schueller of Jackson County replaces Representative Roger Wendt on the committee on **ways and means**.

Abdul-Samad of Polk replaces Representative Wendt of Woodbury on the committee on **state government**.

SENATE FILE 2333 REFERRED

The Speaker announced that Senate File 2333, previously referred to committee on **human resources** was **passed on file**.

SPONSOR WITHDRAWN (H-8299)

Hanson of Jefferson requested to be withdrawn as a sponsor of amendment H-8299 to Senate File 2243.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 2, 2010, he approved and transmitted to the Secretary of State the following bills:

House File 2253, an Act relating to Iowa's uniform disclaimer of property interest Act.

House File 2282, an Act relating to judgment liens on homesteads.

House File 2376, an Act providing for the severance and annexation of real property upon petition of the real property owners and approval of the city development board.

House File 2407, an Act establishing certain definitions relating to instruments affecting real estate and specifying information to be contained in index records.

Senate File 2181, an Act relating to employment practices and public safety programs administered by the division of labor services of the department of workforce development.

Senate File 2291, an Act relating to special education rights and duties and to the related duties and operations of the department of education and local school boards.

Senate File 2300, an Act relating to the service of notice requirements for landlords and tenants and the service of notice requirements in an action for forcible entry and detainer and including effective date provisions.

Senate File 2313, an Act modifying provisions applicable to the formation and operation of electric power agencies.

Senate File 2350, an Act relating to prohibited contracts and activities for civil service commissioners.

SUBCOMMITTEE ASSIGNMENTS

House File 221 Reassigned

Ways and Means: Isenhart, Chair; Schueller and Struyk.

Senate File 2302

Judiciary: Swaim, Chair; Mertz and Schulte.

Senate File 2320

Transportation: Quirk, Chair; Kelley and Tjepkes.

Senate File 2329

State Government: Lensing, Chair; Pettengill and Taylor.

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 COMMERCE

Senate File 2073, a bill for an act relating to the practice of accounting and to the organization and operation of the licensing boards included within the professional licensure and regulation bureau of the banking division in the department of commerce.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2010.

Senate File 2075, a bill for an act requiring reasonable exceptions to insurance rates for consumers whose credit information is influenced by extraordinary life circumstances and providing an applicability date.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2010.

Senate File 2157, a bill for an act relating to the recording requirements for certain residential real estate installment sales contracts and including applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2010.

Senate File 2192, a bill for an act prohibiting the running of a transfer fee covenant with the title to real property.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2010.

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.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2010.

COMMITTEE ON EDUCATION

Senate file 2178, a bill for an act relating to textbooks and laptop computers or other personal portable computing devices adopted for use by school districts and provided to public and accredited nonpublic school students.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2010.

COMMITTEE ON JUDICIARY

Senate File 2298, a bill for an act relating to the attendance of a child at juvenile court hearings or meetings during the pendency of a child in need of assistance case.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2010.

COMMITTEE ON NATURAL RESOURCES

Senate File 2216, a bill for an act allowing certain game birds to be shot when released on a licensed hunting preserve and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2010.

COMMITTEE ON TRANSPORTATION

Senate File 2179, a bill for an act concerning the use of child restraint systems or seat belts by motor vehicle passengers who are minors and making a penalty applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8331** March 2, 2010.

COMMITTEE ON VETERANS AFFAIRS

Senate File 2175, a bill for an act providing for representation of military veterans on certain mental health policy bodies.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2010.

Senate File 2274, a bill for an act relating to certain national security and military education benefits and programs.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2010.

Senate File 2297, a bill for an act concerning veterans and military service, including waivers and refunds of certain fees, use of state facilities, public utility disconnection of service, and declarations for disposition of remains.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2010.

Senate File 2318, a bill for an act concerning and affecting veterans and military members, related to employment benefits, professional licensing, and interest rate limit enforcement, and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2010.

RESOLUTION FILED

HR 120, by Bell, a resolution supporting the Republic of China on Taiwan as a part of the globe community.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8326	H.F.	2494	L. Miller of Scott
H—8327	H.F.	2501	Whitead of Woodbury
H—8328	H.F.	2456	Raecker of Polk
H—8329	S.F.	2288	Bailey of Hamilton
H—8330	H.F.	2494	Struyk of Pottawattamie
H—8331	S.F.	2179	Committee on Transportation
H—8332	H.F.	2423	Running-Marquardt of Linn
H—8333	H.F.	2327	S. Olson of Clinton
H—8334	H.F.	2494	L. Miller of Scott
H—8335	H.F.	2494	L. Miller of Scott
H—8336	S.F.	2297	Alons of Sioux
H—8337	S.F.	2201	Soderberg of Plymouth

On motion by Steckman of Cerro Gordo the House adjourned at 6:11 p.m., until 9:00 a.m., Thursday, March 4, 2010.

JOURNAL OF THE HOUSE

Fifty-third Calendar Day - Thirty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 4, 2010

The House met pursuant to adjournment at 9:12 a.m., Zirkelbach of Jones in the chair.

Prayer was offered by Reverend Larry McCarty, retired pastor of St. Mary's Catholic Church, Sac City. He was the guest of Representative David Tjepkes of Webster County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Patrick Stall, House Page from Huxley.

The Journal of Wednesday, March 3, 2010 was approved.

SPECIAL PRESENTATIONS

Pella Tulip Festival

Van Engelenhoven of Mahaska presented to the House, Heidi Schulte, Queen of the 2010 Pella Tulip Festival and escorted her and her court to the Speaker's station.

Queen Schulte presented her attendants, Morgan Anderson, Courtney Kelderman, Bekah Posthuma and Sara Van Gorp.

Also present from Pella were the parents of the Queen and her court, who wore native Dutch costume and distributed the famous Pella Dutch cookies.

Queen Schulte addressed the House briefly and invited everyone to attend the Pella Tulip festival May 6, 7 and 8, 2010.

The House rose and expressed its welcome.

Wessel-Kroeschell introduced to the House the Honorable Bill Bernau, former state representative from Story County.

Rants of Woodbury rose on a point of order stating the House was in violation of House Rule 50A, related to the use of non-degradable polystyrene in the House.

The Speaker ruled the point well taken and directed the Pages to collect the polystyrene and bring it to the well.

On motion by Abdul-Samad of Polk, the House was recessed at 9:35 a.m., until the conclusion of the House committee meetings.

EVENING SESSION

The House reconvened at 6:34 p.m., Swaim of Davis in the chair.

INTRODUCTION OF BILLS

House File 2513, by T. Olson, a bill for an act relating to the administration of the special appraiser's fund and the assessment expense fund.

Read first time and referred to committee on **ways and means**.

House File 2514, by T. Olson, a bill for an act relating to appeals of certain property tax assessments and including applicability provisions.

Read first time and referred to committee on **ways and means**.

House File 2515, by T. Olson, a bill for an act authorizing modification of certain ordinances relating to the division of revenue from taxation in certain disaster-affected urban renewal areas and including effective date provisions.

Read first time and referred to committee on **ways and means**.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 3, 2010, he approved and transmitted to the Secretary of State the following bills:

House File 2380, an Act providing for the taking of crops on land classified as a farm tenancy.

Senate File 2128, an Act requiring certain campaign finance statements and reports to be filed in an electronic format.

Senate File 2151, an Act relating to public funding and regulatory matters by making and revising appropriations made for purposes of health and human services and providing effective dates.

Senate File 2195, an Act relating to campaign finance requirements and reporting.

Senate File 2196, an Act relating to the administration of the election laws by the secretary of state and including effective date provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2348

Commerce: Jacoby, Chair; Helland and Reichert.

Senate File 2353

State Government: Lensing, Chair; Mascher and Pettengill.

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 AGRICULTURE

House File 2512, a bill for an act concerning weight limits for certain commercial motor vehicles on noninterstate highways.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2010.

COMMITTEE ON HUMAN RESOURCES

Senate File 2331, a bill for an act relating to participation of chiropractors in the hawk-i program.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2010.

COMMITTEE ON LABOR

Senate File 2279, a bill for an act extending the voluntary shared unemployment compensation work program for additional weeks.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2010.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 2328, a bill for an act allowing county treasurers to collect delinquent taxes on behalf of the department of revenue from a person renewing a vehicle registration, requiring a plan for the collection of court debt by county treasurers, and providing a fee.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—8339** March 3, 2010.

COMMITTEE ON PUBLIC SAFETY

Senate File 2197, a bill for an act relating to providing false identification information to a peace officer, emergency medical care provider, or fire fighter and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2010.

COMMITTEE ON STATE GOVERNMENT

Senate File 2215, a bill for an act relating to the use of genetic information and samples for genetic testing and providing for civil enforcement.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—8344** March 3, 2010.

Senate File 2217, a bill for an act concerning the purchasing of raffle tickets.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—8345** March 3, 2010.

Senate File 2329, a bill for an act establishing an Iowa communications network advisory committee.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2010.

Senate File 2353, a bill for an act relating to the provision of services through Iowa communications network connection facilities under specified circumstances.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2010.

Senate File 2354, a bill for an act relating to campaign finance, including political campaign activities and independent expenditures by corporations, and making penalties applicable.

Fiscal Note is not required,

Recommended **Amend and Do Pass with amendment H-8347** March 3, 2010.

COMMITTEE ON TRANSPORTATION

Senate File 2188, a bill for an act allowing a temporary exemption from axle weight limitations for a vehicle or combination vehicles operating with a nonsteerable retractable axle raised while making a turn of ninety degrees or less.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2010.

Senate File 2273, a bill for an act relating to a study regarding implementation of electronic registration and titling of vehicles.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2010.

Senate File 2320, a bill for an act to allow the use of motorcycles equipped with detachable stabilizing rear wheels on Iowa roads.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2010.

AMENDMENTS FILED

H—8339	S.F.	2328	Committee on Local Government
H—8340	S.F.	2318	Zirkelbach of Jones

H—8342	H.F.	2456	R. Olson of Polk
			Willems of Linn
			Ford of Polk
			Berry of Black Hawk
			Rants of Woodbury
			Sorenson of Warren
			Sweeney of Hardin
H—8343	S.F.	2235	Anderson of Page
H—8344	S.F.	2215	Committee on State Government
H—8345	S.F.	2217	Committee on State Government
H—8346	H.F.	2481	May of Dickinson
			D. Olson of Boone
H—8347	S.F.	2354	Committee on State Government
H—8348	S.F.	2354	Isenhart of Dubuque
H—8349	S.F.	2354	Isenhart of Dubuque

On motion by Palmer of Mahaska the House adjourned at 6:36 p.m., until 11:30 a.m., Friday, March 5, 2010.

JOURNAL OF THE HOUSE

Fifty-fourth Calendar Day - Thirty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 5, 2010

The House met pursuant to adjournment at 12:08 p.m., Steckman of Cerro Gordo in the chair.

Prayer was offered by the Honorable Dan Huseman, state representative from Cherokee County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Dan Huseman of Cherokee County.

The Journal of Thursday, March 4, 2010 was approved.

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 COMMERCE

Senate File 2272, a bill for an act relating to the Iowa life and health insurance guaranty association regarding coverage, benefits, duties, powers, rights, the operation of the Iowa life and health insurance guaranty association, and the coordination of coverage and benefits with those of similar associations of other states, and to the Iowa insurance guaranty association with respect to covered claims, benefits, limitations, duties, and powers of the Iowa insurance guaranty association, and coordination and cooperation by it with similar associations of other states.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2010.

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.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2010.

Senate File 2325, a bill for an act relating to the practice of mortuary science and to the preneed sale of cemetery and funeral merchandise and funeral services and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2010.

Senate File 2326, a bill for an act modifying disciplinary provisions applicable to real estate brokers and salespersons.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2010.

Senate File 2348, a bill for an act providing for the licensing and regulation of real estate closing agents, making penalties applicable, and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2010.

COMMITTEE ON JUDICIARY

Senate File 2250, a bill for an act creating the criminal offense of robbery in the third degree, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2010.

Senate File 2252, a bill for an act relating to the criminal and juvenile justice planning advisory council, establishing a public safety advisory board, and providing for implementation.

Fiscal Note is required.

Recommended **Do Pass** March 4, 2010.

Senate File 2306, A bill for an act relating to grandparent and great-grandparent visitation.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2010.

COMMITTEE ON LOCAL GOVERNMENT

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.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8341** March 3, 2010.

COMMITTEE ON PUBLIC SAFETY

Senate File 2357, a bill for an act relating to prohibiting a person who is the subject of a no-contact order or a protective order or who has been convicted of a misdemeanor crime of domestic violence from possessing, transferring, or selling firearms and ammunition or offensive weapons and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8350** March 3, 2010.

COMMITTEE ON VETERANS AFFAIRS

Senate Joint Resolution 2007, a joint resolution supporting the preservation efforts for the Battleship Iowa, BB-61.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8338** March 2, 2010.

AMENDMENTS FILED

H—8338	S.J.R.	2007	Committee on Veterans Affairs
H—8341	S.F.	2265	Committee on Local Government
H—8350	S.F.	2357	Committee on Public Safety

On motion by McCarthy of Polk the House adjourned at 12:10 p.m., until 1:00 p.m., Monday, March 8, 2010.

JOURNAL OF THE HOUSE

Fifty-seventh Calendar Day - Fortieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 8, 2010

The House met pursuant to adjournment at 1:11 p.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Doug Peters, pastor of the Walnut Creek United Methodist Church, Des Moines. He was the guest of Representative Janet Petersen of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by students from Marshalltown Learning Academy. They were the guests of Representative Mark Smith of Marshall County.

The Journal of Friday, March 5, 2010 was approved.

INTRODUCTION OF BILLS

House File 2516, by T. Olson, a bill for an act relating to certain elections in disaster-affected counties and cities and including effective date provisions.

Read first time and referred to committee on **ways and means**.

House File 2517, by Sweeney, Baudler, Huseman, Sands, Schultz, Windschitl, S. Olson and Rayhons, a bill for an act exempting from the imposition of the sales and use taxes the sales price on certain sales of clay pigeons and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **ways and means**.

The House stood at ease at 1:16 p.m., until the fall of the gavel.

The House resumed session at 2:35 p.m., Speaker Murphy in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

S. Olson of Clinton and Rants of Woodbury on request of Raecker of Polk; Wendt of Woodbury on request of McCarthy of Polk.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-one members present, twenty-nine absent.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 153, a bill for an act to allow medical or osteopathic physicians, physician assistants, and advanced registered nurse practitioners to form limited liability companies or professional corporations, with report of committee recommending amendment and passage, was taken up for consideration.

Hunter of Polk offered the following amendment H-8036 filed by the committee on human resources and moved its adoption:

H-8036

- 1 Amend Senate File 153, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 10 and 11 and
- 4 inserting <veterinary medicine, pharmacy, nursing, and
- 5 marriage and>
- 6 2. Page 1, line 33, by striking <For> and
- 7 inserting:
- 8 a. For>
- 9 3. By striking page 1, line 34, through page
- 10 2, line 1, and inserting <osteopathic medicine and
- 11 surgery, and practice as a physician assistant shall be
- 12 deemed to be professions which could>
- 13 4. Page 2, after line 3 by inserting:
- 14 <b. Nothing in this section shall be construed to
- 15 expand the scope of practice of a physician assistant
- 16 or modify the requirement in section 148C.4 that a
- 17 physician assistant perform medical services under the
- 18 supervision of a licensed physician.>
- 19 5. Page 2, line 17, by striking <This> and

20 inserting:

21 a. ~~This~~>

22 6. Page 2, by striking lines 19 and 20 and

23 inserting ~~<and surgery, or persons practicing as~~

24 physician assistants>

25 7. Page 2, after line 22 by inserting:

26 ~~<b. Nothing in this section shall be construed to~~

27 expand the scope of practice of a physician assistant

28 or modify the requirement in section 148C.4 that a

29 physician assistant perform medical services under the

30 supervision of a licensed physician.>

31 8. Page 3, by striking lines 10 and 11 and

32 inserting <veterinary medicine, pharmacy, and the

33 practice of nursing.>

34 9. Page 3, line 34, by striking ~~<For>~~ and

35 inserting:

36 a. ~~For~~>

37 10. By striking page 3, line 35, through page 4,

38 line 2, and inserting ~~<osteopathic medicine and surgery~~

39 and practice as a physician assistant shall be deemed

40 to be professions which could>

41 11. Page 4, after line 4 by inserting:

42 ~~<b. Nothing in this section shall be construed to~~

43 expand the scope of practice of a physician assistant

44 or modify the requirement in section 148C.4 that a

45 physician assistant perform medical services under the

46 supervision of a licensed physician.>

47 12. Page 4, line 17, by striking ~~<This>~~ and

48 inserting:

49 a. ~~This~~>

50 13. Page 4, by striking lines 19 and 20 and

Page 2

1 inserting ~~<and surgery, or persons practicing as~~

2 physician assistants>

3 14. Page 4, after line 22 by inserting:

4 ~~<b. Nothing in this section shall be construed to~~

5 expand the scope of practice of a physician assistant

6 or modify the requirement in section 148C.4 that a

7 physician assistant perform medical services under the

8 supervision of a licensed physician.>

9 15. Title page, line 1, after <physicians,> by

10 inserting <and>

11 16. Title page line 2, by striking <, and advanced

12 registered nurse practitioners>

13 17. By renumbering as necessary.

The committee amendment H-8036 was adopted.

L. Miller of Scott asked and received unanimous consent to withdraw amendment H-8180 filed by her on February 22, 2010.

Hunter 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. 153)

The ayes were, 86:

Abdul-Samad	Anderson	Bailey	Beard
Bell	Berry	Bukta	Burt
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Ficken
Ford	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rayhons
Reasoner	Reichert	Running-Marquardt	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Wenthe	Wessel-Kroeschell
Whitead	Winckler	Windschitl	Worthan
Zirkelbach	Mr. Speaker Murphy		

The nays were, 11:

Alons	Arnold	Baudler	Forristall
Frevert	Heaton	Miller, L.	Roberts
Sands	Watts	Willems	

Absent or not voting, 3:

Olson, S.	Rants	Wendt
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 205, a bill for an act relating to required testing for infectious diseases of persons under supervision of judicial district departments of correctional services, with report of committee recommending passage, was taken up for consideration.

Tjepkes of Webster 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. 205)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Sands
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, none.

Absent or not voting, 3:

Olson, S.	Rants	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.

Senate File 285, a bill for an act relating to magistrate jurisdiction, specifying certain traffic-related offenses as simple misdemeanors, making other related changes to simple misdemeanor offenses, and providing a penalty, with report of committee recommending amendment and passage, was taken up for consideration.

Palmer of Mahaska offered the following amendment H-1333 filed by the committee on judiciary and moved its adoption:

H-1333

- 1 Amend Senate File 285, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by striking lines 9 through 23.
- 4 2. Page 4, by striking lines 2 through 7.

The committee amendment H-1333 was adopted.

Palmer of Mahaska 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. 285)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	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, T.
Palmer	Paulsen	Pettengill	Quirk
Raecker	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Sands	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, none.

Absent or not voting, 4:

Olson, S.	Petersen	Rants	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 MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 153, 205 and 285.**

Senate File 358, a bill for an act relating to the recognition and enforcement of foreign-country money judgments and providing for the Act's applicability, with report of committee recommending passage, 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. 358)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	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, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Sands
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, none.

Absent or not voting, 3:

Olson, S.	Rants	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.

SENATE AMENDMENT CONSIDERED

Thede of Scott called up for consideration **House File 2183**, a bill for an act relating to the organization and duties of the state board of health, amended by the Senate, and moved that the House concur in the following Senate amendment H-8114:

H-8114

1 Amend House File 2183, as passed by the House, as
 2 follows:
 3 1. Page 2, line 26, after <abuse> by inserting <and
 4 gambling treatment>
 5 2. Page 2, line 28, after <125> by inserting <and
 6 gambling treatment programs pursuant to chapter 135>
 7 3. Page 2, by striking line 29 and inserting <any
 8 other function authorized by chapter 125 or 135 and
 9 delegated to>

The motion prevailed and the House concurred in the Senate amendment H-8114.

Thede 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. 2183)

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	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Sands	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, none.

Absent or not voting, 4:

Ford	Olson, S.	Rants	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.

SENATE AMENDMENT CONSIDERED

Thomas of Clayton called up for consideration **House File 2076**, a bill for an act relating to economic development by establishing an Iowa innovation council in the department of economic development and by providing for certain reports on innovation and commercialization within certain targeted industries, amended by the Senate, and moved that the House concur in the following Senate amendment H-8171:

H—8171

- 1 Amend House File 2076, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 17, after <15.117A> by inserting
- 4 <and including copies of any documents, reports, or
- 5 plans produced by the council>
- 6 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8171.

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. 2076)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	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, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Sands
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, none.

Absent or not voting, 3:

Olson, S.

Rants

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 Files 2076, 2183** and **Senate File 358**.

SENATE AMENDMENT CONSIDERED

Hanson of Jefferson called up for consideration **House File 2456**, a bill for an act concerning the use of electronic communication devices while driving, including prohibiting a person from writing or sending a text message while driving a motor vehicle and providing penalties, amended by the Senate amendment H-8251 as follows:

H-8251

- 1 Amend House File 2456, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 26, by striking <write or send> and
- 4 inserting <write, send, or read>
- 5 2. Page 1, lines 28 and 29, by striking <writing or
- 6 sending> and inserting <writing, sending, or reading>
- 7 3. Title page, lines 2 and 3, by striking <writing
- 8 or sending> and inserting <writing, sending, or
- 9 reading>
- 10 4. By renumbering as necessary.

Raecker of Polk offered the following amendment H-8328, to the Senate amendment H-8251, filed by him and moved its adoption:

H-8328

- 1 Amend the Senate amendment, H-8251, to House File
- 2 2456, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 10 and
- 5 inserting:
- 6 <___. By striking everything after the enacting
- 7 clause and inserting:
- 8 <Section 1. Section 321.178, subsection 2,
- 9 paragraph a, Code 2009, is amended to read as follows:

10 a. (1) A person between sixteen and eighteen
11 years of age who has completed an approved driver's
12 education course and is not in attendance at school
13 and has not met the requirements described in section
14 299.2, subsection 1, may be issued a restricted license
15 only for travel to and from work or to transport
16 dependents to and from temporary care facilities,
17 if necessary for the person to maintain the person's
18 present employment. The restricted license shall be
19 issued by the department only upon confirmation of the
20 person's employment and need for a restricted license
21 to travel to and from work or to transport dependents
22 to and from temporary care facilities if necessary to
23 maintain the person's employment. The employer shall
24 notify the department if the employment of the person
25 is terminated before the person attains the age of
26 eighteen.

27 (2) A person issued a restricted license under
28 this section shall not use an electronic communication
29 device or an electronic entertainment device while
30 driving a motor vehicle unless the motor vehicle is at
31 a complete stop off the roadway. This subparagraph
32 does not apply to the use of electronic equipment which
33 is permanently installed in the motor vehicle or to a
34 portable device which is operated through permanently
35 installed equipment.

36 Sec. 2. Section 321.180B, Code Supplement 2009, is
37 amended by adding the following new subsection:
38 NEW SUBSECTION. 6A. A person issued an instruction
39 permit or intermediate driver's license under this
40 section shall not use an electronic communication
41 device or an electronic entertainment device while
42 driving a motor vehicle unless the motor vehicle is
43 at a complete stop off the roadway. This subsection
44 does not apply to the use of electronic equipment which
45 is permanently installed in the motor vehicle or to a
46 portable device which is operated through permanently
47 installed equipment.
48 Sec. 3. Section 321.194, subsection 1, Code
49 Supplement 2009, is amended by adding the following new
50 paragraph:

Page 2

1 NEW PARAGRAPH. c. A person issued a driver's
2 license under this section shall not use an electronic
3 communication device or an electronic entertainment
4 device while driving a motor vehicle unless the motor
5 vehicle is at a complete stop off the roadway. This
6 paragraph does not apply to the use of electronic
7 equipment which is permanently installed in the motor
8 vehicle or to a portable device which is operated

- 9 through permanently installed equipment.
 10 Sec. 4. **NEW SECTION.** 321.238 Use of electronic
 11 devices while driving – preemption of local
 12 legislation.
 13 The provisions of sections 321.178, 321.180B, and
 14 321.194 restricting the use of electronic communication
 15 devices and electronic entertainment devices by certain
 16 motor vehicle operators shall be implemented uniformly
 17 throughout the state. Such provisions shall preempt
 18 any county or municipal ordinance regarding the use
 19 of an electronic communication device or electronic
 20 entertainment device by a motor vehicle operator. In
 21 addition, a county or municipality shall not adopt
 22 or continue in effect an ordinance regarding the use
 23 of an electronic communication device or electronic
 24 entertainment device by a motor vehicle operator.>
 25 2. Title page, lines 2 and 3, by striking <driving,
 26 including prohibiting a person from writing or sending
 27 a text message while>
 28 3. Title page, line 4, by striking <providing
 29 penalties> and inserting <making penalties applicable>
 30 4. By renumbering as necessary.

R. Olson of Polk offered the following amendment H-8342, to amendment H-8328 to the Senate amendment H-8251 filed by R. Olson, et al., and moved its adoption:

H-8342

- 1 Amend the amendment, H-8328, to the Senate
 2 amendment, H-8251, to House File 2456, as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. By striking page 1, line 4, through page 2, line
 5 30, and inserting:
 6 <__. Page 1, by striking lines 3 through 10 and
 7 inserting:
 8 <__. By striking everything after the enacting
 9 clause and inserting:
 10 <Section 1. Section 321.178, subsection 2,
 11 paragraph a, Code 2009, is amended to read as follows:
 12 a. (1) A person between sixteen and eighteen
 13 years of age who has completed an approved driver's
 14 education course and is not in attendance at school
 15 and has not met the requirements described in section
 16 299.2, subsection 1, may be issued a restricted license
 17 only for travel to and from work or to transport
 18 dependents to and from temporary care facilities,
 19 if necessary for the person to maintain the person's
 20 present employment. The restricted license shall be
 21 issued by the department only upon confirmation of the
 22 person's employment and need for a restricted license

23 to travel to and from work or to transport dependents
24 to and from temporary care facilities if necessary to
25 maintain the person's employment. The employer shall
26 notify the department if the employment of the person
27 is terminated before the person attains the age of
28 eighteen.

29 (2) A person issued a restricted license under
30 this section shall not use an electronic communication
31 device or an electronic entertainment device while
32 driving a motor vehicle unless the motor vehicle is
33 at a complete stop off the traveled portion of the
34 roadway. This subparagraph does not apply to the use
35 of electronic equipment which is permanently installed
36 in the motor vehicle or to a portable device which is
37 operated through permanently installed equipment.

38 Sec. 2. Section 321.180B, Code Supplement 2009, is
39 amended by adding the following new subsection:

40 NEW SUBSECTION. 6A. A person issued an instruction
41 permit or intermediate driver's license under this
42 section shall not use an electronic communication
43 device or an electronic entertainment device while
44 driving a motor vehicle unless the motor vehicle is
45 at a complete stop off the traveled portion of the
46 roadway. This subsection does not apply to the use of
47 electronic equipment which is permanently installed
48 in the motor vehicle or to a portable device which is
49 operated through permanently installed equipment.

50 Sec. 3. Section 321.194, subsection 1, Code

Page 2

1 Supplement 2009, is amended by adding the following new
2 paragraph:

3 NEW PARAGRAPH. c. A person issued a driver's
4 license under this section shall not use an electronic
5 communication device or an electronic entertainment
6 device while driving a motor vehicle unless the motor
7 vehicle is at a complete stop off the traveled portion
8 of the roadway. This paragraph does not apply to
9 the use of electronic equipment which is permanently
10 installed in the motor vehicle or to a portable
11 device which is operated through permanently installed
12 equipment.

13 Sec. 4. NEW SECTION. 321.238 Use of electronic
14 devices while driving – preemption of local
15 legislation.

16 The provisions of sections 321.178, 321.180B, and
17 321.194 restricting the use of electronic communication
18 devices and electronic entertainment devices by certain
19 motor vehicle operators shall be implemented uniformly
20 throughout the state. Such provisions shall preempt
21 any county or municipal ordinance regarding the use

22 of an electronic communication device or electronic
 23 entertainment device by a motor vehicle operator. In
 24 addition, a county or municipality shall not adopt
 25 or continue in effect an ordinance regarding the use
 26 of an electronic communication device or electronic
 27 entertainment device by a motor vehicle operator.>
 28 _____. Title page, lines 2 and 3, by striking
 29 <driving, including prohibiting a person from writing
 30 or sending a text message while>
 31 _____. Title page, line 4, by striking <providing
 32 penalties> and inserting <making penalties applicable>
 33 _____. By renumbering as necessary.>

Amendment H-8342 was adopted.

Abdul-Samad of Polk rose on a point of order that amendment H-8328, as amended, was not germane to amendment H-8251.

The Speaker ruled the point well taken and amendment H-8328, as amended not germane, to amendment H-8251.

Raecker of Polk moved to suspend the rules to consider amendment H-8328, as amended.

Roll call was requested by Paulsen of Linn and Struyk of Pottawattamie.

On the question "Shall the rules be suspended to consider amendment H-8328, as amended?" (H.F. 2456)

The ayes were, 51:

Alons	Anderson	Arnold	Bailey
Baudler	Bell	Berry	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Forristall	Grassley
Hagenow	Helland	Horbach	Huseman
Huser	Kaufmann	Kearns	Kelley
Koester	Lukan	Mertz	Miller, L.
Olson, R.	Paulsen	Pettengill	Raecker
Rayhons	Roberts	Running-Marquardt	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Willems
Windschitl	Worthan	Zirkelbach	

The nays were, 46:

Abdul-Samad	Beard	Bukta	Burt
Cohoon	Ford	Frevert	Gaskill
Gayman	Hanson	Heaton	Heddens
Hunter	Isenhart	Jacoby	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	May	McCarthy	Miller, H.
Oldson	Olson, D.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor	Thede	Thomas
Tjepkes	Wenthe	Wessel-Kroeschell	Whitead
Winckler	Mr. Speaker Murphy		

Absent or not voting, 3:

Olson, S.	Rants	Wendt
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The motion to suspend the rules prevailed.

Raecker of Polk moved the adoption of amendment H-8328, as amended.

Roll call was requested by Raecker of Polk and Paulsen of Linn.

On the question "Shall amendment H-8328, as amended be adopted?" (H.F. 2456)

The ayes were, 53:

Alons	Anderson	Arnold	Bailey
Bell	Berry	Burt	Chambers
Cohoon	Cownie	De Boef	Dolecheck
Ficken	Ford	Forristall	Gayman
Grassley	Hagenow	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	McCarthy	Mertz
Miller, L.	Olson, R.	Paulsen	Pettengill
Raecker	Rayhons	Running-Marquardt	Schulte
Shomshor	Smith	Soderberg	Sorenson
Struyk	Sweeney	Tymeson	Upmeyer
Van Engelenhoven	Watts	Wessel-Kroeschell	Willems
Zirkelbach			

The nays were, 43:

Abdul-Samad	Baudler	Beard	Bukta
Deyoe	Frevert	Gaskill	Hanson
Heaton	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	Miller, H.	Oldson	Olson, D.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Roberts	Sands
Schueller	Schultz	Steckman	Swaim
Taylor	Thede	Thomas	Tjepkes
Wagner	Wenthe	Whitead	Winckler
Windschitl	Worthan	Mr. Speaker	
		Murphy	

Absent or not voting, 4:

Drake	Olson, S.	Rants	Wendt
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Amendment H-8328, as amended, was adopted, placing out of order amendment H-8359 filed by Alons of Sioux from the floor.

Hanson of Jefferson moved the House concurred in the Senate amendment H-8251, as amended.

A non-record roll call was requested.

The ayes were 54, nays 39.

The House concurred in the Senate amendment H-8251, as amended.

Hanson of Jefferson moved that the bill, as amended by the Senate, further amended, and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2456)

The ayes were, 55:

Anderson	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Cownie	Ficken	Ford	Frevert
Gayman	Grassley	Hanson	Heaton
Heddens	Hunter	Huser	Jacoby
Kaufmann	Kearns	Kelley	Koester

Kressig	Kuhn	Lensing	Marek
Mascher	McCarthy	Mertz	Miller, H.
Miller, L.	Oldson	Olson, D.	Olson, R.
Petersen	Pettengill	Quirk	Raecker
Reasoner	Running-Marquardt	Shomshor	Smith
Steckman	Swaim	Sweeney	Thomas
Tjepkes	Watts	Wessel-Kroeschell	Willems
Winckler	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, 41:

Abdul-Samad	Alons	Arnold	Baudler
Chambers	De Boef	Deyoe	Dolecheck
Forristall	Gaskill	Hagenow	Helland
Horbach	Huseman	Isenhardt	Lukan
Lykam	May	Olson, T.	Palmer
Paulsen	Rayhons	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Soderberg	Sorenson	Struyk	Taylor
Thede	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Wenthe	Whitead	Windschitl
Worthan			

Absent or not voting, 4:

Drake	Olson, S.	Rants	Wendt
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2456** be immediately messaged to the Senate.

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 8, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 434, a bill for an act relating to nuisance properties by requiring the indexing of certain municipal citations and petitions affecting real property.

Also: That the Senate has on March 8, 2010, passed the following bill in which the

concurrence of the House is asked:

Senate File 2363, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including administration of income taxes, moneys and credits tax, insurance premiums tax, sales and use taxes, fees for new vehicle registration, franchise fees, and the environmental protection charge, making penalties applicable, and including retroactive applicability provisions.

MICHAEL E. MARSHALL, Secretary

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 8th day of March, 2010: House Files 2280 and 2318.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 8, 2010, he approved and transmitted to the Secretary of State the following bills:

Senate File 2191, an Act relating to and making changes to matters under the purview of the division of banking of the department of commerce, making a penalty applicable, and including effective date provisions.

Senate File 2248, an Act relating to permits issued under the national pollutant discharge elimination system, and making penalties applicable.

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 COMMERCE

Senate File 2346, a bill for an act relating to certain coverage provisions contained in uninsured and underinsured motor vehicle insurance coverage.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8362** March 4, 2010.

COMMITTEE ON HUMAN RESOURCES

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.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2010.

COMMITTEE ON JUDICIARY

Senate File 2109, a bill for an act concerning penalties for failure to obey an official traffic control device or signal when the violation results in death or serious injury.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8358** March 4, 2010.

Senate File 2343, a bill for an act relating to the appointment of judicial officers and senior judges.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8355** March 4, 2010.

Senate File 2351, a bill for an act enhancing the penalty for certain domestic abuse assault cases and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8357** March 4, 2010.

Senate File 2352, a bill for an act relating to the emergency hospitalization of a person with a serious mental impairment.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8356** March 4, 2010.

RESOLUTION FILED

HR 121, by H. Miller, Mertz, Bailey, Tjepkes, Isenhardt, Worthan, Gaskill, Palmer and Berry, a resolution honoring the Iowa Central Community College wrestling squad on winning its fifth consecutive team championship.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8351	H.F.	2324	Zirkelbach of Jones
H—8352	H.F.	2327	S. Olson of Clinton
H—8353	S.F.	2201	Pettengill of Benton
H—8354	H.F.	2481	Pettengill of Benton
H—8355	S.F.	2343	Committee on Judiciary
H—8356	S.F.	2352	Committee on Judiciary
H—8357	S.F.	2351	Committee on Judiciary
H—8358	S.F.	2109	Committee on Judiciary
H—8360	S.F.	2310	Bell of Jasper
H—8361	S.F.	2357	Hagenow of Polk
H—8362	S.F.	2346	Committee on Commerce
H—8363	S.F.	2200	Huser of Polk
H—8364	S.F.	2265	Grassley of Butler
H—8365	S.F.	2265	Wagner of Linn
H—8366	S.F.	2265	Wagner of Linn
H—8367	S.F.	2357	Tymeson of Madison
H—8368	S.F.	2235	Wagner of Linn
H—8369	S.F.	2265	Helland of Polk Wagner of Linn
H—8370	S.F.	2317	Kuhn of Floyd
H—8371	S.F.	2357	Hagenow of Polk

On motion by McCarthy of Polk the House adjourned at 4:23 p.m., until 9:00 a.m., Tuesday, March 9, 2010.

JOURNAL OF THE HOUSE

Fifty-eighth Calendar Day - Forty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 9, 2010

The House met pursuant to adjournment at 9:09 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend George Volkert, pastor of St. Paul and St. Johns Lutheran Churches, Sumner. He was the guest of Representative Jeff Kaufmann of Cedar County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Emily Steinke, House Page from Gibson.

The Journal of Monday, March 8, 2010 was approved.

SENATE MESSAGE CONSIDERED

Senate File 2363, by committee on ways and means, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including administration of income taxes, moneys and credits tax, insurance premiums tax, sales and use taxes, fees for new vehicle registration, franchise fees, and the environmental protection charge, making penalties applicable, and including retroactive applicability 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 March 8, 2010, amended and passed the following bill in which the concurrence of the House is asked:

House File 734, a bill for an act relating to the uniform adult guardianship and protective proceedings Act relating to the establishment, transfer, and recognition of

guardianships and conservatorships in multistate cases, and including effective date and applicability provisions.

Also: That the Senate has on March 8, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 755, a bill for an act concerning eligibility for the injured veterans grant program.

Also: That the Senate has on March 8, 2010, amended and passed the following bill in which the concurrence of the House is asked:

House File 788, a bill for an act concerning alcoholic beverage control, relating to minors and public intoxication or possession of alcohol and prohibiting certain liquor control, wine, or beer licensees or permittees from knowingly permitting or engaging in criminal activity in areas adjacent to the licensed premises and making penalties applicable.

Also: That the Senate has on March 8, 2010, amended and passed the following bill in which the concurrence of the House is asked:

House File 2197, a bill for an act providing veterans a holiday for veterans day and making penalties applicable.

Also: That the Senate has on March 8, 2010, amended and passed the following bill in which the concurrence of the House is asked:

House File 2200, a bill for an act relating to the carrying of a gun in or on a vehicle on a public highway and making penalties applicable.

Also: That the Senate has on March 8, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2111, a bill for an act providing notification to the department of workforce development by the secretary of state when certain business entities apply for reinstatement after dissolution to ensure certain tax obligations have been fulfilled.

Also: That the Senate has on March 8, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2273, a bill for an act relating to drainage districts, by modifying the amount of a bid security required to be submitted by bidders proposing to make improvements and modifying the threshold amount requiring the letting of bids to construct an improvement, and including effective date provisions.

Also: That the Senate has on March 8, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2283, a bill for an act relating to the requirements for national criminal history record checks for child care providers.

Also: That the Senate has on March 8, 2010, amended and passed the following bill in which the concurrence of the House is asked:

House File 2284, a bill for an act relating to various activities regulated and programs administered by the department of public health, including fetal death certification, and optometry, cosmetology, and barbering licensure, and including effective date provisions.

Also: That the Senate has on March 8, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2286, a bill for an act relating to the criminal offense of detention in a brothel.

Also: That the Senate has on March 8, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2287, a bill for an act relating to the criminal offense of simulated public intoxication.

Also: That the Senate has on March 8, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2449, a bill for an act relating to the encouragement and assistance of businesses owned by disabled veterans.

Also: That the Senate has on March 8, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2452, a bill for an act relating to driver's license sanctions, including the issuance of temporary restricted licenses and certain requirements relating to ignition interlock devices, and providing penalties.

Also: That the Senate has on March 8, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2067, a bill for an act relating to ethics regulations for the executive branch, legislative branch, and local officials and employees and including effective date provisions.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 9:19 a.m., until the fall of the gavel.

AFTERNOON SESSION

The House reconvened at 1:31 p.m., Speaker Murphy in the chair.

The House stood at ease at 1:31 p.m., until the fall of the gavel.

The House resumed session at 2:55 p.m., Zirkelbach of Jones in the chair.

INTRODUCTION OF BILLS

House File 2518, by committee on appropriations, a bill for an act concerning public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the statewide fire and police retirement system, making appropriations, and including effective date and retroactive applicability provisions.

Read first time and placed on the **appropriations calendar**.

House File 2519, by committee on appropriations, a bill for an act relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants, the federal American Recovery and Reinvestment Act of 2009, and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, and including effective date and retroactive applicability provisions.

Read first time and placed on the **appropriations calendar**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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 9, 2010, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 2456, a bill for an act prohibiting a person from writing or sending a text message while driving a motor vehicle and providing penalties.

Also: That the Senate has on March 9, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2485, a bill for an act relating to public employee collective bargaining.

Also: That the Senate has on March 9, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2488, a bill for an act relating to the appointment of young adults to appointive boards, commissions, committees, and councils.

Also: That the Senate has on March 9, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2199, a bill for an act relating to the collection of the use tax on manufactured housing, the licensing of manufactured home retailers, amending statutory references to certain types of home dealers, establishing titling procedures for certain manufactured and mobile homes, making penalties applicable, and including effective date provisions.

Also: That the Senate has on March 9, 2010, passed the following bill in which the concurrence of the House is asked:

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.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS

Regular Calendar

Senate File 2289, a bill for an act relating to deaccreditation of a school district by the state board of education and to the disposition of certain former school district funds, and including effective date, validation, and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Cohoon of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2289)

The ayes were, 98:

Abdul-Samad
Bailey

Alons
Baudler

Anderson
Beard

Arnold
Bell

Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach, Presiding		

The nays were, none.

Absent or not voting, 2:

Ford Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Means Calendar

House File 816, a bill for an act allowing the department of revenue to subpoena certain customer records of individuals owing taxes, penalties, or interest and including an effective date provision, was taken up for consideration.

Petersen of Polk offered the following amendment H-8176 filed by the committee on ways and means and moved its adoption:

H-8176

- 1 Amend House File 816 as follows:
- 2 1. Page 1, by striking lines 3 through 15 and
- 3 inserting:

4 <NEW SUBSECTION. 31. a. To the extent permissible
 5 by federal law, to subpoena certain records held by a
 6 public or private utility company with respect to an
 7 individual who has a debt or obligation placed with the
 8 centralized collection unit of the department. The
 9 subpoena authority granted in this subsection may be
 10 used only after reasonable efforts have been made by
 11 the centralized collection unit to identify and locate
 12 the individual.

13 b. The department may subpoena customer records,
 14 but shall not request or require the disclosure
 15 of transaction information, account activity, or
 16 proprietary information.>

17 2. Page 1, by striking lines 18 through 20 and
 18 inserting <frequently than quarterly.>

19 3. Page 1, line 24, after <director.> by inserting
 20 <In administering this subsection, the director and
 21 the department shall comply with all applicable state
 22 and federal laws pertaining to the confidentiality or
 23 privacy of individuals or public or private utility
 24 companies. The information and customer records
 25 obtained by the department pursuant to this subsection
 26 are confidential records and are not subject to
 27 requests for examination pursuant to chapter 22.>

28 4. Page 1, before line 34 by inserting:

29 <g. The department may adopt rules for the
 30 administration of this subsection.>

31 5. Page 1, line 35, by striking <2010> and
 32 inserting <2011>

33 6. Title page, by striking lines 2 and 3 and
 34 inserting <customer records of individuals with a
 35 debt placed with the centralized collection unit of
 36 the department of revenue and including effective date
 37 provisions.>

38 7. By renumbering as necessary.

The committee amendment H-8176 was adopted, placing out of order amendment H-1530 filed by Petersen of Polk and Struyk of Polk on April 9, 2009.

Pettengill of Benton offered amendment H-1639 filed by her as follows:

H-1639

1 Amend House File 816 as follows:

2 1. Page 1, by inserting before line 34 the
 3 following:

4 "Sec. ____ NEW SECTION. 422.72A SUSPECTED MISUSE
 5 OF PERSONAL INFORMATION – NOTICE REQUIRED.

- 6 1. For the purposes of this section, the following
7 definitions apply:
- 8 a. "Affected individual" means an individual who
9 is identified by or connected with personal
10 information contained in the department's records.
- 11 b. "Personal information" means all of the
12 following:
- 13 (1) Social security number.
14 (2) Tax identification number.
15 (3) Driver's license number or other unique
16 identification number created or collected by a
17 government body.
18 (4) Financial account number, credit card number,
19 or debit card number in combination with any required
20 security code, access code, or password that would
21 permit access to an individual's financial account.
22 (5) Unique electronic identifier or routing code,
23 in combination with any required security code, access
24 code, or password.
- 25 c. "Suspected misuse of personal information"
26 means circumstances exist which would cause a
27 reasonable person to believe that an individual's
28 personal information is being used by an unauthorized
29 individual. Such circumstances include but are not
30 limited to either of the following:
- 31 (1) A tax identification number under which wages
32 are being reported by two or more individuals.
33 (2) A tax identification number of an individual
34 under the age of sixteen with reported wages exceeding
35 one thousand dollars for a single quarterly period.
- 36 2. a. Unless otherwise prohibited by state or
37 federal law, the department shall provide notice to
38 each affected individual if department records
39 indicate a suspected misuse of personal information.
40 Notice shall be made without unreasonable delay. If
41 the affected individual is a minor, notice shall be
42 provided to the minor's parent or guardian.
- 43 b. If notice is provided to an affected individual
44 under paragraph "a", notice of the suspected misuse of
45 personal information shall also be provided to an
46 appropriate law enforcement agency.
- 47 3. Notice provided to an affected individual shall
48 be clear and conspicuous and be provided by at least
49 one of the following:
- 50 a. Written notice to the affected individual's

Page 2

- 1 last address of record.
2 b. Electronic mail notice, if the affected
3 individual has agreed to receive communications
4 electronically.

- 5 c. Telephonic notice, if the communication is made
 6 directly with the affected individual."
 7 2. Title page, line 3, by inserting after the
 8 word "interest" the following: "and requiring the
 9 department to provide notice of suspected misuse of
 10 personal information".
 11 3. By renumbering as necessary.

Petersen of Polk rose on a point of order that amendment H-1639 was not germane.

The Speaker ruled the point well taken and amendment H-1639 not germane.

Pettengill of Benton moved to suspend the rules to consider amendment H-1639.

Roll call was requested by Paulsen of Linn and L. Miller of Scott.

On the question "Shall the rules be suspended to consider amendment H-1639?" (H.F. 816)

The ayes were, 42:

Alons	Anderson	Arnold	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Kaufmann	Koester	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rayhons	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Windschitl	Worthan		

The nays were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	Ishenart	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	Winckler	Zirkelbach,	
		Presiding	

Absent or not voting, 3:

Baudler	Rants	Wendt
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The motion to suspend the rules lost.

With the adoption of amendment H-8176, amendment H-8199 filed by Pettengill of Benton was placed out of order.

Petersen 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. 816)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe

Wessel-Kroeschell	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach, Presiding	

The nays were, none.

Absent or not voting, 1:

Wendt

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Regular Calendar

Senate File 2073, a bill for an act relating to the practice of accounting and to the organization and operation of the licensing boards included within the professional licensure and regulation bureau of the banking division in the department of commerce, with report of committee recommending passage, was taken up for consideration.

Kressig of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2073)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Sands	Schueller
Schulte	Schultz	Smith	Soderberg

Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach, Presiding		

The nays were, none.

Absent or not voting, 2:

Shomshor	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.

Senate File 2075, a bill for an act requiring reasonable exceptions to insurance rates for consumers whose credit information is influenced by extraordinary life circumstances and providing an applicability date, 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. 2075)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	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	Raecker
Rants	Rayhons	Reasoner	Reichert

Roberts	Running-Marquardt	Sands	Schueller
Schulte	Schultz	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach, Presiding		

The nays were, none.

Absent or not voting, 2:

Shomshor Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2095, a bill for an act relating to the authority of a certified law enforcement officer, with report of committee recommending passage, was taken up for consideration.

Whitead of Woodbury 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. 2095)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Sands	Schueller

Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach, Presiding	

The nays were, none.

Absent or not voting, 1:

Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2156, a bill for an act relating to the IowaCare program, and providing for repeals, with report of committee recommending passage, was taken up for consideration.

Steckman of Cerro Gordo offered the following amendment H-8293 filed by the committee on human resources and moved its adoption:

H-8293

1 Amend Senate File 2156, as passed by the Senate, as
 2 follows:
 3 1. Page 5, by striking lines 12 and 13 and
 4 inserting <All premiums shall be paid on the last day
 5 of the month of coverage. The department shall deduct
 6 the>

The committee amendment H-8293 was adopted.

Steckman of Cerro Gordo 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. 2156)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers

Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	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	Raecker	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	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, Presiding			

The nays were, none.

Absent or not voting, 3:

Quirk Rants Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2157, a bill for an act relating to the recording requirements for certain residential real estate installment sales contracts and including applicability provisions, with report of committee recommending passage, was taken up for consideration.

Wenthe of Fayette 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. 2157)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell

Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach, Presiding	

The nays were, none.

Absent or not voting, 1:

Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2158, a bill for an act relating to child support recovery including child support provisions for minor parents, medical support, and the review and adjustment process, with report of committee recommending passage, was taken up for consideration.

Berry of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2158)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell

Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach, Presiding	

The nays were, none.

Absent or not voting, 1:

Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2175, a bill for an act providing for representation of military veterans on certain mental health policy bodies, with report of committee recommending passage, was taken up for consideration.

Isenhart of Dubuque 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. 2175)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Bukta	Burt	Chambers	Cohoon

Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach, Presiding		

The nays were, none.

Absent or not voting, 2:

Beard Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2190, a bill for an act relating to an exemption for a debtor's personal property from execution by creditors in a bankruptcy action, with report of committee recommending passage, was taken up for consideration.

Swaim of Davis 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. 2190)

The ayes were, 60:

Abdul-Samad	Anderson	Bailey	Baudler
Beard	Bell	Berry	Bukta

Burt	Cohoon	Ficken	Ford
Gaskill	Gayman	Hanson	Heaton
Heddens	Horbach	Hunter	Huser
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
Quirk	Reasoner	Reichert	Running-Marquardt
Schueller	Smith	Steckman	Struyk
Swaim	Taylor	Thede	Thomas
Tjepkes	Tymeson	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Zirkelbach, Presiding

The nays were, 37:

Alons	Arnold	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Grassley	Hagenow	Helland
Huseman	Kaufmann	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Sweeney	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worhan			

Absent or not voting, 3:

Frevert	Shomshor	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 MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 816** and **Senate Files 2073, 2075, 2095, 2156, 2157, 2158, 2175, 2190** and **2289**.

Senate File 2200, a bill for an act relating to transfer of guardianship for a child in need of assistance to the probate court, with report of committee recommending amendment and passage, was taken up for consideration.

Swaim of Davis offered the following amendment H-8316 filed by the committee on judiciary and moved its adoption:

H-8316

- 1 Amend Senate File 2200, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 26, by striking <If> and inserting
- 4 <Unless the child or guardian dies or other exceptional
- 5 circumstances arise. if>

The committee amendment H-8316 was adopted.

Huser of Polk asked and received unanimous consent to withdraw amendment H-8363 filed by her on March 8, 2010.

Swaim of Davis 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. 2200)

The ayes were, 96:

Abdul-Samad	Alons	Arnold	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
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	Raecker	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, Presiding

The nays were, 2:

Huser Struyk

Absent or not voting, 2:

Anderson Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2216, a bill for an act allowing certain game birds to be shot when released on a licensed hunting preserve and providing a penalty, with report of committee recommending passage, was taken up for consideration.

Beard of Winneshiek 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. 2216)

The ayes were, 77:

Abdul-Samad	Anderson	Arnold	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Cphoon	Cownie
Deyoe	Dolecheck	Drake	Ficken
Ford	Frevert	Gaskill	Gayman
Hanson	Heaton	Heddens	Horbach
Hunter	Huser	Isenhart	Kearns
Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Running-Marquardt
Schueller	Schulte	Shomshor	Smith
Soderberg	Steckman	Struyk	Swaim
Taylor	Thede	Thomas	Tymeson
Upmeyer	Watts	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Worthan
Zirkelbach, Presiding			

The nays were, 20:

Alons	Chambers	De Boef	Forristall
Grassley	Hagenow	Helland	Huseman
Kaufmann	Koester	Miller, L.	Roberts
Sands	Schultz	Sorenson	Sweeney
Tjepkes	Van Engelenhoven	Wagner	Windschitl

Absent or not voting, 3:

Jacoby	May	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.

Senate File 2218, a bill for an act relating to elections by eliminating double election boards and by requiring the commissioner of elections, upon petition, to use automatic tabulating equipment in certain elections and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Gaskill of Wapello 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. 2218)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Sands	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, Presiding		

The nays were, none.

Absent or not voting, 2:

Rants	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.

House File 2328, a bill for an act relating to the office of the long-term care resident's advocate, and providing penalties, was taken up for consideration.

SENATE FILE 2263 SUBSTITUTED FOR HOUSE FILE 2328

Hunter of Polk asked and received unanimous consent to substitute Senate File 2263 for House File 2328.

Senate File 2263, a bill for an act relating to the office of the long-term care resident's advocate, and providing penalties, was taken up for consideration.

Hunter 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. 2263)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	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	Raecker	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	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, Presiding			

The nays were, none.

Absent or not voting, 3:

Murphy, Spkr.	Rants	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.

HOUSE FILE 2328 WITHDRAWN

Hunter of Polk asked and received unanimous consent to withdraw House File 2328 from further consideration by the House.

Senate File 2247, a bill for an act authorizing the modification of the designation of a gaming enforcement officer, with report of committee recommending passage, was taken up for consideration.

Taylor 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. 2247)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Beard	Bell	Berry
Bukta	Burt	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck

Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor	Thede	Thomas	Tjepkes
Tyeson	Van Engelenhoven	Wagner	Watts
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach, Presiding

The nays were, none.

Absent or not voting, 4:

Baudler	Murphy, Spkr.	Upmeyer	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.

The House stood at ease at 4:24 p.m., until the fall of the gavel.

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 9, 2010, amended and passed the following bill in which the concurrence of the House is asked:

House File 2478, a bill for an act relating to business organizations, including limited liability companies and business corporations, and providing for fees.

MICHAEL E. MARSHALL, Secretary

The House resumed session at 4:49 p.m., Zirkelbach of Jones in the chair.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2200, 2216, 2218, 2247 and 2263.**

Senate File 2254, a bill for an act relating to the powers and duties of county treasurers to assess certain property associated with fence disputes and water districts, with report of committee recommending amendment and passage, was taken up for consideration.

Kuhn of Floyd offered the following amendment H-8291 filed by the committee on local government and moved its adoption:

H-8291

1 Amend Senate File 2254, as passed by the Senate, as
2 follows:

3 1. Page 1, after line 24 by inserting:

4 <Sec. ____ Section 331.552, subsections 34, 35, and
5 36, Code 2009, are amended to read as follows:

6 34. Destroy tax sale redemption certificates and
7 all associated tax sale records after ten years have
8 elapsed from the end of the fiscal year in which the
9 certificate was redeemed. If a tax sale certificate
10 of purchase is cancelled as required by section 446.37
11 or 448.1, all associated tax sale records shall be
12 destroyed after ten years have elapsed from the end
13 of the fiscal year in which the tax sale certificate
14 of purchase was cancelled. This subsection applies
15 to documents described in this subsection that are in
16 existence before, on, or after July 1, 2003.

17 35. Destroy special assessment records required
18 by section 445.11 within the county system after ten
19 years have elapsed from the end of the fiscal year in
20 which the special assessment was paid in full. The
21 county treasurer shall also destroy the resolution of
22 necessity, plat, and schedule of assessments required
23 by section 384.51 after ten years have elapsed from the
24 end of the fiscal year in which the entire schedule was
25 paid in full. This subsection applies to documents
26 described in this subsection that are in existence
27 before, on, or after July 1, 2003.

28 36. Destroy mobile home and manufactured home tax
29 lists after ten years have elapsed from the end of
30 the fiscal year in which the list was created. This
31 subsection applies to mobile home and manufactured home

32 tax lists and associated documents in existence before,
 33 on, or after July 1, 2003.
 34 Sec. ____ Section 331.559, subsections 15 and 20,
 35 Code 2009, are amended to read as follows:
 36 15. Maintain a suspended tax list book as provided
 37 in section 427.12. After ten years from the date of
 38 payment, abatement, or cancellation of a suspended
 39 tax, special assessment, rate, or charge, the county
 40 treasurer may dispose of the official record of the
 41 suspended tax, special assessment, rate, or charge.
 42 This subsection applies to official records and
 43 associated documents in existence before, on, or after
 44 July 1, 2003.
 45 20. Carry out duties relating to the preparation
 46 and correction of the tax list as provided in chapter
 47 443. After ten years from the date of receipt, the
 48 county treasurer may dispose of the tax list delivered
 49 to the county treasurer pursuant to chapter 443.
 50 This subsection applies to tax lists and associated

Page 2

1 documents in existence before, on, or after July 1,
 2 2003.>
 3 2. Title page, line 3, after <districts> by
 4 inserting <and to keep certain records>
 5 3. By renumbering as necessary.

The committee amendment H-8291 was adopted.

Kuhn of Floyd 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. 2254)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	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
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Running-Marquardt
Sands	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, Presiding			

The nays were, none.

Absent or not voting, 3:

Petersen	Roberts	Wendt
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Petersen of Polk on request of T. Olson of Linn.

Senate File 2264, a bill for an act relating to the review and approval of proposed subdivisions by a city, 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. 2264)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford

Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Running-Marquardt
Sands	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, Presiding			

The nays were, none.

Absent or not voting, 3:

Petersen Roberts Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2286, a bill for an act relating to the regulation of professional and amateur mixed martial arts matches and events by the labor commissioner and providing penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Abdul-Samad of Polk offered the following amendment H-8277 filed by the committee on labor and moved its adoption:

H-8277

- 1 Amend Senate File 2286, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 5 and 6 and inserting
- 4 <is open to the public and an admission fee is charged,
- 5 a donation is requested from those in attendance,
- 6 or merchandise or refreshments are available for
- 7 purchase.>

The committee amendment H-8277 was adopted.

Bailey of Hamilton asked unanimous consent to defer Senate File 2286.

Objection was raised.

Abdul-Samad 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. 2286)

The ayes were, 89:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Beard	Bell	Berry
Bukta	Burt	Chambers	Cohoon
Cownie	Deyoe	Dolecheck	Drake
Ficken	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hanson
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Quirk	Rants	Rayhons
Reasoner	Reichert	Running-Marquardt	Sands
Schueller	Schulte	Shomshor	Smith
Soderberg	Steckman	Struyk	Swaim
Sweeney	Taylor	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Watts	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach, Presiding			

The nays were, 6:

Bailey	De Boef	Hagenow	Schultz
Sorenson	Wagner		

Absent or not voting, 5:

Petersen	Pettengill	Raecker	Roberts
Wendt			

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 March 9, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2288, a bill for an act repealing the simple misdemeanor offense relating to the use of cowl lamps on motor vehicles.

Also: That the Senate has on March 9, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2307, a bill for an act providing for restitution for Medicaid expenditures.

Also: That the Senate has on March 9, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2399, a bill for an act modifying provisions applicable to electric generating and transmission facilities.

Also: That the Senate has on March 9, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2403, a bill for an act making changes to the uniform controlled substances Act.

MICHAEL E. MARSHALL, Secretary

House File 2415, a bill for an act relating to the home modification requirements under the Medicaid home and community-based services waiver for the elderly, was taken up for consideration.

Hunter of Polk offered the following amendment H-8149 filed by Wendt of Woodbury and moved its adoption:

H-8149

- 1 Amend House File 2415 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting:
- 4 <Section 1. HOME MODIFICATION – REVIEW OF

5 REQUIREMENTS. The department of human services,
 6 in consultation with the department on aging, area
 7 agencies on aging, and other organizations representing
 8 the interests of older Iowans, shall review the
 9 requirements for home modification under the medical
 10 assistance home and community-based services waiver
 11 for the elderly, including the lifetime cap, and shall
 12 present a plan to increase the lifetime limit to the
 13 general assembly by December 31, 2011.>

Amendment H-8149 was adopted.

SENATE FILE 2267 SUBSTITUTED FOR HOUSE FILE 2415

Hunter of Polk asked and received unanimous consent to substitute Senate File 2267 for House File 2415.

Senate File 2267, a bill for an act relating to the home modification requirements under the Medicaid home and community-based services waiver for the elderly, was taken up for consideration.

Hunter 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. 2267)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Running-Marquardt

Sands	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, Presiding			

The nays were, none.

Absent or not voting, 3:

Petersen	Roberts	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.

HOUSE FILE 2415 WITHDRAWN

Hunter of Polk asked and received unanimous consent to withdraw House File 2415 from further consideration by the House.

Senate File 2298, a bill for an act relating to the attendance of a child at juvenile court hearings or meetings during the pendency of a child in need of assistance case, with report of committee recommending passage, was taken up for consideration.

Swaim of Davis 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. 2298)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester

Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Running-Marquardt
Sands	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, Presiding			

The nays were, none.

Absent or not voting, 3:

Petersen	Roberts	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.

Senate File 2303, a bill for an act relating to detainees lodged against parolees in this state, with report of committee recommending passage, was taken up for consideration.

Reichert of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Speaker Murphy in the chair at 5:25 p.m.

On the question "Shall the bill pass?" (S.F. 2303)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deoye
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter

Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Running-Marquardt	Sands
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, none.

Absent or not voting, 3:

Petersen	Roberts	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.

Senate File 2304, a bill for an act relating to vehicular accident reporting requirements by increasing the minimum amount of property damage necessitating a written report, with report of committee recommending passage, was taken up for consideration.

Hanson of Jefferson 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. 2304)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton

Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Running-Marquardt	Sands
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, none.

Absent or not voting, 3:

Petersen	Roberts	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.

Senate File 2318, a bill for an act concerning and affecting veterans and military members, related to employment benefits, professional licensing, and interest rate limit enforcement, and making penalties applicable, with report of committee recommending passage, was taken up for consideration.

Zirkelbach of Jones offered the following amendment H-8340 filed by him and moved its adoption:

H-8340

- 1 Amend Senate File 2318, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 16 through 18 and
- 4 inserting:
- 5 <Sec. . **NEW SECTION.** 97A.10A Purchase of
- 6 service credit for military service.>
- 7 2. By renumbering as necessary.

Amendment H-8340 was adopted.

Zirkelbach of Jones 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. 2318)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Running-Marquardt	Sands
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, none.

Absent or not voting, 3:

Petersen	Roberts	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.

Senate File 2344, a bill for an act relating to the violator facility established within the department of corrections, with report of committee recommending passage, was taken up for consideration.

Kuhn of Floyd 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. 2344)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Running-Marquardt	Sands
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, none.

Absent or not voting, 3:

Petersen	Roberts	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 MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2254, 2264, 2267, 2286, 2298, 2303, 2304, 2318 and 2344.**

HOUSE FILE 2494 REFERRED

The Speaker announced that House File 2494, previously placed on the **calendar** was referred to committee on **appropriations**.

SPONSOR WITHDRAWN
(H-8300 to House File 2481)

Hanson of Jefferson requested to be withdrawn as a sponsor of H-8300 to House File 2481.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 9, 2010, he approved and transmitted to the Secretary of State the following bill:

House File 2280, an Act providing for the treatment of animals other than agricultural animals, by providing for regulation of commercial establishments, providing for fees, providing penalties, and including effective date provisions.

SUBCOMMITTEE ASSIGNMENTS

House File 2480

Ways and Means: Thomas, Chair; Forristall and Steckman.

House File 2511

Ways and Means: Shomshor, Chair; Reasoner and Sands.

House File 2513

Ways and Means: T. Olson, Chair; Struyk and Willems.

House File 2514

Ways and Means: T. Olson, Chair; Struyk and Willems.

House File 2515

Ways and Means: T. Olson, Chair; Hagenow and Willems.

House File 2516

Ways and Means: T. Olson, Chair; Pettengill and Willems.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT**H.S.B. 735 Ways and Means**

Relating to enhanced 911 emergency telephone systems and information required for inclusion in an enhanced 911 service plan.

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 APPROPRIATIONS

Senate File 2366, a bill for an act relating to public funding and regulatory matters and making, reducing, and supplementing appropriations for expenditures in the fiscal year beginning July 1, 2009, and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 2010.

Committee Bill (Formerly House File 2502), concerning public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the statewide fire and police retirement system, making appropriations, and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 2010.

Committee Bill (Formerly House Study Bill 728), relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants, the federal American Recovery and

Reinvestment Act of 2009, and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2010.

Committee Bill (Formerly House Study Bill 731), relating to and making appropriations to the justice system, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2010.

Committee Bill (Formerly House Study Bill 732), relating to and making appropriations to the judicial branch.

Fiscal Note is not required.

Recommended **Do Pass** March 9, 2010.

Committee Bill (Formerly House Study Bill 733), relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2010.

Committee Bill (Formerly House Study Bill 734), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2010.

COMMITTEE ON COMMERCE

Senate File 2349, a bill for an act requiring certain group health insurance established for employees of the state to provide coverage for autism spectrum disorders for certain persons, requiring certification of behavior specialists, and providing an applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8372** March 4, 2010

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 2305), relating to provisions authorizing sales and use tax exemptions and refunds for a data center business, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2010.

Committee Bill (Formerly House Study Bill 730), relating to the administration of the sales and use taxes under the streamlined sales tax agreement and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 2010.

RESOLUTION FILED

HR 122, by Jacoby, Mascher, Lensing, Willems and Zirkelbach, a resolution to celebrate the highlights for the 2009 football season of the University of Iowa football team.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8372	S.F.	2349	Committee on Commerce
H—8373	S.F.	2265	D. Olson of Boone
H—8374	S.F.	2357	Hagenow of Polk
H—8375	S.F.	2150	Hagenow of Polk
H—8376	H.F.	2197	Senate Amendment
H—8377	H.F.	788	Senate Amendment
H—8378	H.F.	2200	Senate Amendment
H—8379	H.F.	734	Senate Amendment
H—8380	H.F.	2284	Senate Amendment
H—8381	S.F.	2357	Windschitl of Harrison
H—8382	S.F.	2201	Oldson of Polk
H—8383	S.F.	2265	Deyoe of Story
H—8384	H.F.	2481	Pettengill of Benton
H—8385	S.F.	2317	Schueller of Jackson
H—8386	H.F.	2478	Senate Amendment
H—8387	S.F.	2252	Baudler of Adair
H—8388	S.F.	2357	Alons of Sioux

H—8389	S.F.	2274	Chambers of O'Brien Gayman of Scott
H—8390	S.F.	2235	Wagner of Linn
H—8391	H.F.	2518	Pettengill of Benton Drake of Cass
H—8392	H.F.	2518	Pettengill of Benton Drake of Cass
H—8393	H.F.	2518	Pettengill of Benton Drake of Cass
H—8394	S.F.	2354	Rants of Woodbury
H—8395	S.F.	2354	Rants of Woodbury
H—8396	S.F.	2235	Reasoner of Union

On motion by McCarthy of Polk the House adjourned at 5:44 p.m., until 9:00 a.m., Wednesday, March 10, 2010.

JOURNAL OF THE HOUSE

Fifty-ninth Calendar Day - Forty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 10, 2010

The House met pursuant to adjournment at 9:11 a.m., Speaker Murphy in the chair.

Prayer was offered by Monsignor Wayne Ressler, pastor of the Cathedral of Saint Raphael, Dubuque. He was the guest of Representative Charles Isenhart and Speaker Murphy of Dubuque County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by James Taylor, House Page from Mt. Vernon.

The Journal of Tuesday, March 9, 2010 was approved.

INTRODUCTION OF BILLS

House File 2520, by committee on ways and means, a bill for an act providing a definition of a rehabilitated building as used in the operation of a data center business, and including effective date provisions.

Read first time and placed on the **ways and means calendar**.

House File 2521, by committee on appropriations, a bill for an act relating to and making appropriations to the judicial branch.

Read first time and placed on the **appropriations calendar**.

House File 2522, by committee on appropriations, 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.

Read first time and placed on the **appropriations calendar**.

SENATE MESSAGE CONSIDERED

Senate File 2373, by committee on ways and means, 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.

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 March 9, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2110, a bill for an act relating to unemployment insurance benefits for spouses who leave employment to accompany a spouse on a military assignment.

Also: That the Senate has on March 9, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2137, a bill for an act relating to the military division of the department of public defense concerning state military service and the Iowa code of military justice.

Also: That the Senate has on March 9, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2144, a bill for an act relating to health-related activities and regulation by the department of public health, and making penalties applicable.

Also: That the Senate has on March 9, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2148, a bill for an act relating to eligible lenders for the home ownership assistance program for military members.

Also: That the Senate has on March 9, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2195, a bill for an act concerning fine arts projects in state buildings.

Also: That the Senate has on March 9, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2454, a bill for an act providing for the development of programs to attract qualified disabled veterans for job opportunities in state government.

Also: That the Senate has on March 9, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2460, a bill for an act relating to small business and disadvantaged business enterprise contracts with the department of transportation.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 9:21 a.m., until the fall of the gavel.

The House resumed session at 11:05 a.m., Speaker Murphy in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Chambers of O'Brien on request of Paulsen of Linn; Upmeyer of Hancock on request of Lukan of Dubuque; Wendt of Woodbury on request of McCarthy of Polk.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-eight members present, twenty-two absent.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 2357, a bill for an act relating to prohibiting a person who is the subject of a no-contact order or a protective order or who has been convicted of a misdemeanor crime of domestic violence from possessing, transferring, or selling firearms and ammunition or offensive weapons and providing penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Berry of Black Hawk offered amendment H-8350 filed by the committee on public safety as follows:

H-8350

1 Amend Senate File 2357, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, line 3, by striking <A> and inserting:

4 a. Except as provided in paragraph "b", a>

5 2. Page 2, after line 8 by inserting:

6 <b. This subsection shall not apply to the
7 possession, shipment, transportation, or receipt of a
8 firearm, offensive weapon, or ammunition issued by a
9 state department or agency or political subdivision for
10 use in the performance of the official duties of the
11 person who is the subject of a protective order under
12 18 U.S.C. § 922(g)(8).

13 c. For purposes of this section, "misdemeanor crime
14 of domestic violence" means an assault under section
15 708.1, subsection 1 or 3, committed by a current or
16 former spouse, parent, or guardian of the victim, by a
17 person with whom the victim shares a child in common,
18 by a person who is cohabiting with or has cohabited
19 with the victim as a spouse, parent, or guardian, or
20 by a person similarly situated to a spouse, parent, or
21 guardian of the victim.>

22 3. By renumbering as necessary.

Hagenow of Polk offered amendment H-8374, to the committee amendment H-8350, filed by him as follows:

H-8374

1 Amend the amendment, H-8350, to Senate File 2357,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, after line 2 by inserting:

5 <__. Page 1, before line 1 by inserting:

6 <Section 1. Section 236.2, subsection 2, paragraph
7 b, Code Supplement 2009, is amended to read as follows:

8 b. The assault is between separated spouses or
9 persons divorced from each other and not residing
10 together at the time of the assault. For purposes of
11 this section, "spouse" means a spouse of a marriage
12 that is valid pursuant to chapter 595. >>

13 2. Page 1, line 21, after <victim.> by inserting
14 <For purposes of this paragraph, "spouse" means a
15 spouse of a marriage that is valid pursuant to chapter
16 595.>

17 3. By renumbering as necessary.

R. Olson of Polk rose on a point of order that amendment H-8374 was not germane, to amendment H-8350.

The Speaker ruled the point well taken and amendment H-8374 not germane, to amendment H-8350.

Hagenow of Polk moved to suspend the rules to consider amendment H-8374.

Roll call was requested by Hagenow of Polk and Paulsen of Linn.

On the question "Shall the rules be suspended to consider amendment H-8374 to the committee amendment H-8350?" (S.F. 2357)

The ayes were, 41:

Alons	Anderson	Arnold	Baudler
Cownie	Deyoe	Dolecheck	Drake
Forristall	Grassley	Hagenow	Heaton
Helland	Huseman	Kaufmann	Koester
Lukan	May	Mertz	Miller, L.
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rayhons	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
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	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Running-Marquardt	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor
Thede	Thomas	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Zirkelbach
Mr. Speaker			
Murphy			

Absent or not voting, 6:

Chambers	De Boef	Horbach	Huser
Upmeyer	Wendt		

The motion to suspend the rules lost.

On motion by Berry of Black Hawk the committee amendment H-8350 was adopted.

Windschitl of Harrison offered amendment H-8381 filed by him as follows:

H-8381

1 Amend Senate File 2357, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. Section 423.4, Code Supplement 2009, is
6 amended by adding the following new subsection:

7 NEW SUBSECTION. 9. A person in possession of a
8 certificate of completion of a self-defense training
9 course issued pursuant to section 724.9A may apply to
10 the director for a refund of the amount of sales tax
11 imposed and paid upon purchases of self-defense items
12 and firearms made by the applicant as provided in
13 section 724.9A.

14 Sec. 2. Section 602.8102, subsection 135A, Code
15 2009, is amended to read as follows:

16 135A. Assess the surcharges provided by sections
17 911.1, 911.2, 911.3, ~~and~~ 911.4, and 911.5.

18 Sec. 3. Section 602.8108, subsection 2, Code
19 Supplement 2009, is amended to read as follows:

20 2. Except as otherwise provided, the clerk of the
21 district court shall report and submit to the state
22 court administrator, not later than the fifteenth
23 day of each month, the fines and fees received during
24 the preceding calendar month. Except as provided in
25 subsections 3, 4, 5, 7, 8, 9, ~~and~~ 10, and 11, the state
26 court administrator shall deposit the amounts received
27 with the treasurer of state for deposit in the general
28 fund of the state. The state court administrator shall
29 report to the legislative services agency within thirty
30 days of the beginning of each fiscal quarter the amount
31 received during the previous quarter in the account
32 established under this section.

33 Sec. 4. Section 602.8108, Code 2009, is amended by
34 adding the following new subsection:

35 NEW SUBSECTION. 11. The clerk of the district
36 court shall remit all moneys collected from the
37 domestic abuse assault surcharge provided in section
38 911.5 to the state court administrator no later than
39 the fifteenth day of each month for deposit in the
40 domestic abuse assault fund created in section 708.2D.

41 Sec. 5. NEW SECTION. 708.2D Domestic abuse assault
42 fund.

43 A domestic abuse assault fund is established as a
44 separate fund in the state treasury. Moneys deposited
45 in the fund shall be administered by the department of
46 justice and dedicated and used for purposes of funding
47 the self-defense training course in section 724.9A.
48 Sec. 6. NEW SECTION. 724.9A Self-defense training
49 course – sales tax refund for self-defense items.
50 1. A self-defense training course consisting

Page 2

1 of physical defense training and firearms training
2 shall be offered by the county sheriff to all county
3 residents who have been victims of domestic abuse, who
4 have been granted a protective order or a no-contact
5 order, or who, in the discretion of the county
6 sheriff, would otherwise benefit from such training.
7 The sheriff shall notify shelter services and other
8 support services provided to victims of domestic abuse
9 of the availability of such training. The training
10 course shall be offered at no cost to all eligible
11 participants.

12 2. Upon successful completion of such a course,
13 the county sheriff shall issue a participant a
14 certification of completion allowing such person
15 to apply to the department of revenue pursuant to
16 section 423.4 for a sales tax refund on purchases
17 of self-defense items and firearms made by the
18 participant within ninety days from the issuance of the
19 certificate.

20 Sec. 7. Section 903.1, subsection 4, Code 2009, is
21 amended to read as follows:

22 4. The surcharges required by sections 911.1,
23 911.2, 911.3, ~~and~~ 911.4, and 911.5 shall be added to
24 a fine imposed on a misdemeanor as provided in those
25 sections, and are not a part of or subject to the
26 maximums set in this section.

27 Sec. 8. NEW SECTION. 911.5 Domestic abuse assault
28 surcharge

29 1. In addition to any other surcharge, the court
30 or clerk of the district court shall assess a domestic
31 abuse assault surcharge of five hundred dollars if an
32 adjudication of guilt or a deferred judgment has been
33 entered for a criminal violation of section 708.2A.

34 2. In the event of multiple offenses, the surcharge
35 shall be imposed for each applicable offense.

36 3. The surcharge shall be remitted by the clerk of
37 court as provided in section 602.8108, subsection 11.>

38 2. Title page, by striking lines 1 through 5 and
39 inserting <An Act relating to physical defense training
40 and firearms training and providing for a sales tax
41 refund.>

McCarthy of Polk asked and received unanimous consent that Senate File 2357 and amendment H-8381 be deferred and that the bill retain its place on the calendar.

On motion by McCarthy of Polk, the House was recessed at 11:30 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 1:53 p.m., Speaker Murphy in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huser of Polk on request of Struyk of Pottawattamie.

The House resumed consideration of Senate File 2357, amendment H-8381, previously deferred.

The House stood at ease at 2:52 p.m., until the fall of the gavel.

The House resumed session at 3:14 p.m., Speaker Murphy in the chair.

McCarthy of Polk asked and received unanimous consent that amendment H-8381 be deferred.

Hagenow of Polk asked and received unanimous consent to withdraw amendment H-8371 filed by him on March 8, 2010.

Tymeson of Madison offered the following amendment H-8367 filed by her and moved its adoption:

H-8367

- 1 Amend Senate File 2357, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, after line 25 by inserting:
- 4 <Sec. ____ Section 708.7, subsection 1, paragraph
- 5 a, Code Supplement 2009, is amended by adding the
- 6 following new subparagraph:
- 7 NEW SUBPARAGRAPH. (5) Knowingly provides false or
- 8 misleading information in order to procure a protective

- 9 order referred to in section 724.26, subsection 2.>
 10 2. Page 2, line 3, after <2.> by inserting <a.>
 11 3. Page 2, after line 8 by inserting:
 12 <b. Except as provided in paragraph "c", a person
 13 who knowingly provides false or misleading information
 14 in order to procure a protective order referred to
 15 in this subsection shall, in addition to any other
 16 penalty, be guilty of harassment pursuant to section
 17 708.7.
 18 c. A person who knowingly provides false or
 19 misleading information in order to procure a protective
 20 order referred to in this subsection that results in
 21 the deprivation of a firearm, offensive weapon, or
 22 ammunition necessary for the person who is the subject
 23 of the protective order to maintain the person's
 24 livelihood and the person providing such false or
 25 misleading information could have reasonably foreseen
 26 the loss of the other person's livelihood shall,
 27 in addition to any other penalty, be guilty of a
 28 fraudulent practice in the first degree as defined in
 29 section 714.9.>
 30 4. By renumbering as necessary.

Roll call was requested by Tymeson of Madison and Paulsen of Linn.

On the question "Shall amendment H-8367 be adopted?" (S.F. 2357)

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Sweeney	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

The nays were, 52:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Isenhardt	Jacoby	Kearns	Kelley

Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Running-Marquardt	Schueller	Shomshor
Smith	Steckman	Taylor	Thede
Thomas	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 5:

Huser	Olson, R.	Struyk	Swaim
Wendt			

Amendment H-8367 lost.

Alons of Sioux offered the following amendment H-8388 filed by him and moved its adoption:

H-8388

1 Amend Senate File 2357, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, after line 25 by inserting:
 4 <Sec. ____ NEW SECTION. 708.2D Domestic violence
 5 – rights of citizenship.
 6 Notwithstanding any other law to the contrary,
 7 a person who is convicted of a misdemeanor crime of
 8 domestic violence, as defined in section 724.26, shall
 9 have such person's rights of citizenship regarding
 10 the possession, shipment, transportation, or receipt
 11 of a firearm restored one year after any period of
 12 incarceration for such conviction, after any period
 13 of probation or parole, when a criminal no-contact
 14 order relating to the conviction is no longer in
 15 effect, or upon the fulfillment of all court ordered
 16 sentencing provisions including payment in full of
 17 all restitution, fines, surcharges, and court costs,
 18 whichever is the last to occur.>
 19 2. Title page, line 1, after <to> by inserting
 20 <domestic violence including>
 21 3. By renumbering as necessary.

Roll call was requested by Alons of Sioux and Smith of Marshall.

On the question "Shall amendment H-8388 be adopted?" (S.F. 2357)

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
Burt	Chambers	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Grassley	Hagenow	Heaton	Helland
Horbach	Huseman	Kaufmann	Koester
Lukan	May	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

The nays were, 53:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Cphoon	Ficken
Ford	Frevert	Gaskill	Gayman
Hanson	Heddens	Hunter	Isenhart
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Miller, H.
Miller, L.	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	Winckler	Zirkelbach
Mr. Speaker Murphy			

Absent or not voting, 3:

Huser	Quirk	Wendt
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Amendment H-8388 lost.

Hagenow of Polk asked and received unanimous consent to withdraw amendment H-8361 filed by him on March 8, 2010.

McCarthy of Polk asked and received unanimous consent that Senate File 2357 be deferred and that the bill retain its place on the calendar.

The House stood at ease at 3:35 p.m., until the fall of the gavel.

The House resumed session at 4:12 p.m., Speaker Murphy in the chair.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House Resolution 122.

McCarthy of Polk asked and received unanimous consent for all members of the House to be sponsors of House Resolution 122.

ADOPTION OF HOUSE RESOLUTION 122

Jacoby of Johnson, Hagenow of Polk, Kaufmann of Cedar, Mascher of Johnson, Lensing of Johnson, Willems of Linn and Zirkelbach of Jones called up for consideration **House Resolution 122**, a resolution to celebrate the highlights for the 2009 football season of the University of Iowa football team, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Jacoby of Johnson introduced to the House Coach Ferentz, coach of the University of Iowa football team. Coach Ferentz addressed the House briefly regarding the 2009 Hawkeyes.

The House rose and expressed its welcome.

INTRODUCTION OF BILLS

House File 2523, by committee on appropriations, a bill for an act relating to and making appropriations to the justice system, and including effective date provisions.

Read first time and placed on the **appropriations calendar**.

House File 2524, by committee on ways and means, 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.

Read first time and placed on the **ways and means calendar**.

House File 2525, by committee on appropriations, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and including effective date provisions.

Read first time and placed on the **appropriations calendar**.

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 10, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2466, a bill for an act relating to the license or authorization issued to a person who qualifies as a driver education instructor and including effective date and retroactive applicability provisions.

MICHAEL E. MARSHALL, Secretary

SPECIAL PRESENTATION

Speaker Murphy introduced to the House, Governor Chester J. Culver and former Lieutenant Governor Sally Pederson.

The House rose and expressed its welcome.

The House resumed consideration of Senate File 2357 and amendment H-8381.

Windschitl of Harrison offered the following amendment H-8404, to amendment H-8381, filed by him from the floor and moved its adoption:

H-8404

- 1 Amend the amendment, H-8381, to Senate File 2357,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 and 4 and inserting:
- 5 <__. Page 1, after line 18 by inserting:>
- 6 2. Page 1, line 5, by striking <Section> and
- 7 inserting <Sec.>
- 8 3. Page 1, after line 40 by inserting:

9 <__. Page 1, after line 25 by inserting:>
 10 4. Page 2, after line 19 by inserting:
 11 <__. Page 3, after line 23 by inserting:>
 12 5. Page 2, by striking lines 38 through 41 and
 13 inserting:
 14 <__. Title page, line 5, after <weapons> by
 15 inserting <, including the provision of physical
 16 defense training and providing for a sales tax
 17 refund.>>

Amendment H-8404 was adopted.

Windschitl of Harrison moved the adoption of amendment H-8381, as amended.

Roll call was requested by Windschitl of Harrison and Smith of Marshall.

On the question "Shall amendment H-8381, as amended, be adopted?" (S.F. 2357)

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

The nays were, 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.	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	Winckler	Zirkelbach
Mr. Speaker			
Murphy			

Absent or not voting, 3:

Huser	Quirk	Wendt
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Amendment H-8381, as amended lost.

Berry of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2357)

The ayes were, 73:

Abdul-Samad	Anderson	Arnold	Bailey
Beard	Bell	Berry	Bukta
Burt	Cohoon	Cownie	Dolecheck
Drake	Ficken	Ford	Frevert
Gaskill	Gayman	Hanson	Heaton
Heddens	Hunter	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	Petersen	Pettengill
Quirk	Raecker	Reasoner	Reichert
Running-Marquardt	Schueller	Schulte	Shomshor
Smith	Steckman	Struyk	Swaim
Taylor	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, 25:

Alons	Baudler	Chambers	De Boef
Deyoe	Forristall	Grassley	Hagenow
Helland	Horbach	Huseman	Paulsen
Rants	Rayhons	Roberts	Sands
Schultz	Soderberg	Sorenson	Sweeney
Tymeson	Wagner	Watts	Windschitl
Worthan			

Absent or not voting, 2:

Huser

Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Mertz of Kossuth in the chair at 5:13 p.m.

Senate File 431, a bill for an act relating to the reorganization of operating-while-intoxicated criminal offenses, making related changes, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

R. Olson of Polk offered the following amendment H-8172 filed by the committee on judiciary and moved its adoption:

H-8172

1 Amend Senate File 431, as passed by the Senate, as
 2 follows:
 3 1. Page 3, line 20, after <a> by inserting
 4 <minimum>
 5 2. Page 10, line 10, after <Code> by inserting
 6 <Supplement>
 7 3. Page 13, line 5, by striking <2009> and
 8 inserting <2010>

The committee amendment H-8172 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. 431)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton

Heddens	Helland	Horbach	Hunter
Huseman	Isenhart	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mertz, Presiding			

The nays were, none.

Absent or not voting, 3:

Huser Murphy, Spkr. Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2193, a bill for an act relating to emergency medical care providers, emergency medical care service programs and emergency medical care services training programs, and providing penalties, was taken up for consideration.

Thomas of Clayton offered the following amendment H-8288 filed by him and moved its adoption:

H-8288

- 1 Amend House File 2193 as follows:
- 2 1. By striking everything after the enacting clause
- 3 and inserting:
- 4 <Section 1. Section 85.36, subsection 9, paragraph
- 5 a, Code 2009, is amended to read as follows:
- 6 a. In computing the compensation to be allowed
- 7 a volunteer fire fighter, emergency medical care
- 8 provider, reserve peace officer, volunteer ambulance
- 9 driver, ~~volunteer emergency rescue technician as~~
- 10 ~~defined in section 147A.1, or emergency medical~~

11 ~~technician trainee~~, the earnings as a fire fighter,
 12 emergency medical care provider, reserve peace officer,
 13 ~~or~~ volunteer ambulance driver, ~~volunteer emergency~~
 14 ~~rescue technician, or emergency medical technician~~
 15 ~~trainee~~ shall be disregarded and the volunteer fire
 16 fighter, emergency medical care provider, reserve peace
 17 officer, ~~or~~ volunteer ambulance driver, ~~volunteer~~
 18 ~~emergency rescue technician, or emergency medical~~
 19 ~~technician trainee~~ shall be paid an amount equal
 20 to the compensation the volunteer fire fighter,
 21 emergency medical care provider, reserve peace officer,
 22 ~~or~~ volunteer ambulance driver, ~~volunteer emergency~~
 23 ~~rescue technician, or emergency medical technician~~
 24 ~~trainee~~ would be paid if injured in the normal
 25 course of the volunteer fire fighter's, emergency
 26 medical care provider's, reserve peace officer's,
 27 ~~or~~ volunteer ambulance driver's, ~~volunteer emergency~~
 28 ~~rescue technician's, or emergency medical technician~~
 29 ~~trainee's~~ regular employment or an amount equal to one
 30 hundred and forty percent of the statewide average
 31 weekly wage, whichever is greater.

32 Sec. 2. Section 85.61, subsection 2, paragraph a,
 33 Code 2009, is amended to read as follows:

34 a. A person, firm, association, or corporation,
 35 state, county, municipal corporation, school
 36 corporation, area education agency, township as
 37 an employer of volunteer fire fighters, ~~volunteer~~
 38 ~~emergency rescue technicians~~, and emergency medical
 39 care providers only, benefited fire district, and the
 40 legal representatives of a deceased employer.

41 Sec. 3. Section 85.61, subsection 7, paragraph b,
 42 Code 2009, is amended to read as follows:

43 b. Personal injuries sustained by ~~volunteer~~
 44 ~~emergency rescue technicians or emergency medical care~~
 45 providers as defined in section 147A.1 arise in the
 46 course of employment if the injuries are sustained at
 47 any time from the time the ~~volunteer emergency rescue~~
 48 ~~technicians or emergency medical care providers~~ are
 49 summoned to duty until the time those duties have been
 50 fully discharged.

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1 Sec. 4. Section 85.61, subsection 11, paragraph
 2 a, subparagraph (2), Code 2009, is amended to read as
 3 follows:

4 (2) An emergency medical care provider as defined
 5 in section 147A.1, ~~a volunteer emergency rescue~~
 6 ~~technician as defined in section 147A.1, or a volunteer~~
 7 ambulance driver, ~~or an emergency medical technician~~
 8 ~~trainee~~, only if an agreement is reached between
 9 such worker or employee and the employer for whom

10 the volunteer services are provided that workers
 11 compensation coverage under this chapter and chapters
 12 85A and 85B is to be provided by the employer. An
 13 emergency medical care provider ~~or volunteer emergency~~
 14 ~~rescue technician~~ who is a worker or employee under
 15 this subparagraph is not a casual employee. "Volunteer
 16 ambulance driver" means a person performing services
 17 as a volunteer ambulance driver at the request
 18 of the person in charge of a fire department or
 19 ambulance service of a municipality. "~~Emergency~~
 20 ~~medical technician trainee~~" means a person enrolled
 21 ~~in and training for emergency medical technician~~
 22 ~~certification.~~

23 Sec. 5. Section 100B.31, subsection 3, paragraph b,
 24 Code Supplement 2009, is amended to read as follows:

25 b. A person performing the functions of an
 26 emergency medical care provider ~~or emergency rescue~~
 27 ~~technician~~ as defined in section 147A.1 who was not
 28 paid full-time by the entity for which such services
 29 were being performed at the time the incident giving
 30 rise to the death occurred.

31 Sec. 6. Section 147A.1, subsection 4, Code
 32 Supplement 2009, is amended to read as follows:

33 4. "Emergency medical care provider" means
 34 an individual trained to provide emergency and
 35 nonemergency medical care at the ~~first responder,~~
 36 ~~EMT basic, EMT intermediate, EMT paramedic~~
 37 ~~level, emergency medical responder, emergency medical~~
 38 ~~technician, advanced emergency medical technician,~~
 39 ~~paramedic,~~ or other certification levels adopted
 40 by rule by the department, who has been issued a
 41 certificate by the department.

42 Sec. 7. Section 147A.1, subsections 6, 8, and
 43 9, Code Supplement 2009, are amended by striking the
 44 subsections.

45 Sec. 8. Section 147A.1, Code Supplement 2009, is
 46 amended by adding the following new subsections:

47 NEW SUBSECTION. 11. "Service program" or
 48 "service" means any medical care ambulance service or
 49 nontransport service that has received authorization
 50 from the department under section 147A.5.

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1 NEW SUBSECTION. 12. "Training program" means an
 2 Iowa college approved by the north central association
 3 of colleges and schools or an Iowa hospital authorized
 4 by the department to conduct emergency medical care
 5 services training.

6 Sec. 9. Section 147A.2, Code 2009, is amended to
 7 read as follows:

8 147A.2 Council established – terms of office.

9 1. An EMS advisory council shall be appointed
10 by the director. Membership of the council shall
11 be comprised of individuals nominated from, but
12 not limited to, the following state or national
13 organizations: Iowa osteopathic medical association,
14 Iowa medical society, American college of emergency
15 physicians, Iowa physician assistant society, Iowa
16 academy of family physicians, university of Iowa
17 hospitals and clinics, American academy of emergency
18 medicine, American academy of pediatrics, Iowa
19 EMS association, Iowa firemen's association, Iowa
20 professional firefighters, EMS education programs
21 committee, ~~EMS regional council,~~ Iowa nurses
22 association, Iowa hospital association, and the Iowa
23 state association of counties. The council shall also
24 include a member-at-large who is an emergency medical
25 care provider.

26 2. The EMS advisory council shall advise the
27 director and develop policy recommendations concerning
28 the regulation, administration, and coordination of
29 emergency medical services in the state.

30 Sec. 10. Section 147A.4, Code Supplement 2009, is
31 amended to read as follows:

32 147A.4 Rulemaking authority.

33 1. a. The department shall adopt rules required
34 or authorized by this subchapter pertaining to the
35 operation of ~~ambulance, rescue, and first response~~
36 ~~services~~ service programs which have received
37 authorization under section 147A.5 to utilize the
38 services of certified emergency medical care providers.
39 These rules shall include but need not be limited
40 to requirements concerning physician supervision,
41 necessary equipment and staffing, and reporting by
42 ~~ambulance, rescue, and first response services~~ service
43 programs which have received the authorization pursuant
44 to section 147A.5.

45 b. The director, pursuant to rule, may grant
46 exceptions and variances from the requirements of
47 rules adopted under this subchapter for any ~~ambulance,~~
48 ~~rescue, or first response~~ service program. Exceptions
49 or variations shall be reasonably related to undue
50 hardships which existing services experience in

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1 complying with this subchapter or the rules adopted
2 pursuant to this subchapter. ~~However, no exception or~~
3 ~~variance may be granted unless the service adopted a~~
4 ~~plan approved by the department prior to July 1, 1996,~~
5 ~~to achieve compliance during a period not to exceed~~
6 ~~seven years with this subchapter and rules adopted~~
7 ~~pursuant to this subchapter.~~ Services requesting

8 exceptions and variances shall be subject to other
9 applicable rules adopted pursuant to this subchapter.
10 2. The department shall adopt rules required
11 or authorized by this subchapter pertaining to the
12 examination and certification of emergency medical
13 care providers. These rules shall include, but
14 need not be limited to, requirements concerning
15 prerequisites, training, and experience for emergency
16 medical care providers and procedures for determining
17 when individuals have met these requirements. The
18 department shall adopt rules to recognize the
19 previous EMS training and experience of ~~first~~
20 ~~responders and emergency medical technicians to~~
21 ~~provide for an equitable transition to the EMT basic~~
22 ~~certification~~ emergency medical care providers
23 transitioning to the emergency medical responder,
24 emergency medical technician, advanced emergency
25 medical technician, and paramedic levels. The
26 department may require additional training and
27 examinations as necessary and appropriate to ensure
28 that individuals seeking ~~certification~~ transition to
29 another level have met the ~~EMT basic~~ knowledge and
30 skill requirements. All requirements for transition
31 to another level, including fees, shall be adopted by
32 rule.

33 3. The department shall establish the fee for the
34 examination of the emergency medical care providers
35 to cover the administrative costs of the examination
36 program.

37 4. The department shall adopt rules required
38 or authorized by this subchapter pertaining to the
39 operation of training programs. These rules shall
40 include but need not be limited to requirements
41 concerning curricula, resources, facilities, and staff.

42 Sec. 11. Section 147A.5, subsections 1 and 3, Code
43 2009, are amended to read as follows:

44 1. ~~An ambulance, rescue, or first~~
45 ~~response~~ A service program in this state that
46 desires to provide emergency medical care in the
47 out-of-hospital setting shall apply to the department
48 for authorization to establish a program for delivery
49 of the care at the scene of an emergency, during
50 transportation to a hospital, during transfer from

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1 one medical care facility to another or to a private
2 residence, or while in the hospital emergency
3 department, and until care is directly assumed by a
4 physician or by authorized hospital personnel.

5 3. The department may deny an application for
6 authorization; or may impose a civil penalty not to

7 exceed one thousand dollars upon, place on probation,
 8 suspend; or revoke the authorization of, or otherwise
 9 discipline a service program with an existing
 10 authorization if the department finds reason to
 11 believe the service program has not been or will not
 12 be operated in compliance with this subchapter and the
 13 rules adopted pursuant to this subchapter, or that
 14 there is insufficient assurance of adequate protection
 15 for the public. The authorization, denial, ~~or~~ civil
 16 penalty, period of probation, suspension, or
 17 revocation, or other disciplinary action shall be
 18 effected and may be appealed as provided by section
 19 17A.12.

20 Sec. 12. Section 147A.6, Code 2009, is amended to
 21 read as follows:

22 147A.6 Emergency medical care provider certificates
 23 – renewal.

24 1. The department, upon application and receipt
 25 of the prescribed fee, shall issue a certificate to
 26 an individual who has met all of the requirements
 27 for emergency medical care provider certification
 28 established by the rules adopted under section 147A.4,
 29 subsection 2. All fees and civil penalties received
 30 pursuant to this section and sections 147A.5, 147A.7,
 31 and 147A.17 shall be deposited in the emergency medical
 32 services fund established in section 135.25.

33 2. Emergency medical care provider certificates
 34 are valid for the multiyear period determined by the
 35 department, unless sooner suspended or revoked. The
 36 certificate shall be renewed upon application of
 37 the holder and receipt of the prescribed fee if the
 38 holder has satisfactorily completed continuing medical
 39 education programs as required by rule.

40 3. If the certificate holder fails to complete
 41 the required continuing education prior to the time
 42 of renewal, the certificate holder may request a
 43 forty-five day extension. Request for extension must
 44 be submitted to the department prior to the expiration
 45 date and include a fifty dollar extension fee. The
 46 certificate may be renewed only during that forty-five
 47 day period on submission of a completed renewal
 48 application, and payment of applicable renewal fee.

49 Sec. 13. Section 147A.7, Code 2009, is amended to
 50 read as follows:

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1 147A.7 Denial, suspension, or revocation of
 2 certificates – other disciplinary action – hearing –
 3 appeal.

4 1. The department may deny an application for
 5 issuance or renewal of an emergency medical care

6 provider certificate or may impose a civil penalty
7 not to exceed one thousand dollars upon, place on
8 probation, or suspend or revoke the certificate of,
9 or otherwise discipline the certificate holder when
10 it finds that the applicant or certificate holder is
11 guilty of any of the following acts or offenses:
12 a. Negligence in performing authorized services.
13 b. Failure to follow the directions of the
14 supervising physician.
15 c. Rendering treatment not authorized under this
16 subchapter.
17 d. Fraud in procuring certification.
18 e. Professional incompetency.
19 f. Knowingly making misleading, deceptive, untrue
20 or fraudulent representation in the practice of a
21 profession or engaging in unethical conduct or practice
22 harmful or detrimental to the public. Proof of actual
23 injury need not be established.
24 g. Habitual intoxication or addiction to the use of
25 drugs.
26 h. Fraud in representations as to skill or ability.
27 i. Willful or repeated violations of this
28 subchapter or of rules adopted pursuant to this
29 subchapter.
30 j. Violating a statute of this state, another
31 state, or the United States, without regard to its
32 designation as either a felony or misdemeanor, which
33 relates to the practice of an emergency medical care
34 provider. A copy of the record of conviction or plea
35 of guilty is conclusive evidence of the violation.
36 k. Having certification to practice as an emergency
37 medical care provider revoked or suspended, or having
38 other disciplinary action taken by a licensing or
39 certifying authority of another state, territory, or
40 country. A certified copy of the record or order of
41 suspension, revocation, or disciplinary action is
42 conclusive or prima facie evidence.
43 l. Other acts or offenses as specified by rule.
44 2. A determination of mental incompetence by a
45 court of competent jurisdiction automatically suspends
46 a certificate for the duration of the certificate
47 unless the department orders otherwise.
48 3. A denial, civil penalty, period of
49 probation, suspension, or revocation under this
50 section shall be effected, and may be appealed in

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1 accordance with the rules of the department established
2 pursuant to chapter 272C.
3 Sec. 14. Section 147A.8, Code Supplement 2009, is
4 amended to read as follows:

5 147A.8 Authority of certified emergency medical care
6 provider.

7 ~~1.~~ An emergency medical care provider properly
8 certified under this subchapter may:

9 ~~a.~~ 1. Render emergency and nonemergency medical
10 care, rescue, and lifesaving services in those areas
11 for which the emergency medical care provider is
12 certified, as defined and approved in accordance
13 with the rules of the department, at the scene of an
14 emergency, during transportation to a hospital or while
15 in the hospital emergency department, and until care
16 is directly assumed by a physician or by authorized
17 hospital personnel.

18 ~~b.~~ 2. Function in any hospital or any other entity
19 in which health care is ordinarily provided only when
20 under the direct supervision, as defined by rules
21 adopted pursuant to chapter 17A, of a physician, when
22 the emergency care provider is any of the following:

23 ~~(1)~~ a. Enrolled as a student or participating
24 as a preceptor in a training program approved by the
25 department; ~~or~~ or an agency authorized in another state
26 to provide initial EMS education and approved by the
27 department.

28 ~~(2)~~ b. Fulfilling continuing education
29 requirements as defined by rule; ~~or.~~

30 ~~(3)~~ c. Employed by or assigned to a hospital
31 or other entity in which health care is ordinarily
32 provided only when under the direct supervision of a
33 physician, as a member of an authorized ~~ambulance,~~
34 ~~rescue, or first response service~~ program, or in
35 an individual capacity, by rendering lifesaving
36 services in the facility in which employed or assigned
37 pursuant to the emergency medical care provider's
38 certification and under the direct supervision of a
39 physician, physician assistant, or registered nurse.
40 An emergency medical care provider shall not routinely
41 function without the direct supervision of a physician,
42 physician assistant, or registered nurse. However,
43 when the physician, physician assistant, or registered
44 nurse cannot directly assume emergency care of the
45 patient, the emergency medical care provider may
46 perform without direct supervision emergency medical
47 care procedures for which that individual is certified
48 if the life of the patient is in immediate danger and
49 such care is required to preserve the patient's life;
50 ~~or.~~

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1 ~~(4)~~ d. Employed by or assigned to a hospital
2 or other entity in which health care is ordinarily
3 provided only when under the direct supervision of a

4 physician, as a member of an authorized ~~ambulance,~~
5 ~~rescue, or first response~~ service program, or in
6 an individual capacity, to perform nonlifesaving
7 procedures for which those individuals have been
8 certified and are designated in a written job
9 description. Such procedures may be performed after
10 the patient is observed by and when the emergency
11 medical care provider is under the supervision of the
12 physician, physician assistant, or registered nurse,
13 including when the registered nurse is not acting in
14 the capacity of a physician designee, and where the
15 procedure may be immediately abandoned without risk to
16 the patient.

17 ~~2. Nothing in this subchapter shall be construed~~
18 ~~to require any voluntary ambulance, rescue, or first~~
19 ~~response service to provide a level of care beyond~~
20 ~~minimum basic care standards.~~

21 Sec. 15. Section 147A.11, Code 2009, is amended to
22 read as follows:

23 147A.11 Prohibited acts.

24 1. Any person not certified as required by this
25 subchapter who claims to be an emergency medical care
26 provider, or who uses any other term to indicate or
27 imply that the person is an emergency medical care
28 provider, or who acts as an emergency medical care
29 provider without having obtained the appropriate
30 certificate under this subchapter, is guilty of a class
31 "D" felony.

32 2. An owner of an unauthorized ~~ambulance, rescue,~~
33 ~~or first response~~ service program in this state who
34 operates or purports to operate ~~an ambulance, rescue,~~
35 ~~or first response~~ a service program, or who uses any
36 term to indicate or imply authorization without having
37 obtained the appropriate authorization under this
38 subchapter, is guilty of a class "D" felony.

39 3. Any person who imparts or conveys, or causes
40 to be imparted or conveyed, or attempts to impart
41 or convey false information concerning the need
42 for assistance of ~~an ambulance, rescue, or first~~
43 ~~response~~ a service program or of any personnel or
44 equipment thereof, knowing such information to be
45 false, is guilty of a serious misdemeanor.

46 Sec. 16. Section 147A.12, subsection 1, Code 2009,
47 is amended to read as follows:

48 1. This subchapter does not restrict a registered
49 nurse, licensed pursuant to chapter 152, from
50 staffing an authorized ~~ambulance, rescue, or first~~

1 ~~response~~ service program provided the registered
2 nurse can document equivalency through education and

3 additional skills training essential in the delivery of
4 out-of-hospital emergency care. The equivalency shall
5 be accepted when:

6 a. Documentation has been reviewed and approved
7 at the local level by the medical director of the
8 ~~ambulance, rescue, or first response~~ service program in
9 accordance with the rules of the board of nursing
10 developed jointly with the department.

11 b. Authorization has been granted to that
12 ~~ambulance, rescue, or first response~~ service program by
13 the department.

14 Sec. 17. Section 147A.13, Code 2009, is amended to
15 read as follows:

16 147A.13 Physician assistant exception.
17 This subchapter does not restrict a physician
18 assistant, licensed pursuant to chapter 148C, from
19 staffing an authorized ~~ambulance, rescue, or first~~
20 ~~response~~ service program if the physician assistant
21 can document equivalency through education and
22 additional skills training essential in the delivery of
23 out-of-hospital emergency care. The equivalency shall
24 be accepted when:

25 1. Documentation has been reviewed and approved
26 at the local level by the medical director of the
27 ~~ambulance, rescue, or first response~~ service program in
28 accordance with the rules of the board of physician
29 assistants developed after consultation with the
30 department.

31 2. Authorization has been granted to that
32 ~~ambulance, rescue, or first response~~ service program by
33 the department.

34 Sec. 18. NEW SECTION. 147A.17 Applications for
35 emergency medical care services training programs –
36 approval or denial – disciplinary actions.

37 1. An Iowa college approved by the north central
38 association of colleges and schools or an Iowa hospital
39 in this state that desires to provide emergency medical
40 care services training leading to certification as an
41 emergency medical care provider shall apply to the
42 department for authorization to establish a training
43 program.

44 2. The department shall approve an application
45 submitted in accordance with subsection 1 when the
46 department is satisfied that the program proposed by
47 the application will be operated in compliance with
48 this subchapter and the rules adopted pursuant to this
49 subchapter.

50 3. The department may deny an application for

2 exceed one thousand dollars upon, place on probation,
 3 suspend or revoke the authorization of, or otherwise
 4 discipline a training program with an existing
 5 authorization if the department finds reason to believe
 6 the program has not been or will not be operated
 7 in compliance with this subchapter and the rules
 8 adopted pursuant to this subchapter, or that there
 9 is insufficient assurance of adequate protection for
 10 the public. The authorization denial, civil penalty,
 11 period of probation, suspension, or revocation, or
 12 other disciplinary action shall be effected and may be
 13 appealed as provided by section 17A.12.

14 Sec. 19. Section 321.267A, subsection 5, Code 2009,
 15 is amended to read as follows:

16 5. For the purposes of this section, "other
 17 emergency responder" means a fire fighter certified
 18 as a fire fighter I pursuant to rules adopted under
 19 chapter 100B and trained in emergency driving or an
 20 emergency medical ~~responder~~ care provider certified
 21 under chapter 147A and trained in emergency driving.

22 Sec. 20. Section 724.6, subsection 2, Code
 23 Supplement 2009, is amended to read as follows:

24 2. Notwithstanding subsection 1, fire fighters,
 25 as defined in section 411.1, subsection 10, airport
 26 fire fighters included under section 97B.49B, ~~emergency~~
 27 ~~rescue technicians~~, and emergency medical care
 28 providers, as defined in section 147A.1, shall not,
 29 as a condition of employment, be required to obtain a
 30 permit under this section. However, the provisions of
 31 this subsection shall not apply to a person designated
 32 as an arson investigator by the chief fire officer of
 33 a political subdivision.>

Amendment H-8288 was adopted.

The de 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?" (H.F. 2193)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton

Heddens	Helland	Horbach	Hunter
Huseman	Isehart	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mertz, Presiding		

The nays were, none.

Absent or not voting, 2:

Huser 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: **Senate Files 431** and **2357**.

Senate File 2274, a bill for an act relating to certain national security and military education benefits and programs, with report of committee recommending passage, was taken up for consideration.

Chambers of O'Brien offered the following amendment H-8389 filed by him and Gayman of Scott and moved its adoption:

H-8389

- 1 Amend Senate File 2274, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 13 through 19.
- 4 2. By striking page 2, line 33, through page 3,

- 5 line 4.
6 3. By renumbering as necessary.

Amendment H-8389 was adopted.

Gayman 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. 2274)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mertz, Presiding		

The nays were, none.

Absent or not voting, 2:

Huser Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate Joint Resolution 2007, a joint resolution supporting the preservation efforts for the Battleship Iowa, BB-61, with report of committee recommending amendment and passage, was taken up for consideration.

Bailey of Hamilton offered the following amendment H-8338 filed by the committee on veterans affairs and moved its adoption:

H-8338

- 1 Amend Senate Joint Resolution 2007, as amended,
- 2 passed, and reprinted by the Senate, as follows:
- 3 1. Page 1, line 3, by striking <in California>
- 4 2. Title page, line 12, by striking <in the San
- 5 Francisco Bay area of California>

The committee amendment H-8338 was adopted.

Bailey of Hamilton moved that the joint resolution be read a last time now and placed upon its adoption and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 2007)

The yeas were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney

Taylor	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mertz, Presiding		

The nays were, none.

Absent or not voting, 2:

Huser	Wendt
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The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

Senate File 2325, a bill for an act relating to the practice of mortuary science and to the preneed sale of cemetery and funeral merchandise and funeral services and providing a penalty, with report of committee recommending passage, was taken up for consideration.

Kelley of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2325)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Isenhart	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	Schueller	Schulte	Schultz

Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mertz, Presiding		

The nays were, none.

Absent or not voting, 2:

Huser	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 MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2193, Senate Joint Resolution 2007, Senate Files 2274 and 2325.**

Senate File 2326, a bill for an act modifying disciplinary provisions applicable to real estate brokers and salespersons, with report of committee recommending passage, was taken up for consideration.

Jacoby of Johnson 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. 2326)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Isenhart	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam

Marek	Mascher	May	McCarthy
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mertz,			
Presiding			

The nays were, none.

Absent or not voting, 3:

Huser	Murphy, Spkr.	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.

House File 2472, a bill for an act relating to boards of administration for horizontal property, was taken up for consideration.

Isenhart of Dubuque offered the following amendment H-8154 filed by him and moved its adoption:

H-8154

1 Amend House File 2472 as follows:
 2 1. By striking everything after the enacting clause
 3 and inserting:
 4 <Section 1. Section 499B.15, Code 2009, is amended
 5 by adding the following new subsection:
 6 **NEW SUBSECTION.** 1A. If the form of administration
 7 is a board of administration, board meetings must
 8 be open to all apartment owners except for meetings
 9 between the board and its attorney with respect to
 10 proposed or pending litigation where the contents
 11 of the discussion would otherwise be governed by
 12 the attorney-client privilege. Notice of each board
 13 meeting must be mailed or delivered to each apartment
 14 owner at least seven days before the meeting. Minutes
 15 of meetings of the board of administration must

16 be maintained in written form or in another form
 17 that can be converted into written form within a
 18 reasonable time. The official records of the board of
 19 administration must be open to inspection and available
 20 for photocopying at reasonable times and places.>

Amendment H-8154 was adopted.

SENATE FILE 2224 SUBSTITUTED FOR HOUSE FILE 2472

Zirkelbach of Jones asked and received unanimous consent to substitute Senate File 2224 for House File 2472.

Senate File 2224, a bill for an act relating to boards of administration for horizontal property, was taken up for consideration.

Isenhart of Dubuque offered the following amendment H-8308 filed by him and moved its adoption:

H-8308

1 Amend Senate File 2224, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 15, after <places.> by inserting
 4 <Any action taken by a board of administration at a
 5 meeting that is in violation of any of the provisions
 6 of this subsection is not valid or enforceable.>

Amendment H-8308 was adopted.

Zirkelbach of Jones 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. 2224)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton

Heddens	Helland	Horbach	Hunter
Huseman	Isehart	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mertz, Presiding		

The nays were, none.

Absent or not voting and 2:

Huser Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2472 WITHDRAWN

Zirkelbach of Jones asked and received unanimous consent to withdraw House File 2472 from further consideration by the House.

Senate File 2272, a bill for an act relating to the Iowa life and health insurance guaranty association regarding coverage, benefits, duties, powers, rights, the operation of the Iowa life and health insurance guaranty association, and the coordination of coverage and benefits with those of similar associations of other states, and to the Iowa insurance guaranty association with respect to covered claims, benefits, limitations, duties, and powers of the Iowa insurance guaranty association, and coordination and cooperation by it with similar associations of other states, with report of committee recommending passage, was taken up for consideration.

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. 2272)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Berry
Bukta	Burt	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mertz, Presiding			

The nays were, none.

Absent or not voting, 3:

Bell	Huser	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 MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2224, 2272 and 2326.**

HOUSE FILE 2382 REFERRED

The Speaker announced that House File 2382, previously placed on the **calendar** was referred to committee on **appropriations**.

HOUSE FILE 2420 REFERRED

The Speaker announced that House File 2420, previously placed on the **calendar** was referred to committee on **ways and means**.

HOUSE FILE 2421 REFERRED

The Speaker announced that House File 2421, previously placed on the **calendar** was referred to committee on **ways and means**.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 10, 2010, he approved and transmitted to the Secretary of State the following bills:

House File 2318, an Act relating to the length of terms and the limitation on length of service for city development board members and including effective date and applicability provisions.

Senate File 2088, an Act concerning state government reorganization and efficiency, making appropriations, establishing fees and penalties, and providing effective and applicability provisions.

Senate File 2138, an Act relating to the rights of a donee created by an anatomical gift.

Senate File 2194, an Act making technical changes to the laws relating to elections and voter registration and including effective date and applicability provisions.

Senate File 2243, an Act regarding matters under the purview of the department of natural resources, and including effective date provisions.

Senate File 2246, an Act relating to the regulation of motor vehicles by the department of transportation, including modification of the definition of business-trade truck, provisions concerning licensing sanctions and penalties for vehicle recyclers and motor vehicle dealers, annual registration fees for certain vehicles equipped for a person with a disability or used by a person who relies on a wheelchair, requirements for the issuance of temporary persons with disabilities parking permits, and provisions for the operation of certain taxicabs and limousines.

Senate File 2266, an Act creating the local public health governance Act, and providing penalties.

Senate File 2355, an Act relating to the licensure of persons engaged in fire protection system installation, maintenance, repair, service, or inspection.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 736 Appropriations

Relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions.

H.S.B. 737 Ways and Means

Increasing the maximum allowable local hotel and motel tax rate and requiring public participation relating to the use of certain local hotel and motel tax revenues.

AMENDMENTS FILED

H—8397	H.F.	2284	Thede of Scott
H—8398	H.F.	2522	Thomas of Clayton
H—8399	S.F.	2366	Oldson of Polk
H—8400	H.F.	2518	Frevert of Palo Alto
H—8401	H.F.	2522	Soderberg of Plymouth
H—8402	H.F.	2522	Soderberg of Plymouth
H—8403	S.F.	2333	Hunter of Polk
H—8405	S.F.	2352	Mertz of Kossuth
			Kaufman of Cedar
			Grassley of Butler
			T. Olson of Linn
H—8406	H.F.	2522	Cownie of Polk
H—8407	H.F.	2481	Pettengill of Benton

On motion by McCarthy of Polk the House adjourned at 6:25 p.m., until 9:00 a.m., Thursday, March 11, 2010.

JOURNAL OF THE HOUSE

Sixtieth Calendar Day - Forty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 11, 2010

The House met pursuant to adjournment at 9:09 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Jane Shepherd, pastor of Gowrie United Methodist Church, Gowrie. She was the guest of Representative David Tjepkes of Webster County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Caytlin Hentzel, House Page from Ft. Madison.

The Journal of Wednesday, March 10, 2010 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 10, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 681, a bill for an act requiring employers to provide notice of business closings and mass layoffs and providing penalties.

Also: That the Senate has on March 10, 2010, amended and passed the following bill in which the concurrence of the House is asked:

House File 777, a bill for an act relating to open records and public meetings, including creation of the open meeting, public records, and privacy advisory committee.

Also: That the Senate has on March 10, 2010, amended and passed the following bill in which the concurrence of the House is asked:

House File 2229, a bill for an act prohibiting the imposition by a dental plan of fee schedules for the provision of dental services that are not covered by the plan.

Also: That the Senate has on March 10, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2233, a bill for an act relating to expunging the conviction for certain alcohol-related offenses.

Also: That the Senate has on March 10, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2372, a bill for an act relating to an assault causing serious injury.

Also: That the Senate has on March 10, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2374, a bill for an act relating to the definition of serious injury for purposes of criminal offenses.

Also: That the Senate has on March 10, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2364, a bill for an act relating to income tax checkoffs for the child abuse prevention program fund and including retroactive applicability provisions.

Also: That the Senate has on March 10, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2367, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

MICHAEL E. MARSHALL, Secretary

ADOPTION OF HOUSE RESOLUTION 121

H. Miller of Webster, Mertz of Kossuth, Bailey of Hamilton, Tjepkes of Webster and Worthan of Buena Vista called up for consideration **House Resolution 121**, a resolution honoring the Iowa Central Community College wrestling squad on winning its fifth consecutive team championship, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by Abdul-Samad of Polk, the House was recessed at 9:18 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:23 p.m., Speaker Murphy in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

S. Olson of Clinton, until his arrival, on request of Paulsen of Linn; Wendt of Woodbury on request of McCarthy of Polk.

SENATE MESSAGES CONSIDERED

Senate File 2364, by committee on ways and means, a bill for an act relating to income tax checkoffs for the child abuse prevention program fund, the veterans trust fund, and the volunteer fire fighter preparedness fund and including retroactive applicability provisions.

Read first time and referred to committee on **ways and means**.

Senate File 2367, by committee on appropriations, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **appropriations**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 11, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 426, a bill for an act relating to reporting requirements for traffic accidents involving the operation of motor vehicles by reserve peace officers.

Also: That the Senate has on March 11, 2010, amended and passed the following bill in which the concurrence of the House is asked:

House File 674, a bill for an act relating to reporting the treatment of serious wounds received as the result of a crime to a law enforcement agency and making penalties applicable.

Also: That the Senate has on March 11, 2010, amended and passed the following bill in which the concurrence of the House is asked:

House File 726, a bill for an act providing for unincorporated nonprofit associations, and providing for fees and penalties.

Also: That the Senate has on March 11, 2010, amended and passed the following bill in which the concurrence of the House is asked:

House File 2294, a bill for an act relating to the distribution of moneys from the disaster aid individual assistance grant fund.

Also: That the Senate has on March 11, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2377, a bill for an act relating to extending a period of probation and including applicability provisions.

Also: That the Senate has on March 11, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2392, a bill for an act relating to the abuse of a corpse and providing penalties.

Also: That the Senate has on March 11, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 153, a bill for an act to allow medical or osteopathic physicians, physician assistants, and advanced registered nurse practitioners to form limited liability companies or professional corporations.

Also: That the Senate has on March 11, 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 2345, a bill for an act relating to judicial branch administration, child custody and visitation matters.

Also: That the Senate has on March 11, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2357, a bill for an act relating to prohibiting a person who is the subject of a no-contact order or a protective order or who has been convicted of a misdemeanor crime of domestic violence from possessing, transferring, or selling firearms and ammunition or offensive weapons and providing penalties.

Also: That the Senate has on March 11, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2370, a bill for an act relating to various conservation and recreation activities under the purview of the department of natural resources, and making penalties applicable.

MICHAEL E. MARSHALL, Secretary

Kressig of Black Hawk in the chair at 1:25 p.m.

The House stood at ease at 1:26 p.m., until the fall of the gavel.

The House resumed session at 1:30 p.m., Speaker Murphy in the chair.

ADOPTION OF HOUSE RESOLUTION 113

L. Miller of Scott and Winckler of Scott called up for consideration **House Resolution 113**, a resolution designating March 2010 as Iowa Women's History Month, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 1:39 p.m., until the fall of the gavel.

The House resumed session at 3:14 p.m., Speaker Murphy in the chair.

CONSIDERATION OF BILLS Regular Calendar

Senate File 2352, a bill for an act relating to the emergency hospitalization of a person with a serious mental impairment, with report of committee recommending amendment and passage, was taken up for consideration.

Mertz of Kossuth offered amendment H-8356 filed by the committee on judiciary as follows:

H-8356

- 1 Amend Senate File 2352, as passed by the Senate, as
- 2 follows:
- 3 1. Page 3, after line 5 by inserting:
- 4 <c. If an arrest warrant has been issued for
- 5 or charges are pending against the person, but no
- 6 court order exists requiring notification to a law
- 7 enforcement agency under paragraph "a" or "b", and if
- 8 the peace officer delivers the person to a facility or
- 9 hospital and the peace officer notifies the facility
- 10 or hospital in writing on a form prescribed by the
- 11 department of public safety that the facility or

12 hospital notify the law enforcement agency about
 13 the discharge of the person prior to discharge. the
 14 facility or hospital shall do all of the following:
 15 (1) Notify the dispatch of the law enforcement
 16 agency that employs the peace officer by telephone
 17 prior to the discharge of the person from the facility
 18 or hospital.
 19 (2) Notify the law enforcement agency that employs
 20 the peace officer by electronic mail prior to the
 21 discharge of the person from the facility or hospital.>
 22 2. Page 3, by striking lines 11 through 15 and
 23 inserting <is sooner dismissed by a magistrate. If
 24 a person is to be discharged prior to the end of
 25 the period of time prescribed for detention by this
 26 subsection, the facility or hospital shall notify, if
 27 required by this section, the law enforcement agency
 28 requesting notification prior to the discharge of the
 29 person. The law enforcement agency shall have up to
 30 six hours after notification to retrieve the person but
 31 in no circumstances shall the detention of the person
 32 exceed the period of time prescribed for detention by
 33 this subsection. The facility or hospital may provide
 34 treatment which>
 35 3. Page 3, line 26, by striking <the order of the
 36 magistrate> and inserting <this section>
 37 4. Page 4, by striking lines 1 through 4 and
 38 inserting <immediately detained, or if the person
 39 was discharged prior to the end of the period of
 40 time prescribed for detention by this subsection,
 41 the facility or hospital was required to notify
 42 a law enforcement agency by this section, the law
 43 enforcement agency requesting notification prior
 44 to discharge retrieved the person within six hours
 45 of the notification, and the detention prior to the
 46 retrieval of the person did not exceed the period of
 47 time prescribed for detention by this subsection.>
 48 5. Page 4, before line 5 by inserting:
 49 <Sec. __. Section 229.22, Code Supplement 2009, is
 50 amended by adding the following new subsections:

Page 2

1 NEW SUBSECTION. 5. The department of public
 2 safety shall prescribe the form to be used when a law
 3 enforcement agency desires notification under this
 4 section from a facility or hospital prior to discharge
 5 of a person admitted to the facility or hospital and
 6 for whom an arrest warrant has been issued or against
 7 whom charges are pending. The form shall be consistent
 8 with all laws, regulations, and rules relating to the
 9 confidentiality or privacy of personal information
 10 or medical records, including but not limited to the

11 federal Health Insurance Portability and Accountability
 12 Act of 1996, Pub. L. No. 104-191, and regulations
 13 promulgated in accordance with that Act and published
 14 in 45 C.F.R. pts. 160-64.

15 NEW SUBSECTION. 6. A facility or hospital,
 16 which has been notified by a peace officer or a law
 17 enforcement agency by delivery of a form as prescribed
 18 by the department of public safety indicating that
 19 an arrest warrant has been issued for or charges are
 20 pending against a person admitted to the facility or
 21 hospital, that does not notify the law enforcement
 22 agency about the discharge of the person as required by
 23 subsection 2, paragraph "c", shall pay a civil penalty
 24 as provided in section 805.8C, subsection 8.

25 Sec. __. Section 805.8C, Code Supplement 2009, is
 26 amended by adding the following new subsection:

27 NEW SUBSECTION. 8. Notification violations. For
 28 violations of section 229.22, subsection 6, the
 29 scheduled fine is one thousand dollars for a first
 30 violation and two thousand dollars for a second or
 31 subsequent violation. The scheduled fine under this
 32 subsection is a civil penalty, and the criminal penalty
 33 surcharge under section 911.1 shall not be added to the
 34 penalty.>

35 6. Title page, line 2, after <impairment> by
 36 inserting <, and providing penalties>

37 7. By renumbering as necessary.

Mertz of Kossuth offered the following amendment H-8405, to the committee amendment H-8356, filed by Mertz, et al., and moved its adoption:

H-8405

1 Amend the amendment, H-8356, to Senate File 2352, as
 2 passed by the Senate, as follows:

3 1. Page 1, by striking lines 23 through 33 and
 4 inserting <inserting <is sooner dismissed by a
 5 magistrate. The facility or hospital may provide>

6 2. Page 1, after line 36 by inserting:
 7 <__. Page 3, line 28, after <person.> by inserting
 8 <The law enforcement agency shall retrieve the person
 9 no later than six hours after notification from the
 10 facility or hospital but in no circumstances shall
 11 the detention of the person exceed the period of time
 12 prescribed for detention by this subsection.>>

13 3. Page 1, by striking lines 38 through 40 and
 14 inserting <inserting <immediately detained, or if>

15 4. Page 1, line 42, after <section.> by inserting
 16 <and>

17 5. Page 1, line 44, by striking <within> and

18 inserting <no later than>

19 6. Page 1, line 45, by striking <of> and inserting

20 <after>

Amendment H-8405 was adopted.

On motion by Mertz of Kossuth, the committee amendment H-8356, as amended, was adopted.

Mertz of Kossuth 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. 2352)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhardt	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wenthe	Wessel-Kroeschell	Whitehead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, none.

Absent or not voting, 2:

Miller, H.

Wendt

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

SENATE AMENDMENT CONSIDERED

Swaim of Davis called up for consideration **House File 734**, a bill for an act relating to the uniform adult guardianship and protective proceedings Act relating to the establishment, transfer, and recognition of guardianships and conservatorships in multistate cases, and including effective date and applicability provisions, amended by the Senate, and moved that the House concur in the following Senate amendment H-8379:

H-8379

- 1 Amend House File 734, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking line 34 and inserting
- 4 <adjudged by a court to meet one of the>
- 5 2. Page 15, line 10, by striking <February 15,> and
- 6 inserting <July 1,>

Frevert of Palo Alto in the chair at 3:28 p.m.

The motion prevailed and the House concurred in the Senate amendment H-8379.

Swaim of Davis moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 734)

The ayes were, 98:

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	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam

Marek	Mascher	May	McCarthy
Mertz	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Frevert, Presiding		

The nays were, none.

Absent or not voting, 2:

Miller, H. Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED

Beard of Winneshiek called up for consideration **House File 2200**, a bill for an act relating to the carrying of a gun in or on a vehicle on a public highway and making penalties applicable, amended by the Senate, and moved that the House concur in the following Senate amendment H-8378:

H-8378

- 1 Amend House File 2200 as follows:
- 2 1. Page 1, line 7, by striking <permanently>

The motion prevailed and the House concurred in the Senate amendment H-8378.

Beard of Winneshiek 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. 2200)

The ayes were, 92:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Burt	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Gaskill	Gayman	Grassley	Hagenow
Hanson	Heaton	Heddens	Helland
Horbach	Huseman	Huser	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wenthe	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Frevert, Presiding

The nays were, 6:

Bukta	Hunter	Isenhardt	Kuhn
Lensing	Wessel-Kroeschell		

Absent or not voting, 2:

Miller, H.	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.

SENATE AMENDMENT CONSIDERED

Willems of Linn called up for consideration **House File 2478**, a bill for an act relating to business organizations, including limited liability companies and business corporations, and providing for fees, amended by the Senate, and moved that the House concur in the following Senate amendment H-8386:

H-8386

- 1 Amend House File 2478 as follows:
- 2 1. Page 3, by striking lines 16 and 17 and
- 3 inserting <registered agent and need not be responsive
- 4 to subsection 1.>
- 5 2. Page 3, line 30, by striking <an agency> and
- 6 inserting <the agent's agency>
- 7 3. Page 3, line 35, by striking <registered or>
- 8 4. Page 4, line 26, after <perfected> by inserting
- 9 <under this subsection>
- 10 5. Page 7, line 1, by striking <delivered.> and
- 11 inserting <delivered.>
- 12 6. Page 8, line 12, before <489.209> by inserting
- 13 <section>
- 14 7. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8386.

Willems 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. 2478)

The ayes were, 98:

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	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney

Taylor	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Frevert, Presiding		

The nays were, none.

Absent or not voting, 2:

Miller, H. Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

Senate File 393, a bill for an act relating to access to obscene materials and child in need of assistance proceedings and child abuse reporting, with report of committee recommending passage, was taken up for consideration.

Mascher of Johnson 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. 393)

The ayes were, 98:

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	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt

Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Frevert, Presiding		

The nays were, none.

Absent or not voting, 2:

Miller, H. Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2178, a bill for an act relating to textbooks and laptop computers or other personal portable computing devices adopted for use by school districts and provided to public and accredited nonpublic school students, with report of committee recommending passage, was taken up for consideration.

Bukta of Clinton 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. 2178)

The ayes were, 92:

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	Horbach	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lukan	Lykam	Marek	May
McCarthy	Mertz	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants

Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wenthe	Whitead
Windschitl	Worthan	Zirkelbach	Frevert, Presiding

The nays were, 5:

Hunter	Lensing	Mascher	Willems
Winckler			

Absent or not voting, 3:

Miller, H.	Wendt	Wessel-Kroeschell
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2343, a bill for an act relating to the appointment of judicial officers and senior judges, with report of committee recommending amendment and passage, was taken up for consideration.

Swaim of Davis offered the following amendment H-8355 filed by the committee on judiciary and moved its adoption:

H-8355

1 Amend Senate File 2343, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, before line 1 by inserting:
 4 <Section 1. Section 46.3, Code 2009, is amended to
 5 read as follows:
 6 46.3 Appointment of district judicial nominating
 7 commissioners.
 8 1. The governor shall appoint five eligible
 9 electors of each judicial election district to the
 10 district judicial nominating commission.
 11 2. Appointments ~~The appointments made by the~~
 12 ~~governor~~ shall be to staggered terms of six years each
 13 and shall be made in the month of January for terms
 14 commencing February 1 of even-numbered years.
 15 3. ~~No more than a~~ A simple majority of the
 16 commissioners appointed shall be of the same gender.
 17 4. Beginning with terms commencing February 1,

18 2012, there shall not be more than one appointed
19 commissioner from a county within a judicial election
20 district unless each county within the judicial
21 election district has an appointed or elected
22 commissioner or the number of appointed commissioners
23 exceeds the number of counties within the judicial
24 election district. This subsection shall not be used
25 to remove an appointed commissioner from office prior
26 to the expiration of the commissioner's term.>

27 2. Page 1, lines 4 and 5, by striking <for up to
28 one hundred eighty days>

29 3. Page 1, line 8, after <occur.> by inserting <For
30 each of the first five delays ordered by the chief
31 justice in the fiscal year beginning July 1, 2010,
32 and for each of the first five delays ordered by the
33 chief justice in each fiscal year thereafter, the delay
34 shall not exceed one hundred eighty days. For each
35 delay ordered by the chief justice in excess of the
36 first five delays in the fiscal year beginning July 1,
37 2010, and for each delay ordered by the chief justice
38 in excess of the first five delays in each fiscal year
39 thereafter, the delay shall not exceed one year.>

40 4. Page 1, lines 11 and 12, by striking <for up to
41 one hundred eighty days>

42 5. Page 1, line 14, after <judgeship.> by inserting
43 <For each of the first five delays ordered by the chief
44 justice in the fiscal year beginning July 1, 2010,
45 and for each of the first five delays ordered by the
46 chief justice in each fiscal year thereafter, the delay
47 shall not exceed one hundred eighty days. For each
48 delay ordered by the chief justice in excess of the
49 first five delays in the fiscal year beginning July 1,
50 2010, and for each delay ordered by the chief justice

Page 2

1 in excess of the first five delays in each fiscal year
2 thereafter, the delay shall not exceed one year.>

3 6. Page 1, lines 19 and 20, by striking <for up to
4 one hundred eighty days>

5 7. Page 1, line 21, after <term.> by inserting <For
6 each of the first five delays ordered by the chief
7 justice in the fiscal year beginning July 1, 2010,
8 and for each of the first five delays ordered by the
9 chief justice in each fiscal year thereafter, the delay
10 shall not exceed one hundred eighty days. For each
11 delay ordered by the chief justice in excess of the
12 first five delays in the fiscal year beginning July 1,
13 2010, and for each delay ordered by the chief justice
14 in excess of the first five delays in each fiscal year
15 thereafter, the delay shall not exceed one year.>

16 8. By renumbering as necessary.

The committee amendment H-8355 was adopted.

Swaim of Davis 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. 2343)

The ayes were, 98:

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	Horbach	Hunter	Huseman
Huser	Isenhart	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Frevert, Presiding		

The nays were, none.

Absent or not voting, 2:

Miller, H. 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 Files 734, 2200, 2478, Senate Files 393, 2178, 2343 and 2352.**

BILLS PLACED ON UNFINISHED BUSINESS CALENDAR

McCarthy of Polk asked and received unanimous consent that the following bills be placed on the unfinished business calendar:

HF 2327	HF 2339	HF 2417
HF 2448	HF 2451	HF 2475
HF 2481	HF 2483	HF 2503
HF 2504	HF 2512	
SF 404	SF 2188	SF 2192
SF 2197	SF 2201	SF 2215
SF 2223	SF 2250	SF 2252
SF 2265	SF 2270	SF 2273
SF 2279	SF 2297	SF 2306
SF 2324	SF 2331	SF 2346
SF 2348	SF 2349	SF 2354
SF 2356		

SUBCOMMITTEE ASSIGNMENTS

Senate File 2363

Ways and Means: Isenhart, Chair; Forristall and Steckman.

Senate File 2373

Ways and Means: D. Olson, Chair; Frevert and Helland.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 735

Ways and Means: Thomas, Chair; Hagenow and Willems.

House Study Bill 737

Ways and Means: T. Olson, Chair; Helland and Reasoner.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 738 Ways and Means

Relating to taxation, including the administration and review of certain economic development programs and certain tax incentive programs and the reenactment of the estate tax and including effective date and retroactive and other applicability provisions.

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

Committee Bill (Formerly House Study Bill 736), relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2010.

RESOLUTIONS FILED

HR 123, by Rayhons, Frevert, Heaton, Kuhn, Quirk, Steckman and Upmeyer, a resolution supporting and recognizing the goals and ideals of “RV Centennial Celebration Month” to commemorate 100 years of enjoyment of recreation vehicles in the United States.

Laid over under **Rule 25**.

HR 124, by Wessel-Kroeschell, D. Olson, Deyoe and Heddens, a resolution congratulating the Iowa State University football team for its victory at the Insight Bowl.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8408	S.F.	2367	Lensing of Johnson
H—8409	H.F.	2229	Senate Amendment
H—8410	H.F.	777	Senate Amendment
H—8411	S.F.	2345	Senate Amendment
H—8412	H.F.	726	Senate Amendment
H—8413	H.F.	2294	Senate Amendment
H—8414	H.F.	674	Senate Amendment
H—8415	S.F.	2366	Tymeson of Madison Winckler of Scott

On motion by McCarthy of Polk the House adjourned at 4:15 p.m., until 9:00 a.m., Friday, March 12, 2010.

JOURNAL OF THE HOUSE

Sixty-first Calendar Day - Forty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 12, 2010

The House met pursuant to adjournment at 10:53 a.m., Hunter of Polk in the chair.

Prayer was offered by the Honorable Bruce Hunter, state representative from Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Bruce Hunter of Polk County.

The Journal of Thursday, March 11, 2010 was approved.

SENATE MESSAGE CONSIDERED

Senate File 2370, by committee on ways and means, a bill for an act relating to various conservation and recreation activities under the purview of the department of natural resources, and making penalties applicable.

Read first time and **passed on file**.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 12th day of March, 2010: House Files 755, 2111, 2195, 2283, 2286, 2287, 2288, 2403 and 2449.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 738

Ways and Means: Shomshor, Chair; T. Olson and Sands.

AMENDMENT FILED

H-8416 S.F. 2356 Pettengill of Benton

On motion by Lensing of Johnson the House adjourned at 10:55 a.m., until 1:00 p.m., Monday, March 15, 2010.

JOURNAL OF THE HOUSE

Sixty-fourth Calendar Day - Forty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 15, 2010

The House met pursuant to adjournment at 1:15 p.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Alan Wiese, Chariton United Methodist Church, Chariton. He was the guest of Representative Rich Arnold from Lucas County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the grandchildren of Representative Betty De Boef of Keokuk County.

The Journal of Friday, March 12, 2010 was approved.

INTRODUCTION OF BILL

House File 2526, by committee on appropriations, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions.

Read first time and placed on the **appropriations calendar**.

SPECIAL PRESENTATION

Orange City Tulip Festival

Soderberg of Plymouth presented to the House Amy Hulst, Queen of the 2010 Orange City Tulip Festival.

Queen Hulst presented her attendants, Malea Beeson, Rachel Mulenburg, Meredith Pennings and Anna Zeutenhorst.

Queen Hulst addressed the House briefly and invited everyone to attend the Orange City Tulip Festival on May 13, 14 and 15, 2010.

The House rose and expressed its welcome.

Zirkelbach of Jones in the chair at 1:33 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Boef of Keokuk, Horbach of Tama and Struyk of Pottawattamie, until their return, on request of Paulsen of Linn; Wendt of Woodbury on request of McCarthy of Polk.

CONSIDERATION OF BILLS Appropriations Calendar

House File 2519, a bill for an act relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants, the federal American Recovery and Reinvestment Act of 2009, and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, and including effective date and retroactive applicability provisions, was taken up for consideration.

Wenthe of Fayette 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. 2519)

The ayes 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	Winckler
Zirkelbach			
Presiding			

The nays were, 41:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Huseman	Kaufmann
Koester	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rayhons	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan,			

Absent or not voting, 6:

De Boef	Horbach	Huser	Quirk
Struyk	Wendt		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Murphy in the chair at 1:43 p.m.

House File 2518, a bill for an act concerning public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the statewide fire and police retirement system, making appropriations, and including effective date and retroactive applicability provisions, was taken up for consideration.

The House stood at ease at 1:56 p.m., until the fall of the gavel.

The House resumed session at 2:58 p.m., Speaker Murphy in the chair.

McCarthy of Polk asked and received unanimous consent that House File 2518 be deferred and that the bill retain its place on the calendar.

HOUSE INSISTS

Hanson of Jefferson called up for consideration **House File 2456**, a bill for an act prohibiting a person from writing or sending a text message while driving a motor vehicle and providing penalties and moved that the House insist on its amendment, which motion prevailed.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2456** and **2519**.

Appropriations Calendar

Senate File 2366, a bill for an act relating to public funding and regulatory matters and making, reducing, and supplementing appropriations for expenditures in the fiscal year beginning July 1, 2009, and including effective date and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Oldson of Polk offered the following amendment H-8419 filed by her from the floor and moved its adoption:

H-8419

1 Amend Senate File 2366, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, after line 2 by inserting:
4 <Sec. ____ ELDERLY AND DISABLED TAX CREDIT. After
5 applying the reduction made pursuant to executive order
6 number 19 issued October 8, 2009, to the appropriation
7 made for the following designated purpose, there is
8 appropriated from the general fund of the state to the
9 department of revenue for the fiscal year beginning
10 July 1, 2009, and ending June 30, 2010, the following
11 amount, or so much thereof as is necessary, to be used
12 for the purpose designated:
13 For implementing the elderly and disabled tax
14 credit and reimbursement pursuant to sections 425.16
15 through 425.39, to supplement the amount appropriated
16 in 2009 Iowa Acts, chapter 179, section 9, subsection
17 2, paragraph "d":

- 18 \$ 1,426,000>
- 19 2. Page 19, line 15, by striking <27,500,000> and
- 20 inserting <23,000,000>
- 21 3. Page 19, lines 27 and 28, by striking
- 22 <twenty-seven million five hundred thousand> and
- 23 inserting <twenty-three million>
- 24 4. Page 20, line 1, by striking
- 25 <twenty-seven million five hundred thousand> and
- 26 inserting <twenty-three million>
- 27 5. Page 20, lines 9 and 10, by striking
- 28 <eleven million eight three> and inserting <six million
- 29 eight>
- 30 6. By renumbering as necessary.

Amendment H-8419 was adopted.

Tymeson of Madison offered the following amendment H-8415 filed by her and Winckler of Scott and moved its adoption:

H-8415

- 1 Amend Senate File 2366, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, after line 1 by inserting:
- 4 <Notwithstanding section 8.33, moneys appropriated
- 5 in this subsection that remain unencumbered or
- 6 unobligated at the close of the fiscal year shall not
- 7 revert but shall remain available for expenditure
- 8 for the purposes designated until the close of the
- 9 succeeding fiscal year. For the purposes of section
- 10 28.8, subsection 5, and section 256I.9, subsection
- 11 4, paragraph "e", as enacted by 2010 Iowa Acts,
- 12 Senate File 2088, section 286, or any other provision
- 13 of law addressing the percentage of school ready
- 14 children grant money that can be carried forward to
- 15 the succeeding fiscal year without a reduction to
- 16 subsequent grant funding, the amount of school ready
- 17 children grant moneys distributed to a local area board
- 18 pursuant to this subsection that are carried forward
- 19 by the board to the succeeding fiscal year shall be
- 20 disregarded.>

Amendment H-8415 was adopted.

Oldson of Polk offered the following amendment H-8399 filed by her and moved its adoption:

H-8399

1 Amend Senate File 2366, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 19, after line 2 by inserting:
 4 <Sec. ____ 2009 Iowa Acts, chapter 179, section
 5 10, is amended by adding the following new unnumbered
 6 paragraph:
 7 NEW UNNUMBERED PARAGRAPH Of the amount
 8 appropriated in this section, \$883,628 shall be used
 9 for storm damage repair at the state training school
 10 in Eldora. Notwithstanding section 8.33, moneys
 11 allocated in this paragraph that remain unencumbered
 12 or not obligated at the close of the fiscal year shall
 13 not revert but shall remain available for expenditure
 14 for the purposes designated until the close of the
 15 succeeding fiscal year.>
 16 2. By renumbering as necessary.

Amendment H-8399 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. 2366)

The ayes were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	Isenhart	Jacoby	Kearns
Kelley	Kressig	Kuhn	Lensing
Lykam	Marek	Mascher	McCarthy
Mertz	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Running-Marquardt
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor	Thede	Thomas
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Zirkelbach	Mr. Speaker	
		Murphy	

The nays 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
Raecker	Rants	Rayhons	Roberts
Sands	Schulte	Schultz	Soderberg
Sorenson	Struyk	Sweeney	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

Absent or not voting, 2:

Horbach 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 2366** be immediately messaged to the Senate.

CONFERENCE COMMITTEE APPOINTED (House File 2456)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2456: Hanson of Jefferson, Co-Chair; R. Olson of Polk; Lykam of Scott; Tjepkes of Webster, Co-Chair and Hagenow of Polk.

On motion by McCarthy of Polk, the House was recessed at 3:31 p.m., until the conclusion of the afternoon committee meeting.

EVENING SESSION

The House reconvened at 6:20 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILL

House File 2527, by committee on ways and means, a bill for an act relating to taxation, including the administration and review of certain economic development programs and certain tax incentive programs and the reenactment of the estate tax and including effective date and retroactive and other applicability provisions.

Read first time and placed on the **ways and means calendar**.

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 15, 2010, appointed the conference committee to House File 2456, a bill for an act prohibiting a person from writing or sending a text message while driving a motor vehicle and providing penalties. (Formerly HF 2021), and the members of the Conference Committee on the part of the Senate are: The Senator from Black Hawk, Senator Danielson, Chair; the Senator from Mahaska, Senator Rielly; the Senator from Bremer, Senator Heckroth; the Senator from Clarke, Senator Reynolds; the Senator from Benton, Senator Kapucian.

MICHAEL E. MARSHALL, Secretary

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 15th day of March, 2010: House File 2110.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 15, 2010, he approved and transmitted to the Secretary of State the following bills:

House File 2111, an Act providing notification to the department of workforce development by the secretary of state when certain business entities apply for reinstatement after dissolution to ensure certain tax obligations have been fulfilled.

House File 2195, an Act concerning fine arts projects in state buildings.

House File 2283, an Act relating to the requirements for national criminal history record checks for child care providers.

House File 2286, an Act relating to the criminal offense of detention in a brothel.

House File 2287, an Act relating to the criminal offense of simulated public intoxication.

House File 2288, an Act repealing the simple misdemeanor offense relating to the use of cowl lamps on motor vehicles.

House File 2403, an Act making changes to the uniform controlled substances Act.

Senate File 2247, an Act authorizing the modification of the designation of a gaming enforcement officer.

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 WAYS AND MEANS

Committee Bill (Formerly House File 2088), providing for the waiver of tax penalties and interest under certain disaster loss circumstances and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 2010.

Committee Bill (Formerly House Study Bill 738), relating to taxation, including the administration and review of certain economic development programs and certain tax incentive programs and the reenactment of the estate tax and including effective date and retroactive and other applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 2010.

RESOLUTION FILED

HR 125, by Raecker, a resolution recognizing the contributions, innovations, and valuable learning experiences offered by the Center for Legislative Practice at the Drake University Law School and its internship program.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8417	S.F.	2354	Isenhart of Dubuque
H—8418	S.F.	2354	Isenhart of Dubuque
H—8420	S.F.	2333	Hunter of Polk
H—8421	S.F.	2367	Kressig of Black Hawk
H—8422	H.F.	2481	Bell of Jasper
H—8423	S.F.	2370	Windschitl of Harrison
H—8424	S.F.	2354	Cohoon of Des Moines
H—8425	S.F.	2354	Cohoon of Des Moines
H—8426	S.F.	2235	Smith of Marshall
H—8427	H.F.	2525	Reichert of Muscatine

On motion by Abdul-Samad of Polk the House adjourned at 6:23 p.m., until 9:00 a.m., Tuesday, March 16, 2010.

JOURNAL OF THE HOUSE

Sixty-fifth Calendar Day - Forty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 16, 2010

The House met pursuant to adjournment at 9:19 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Steven C. Hetzel, pastor of Emmanuel Lutheran Church, Clarinda. He was the guest of Representative Richard Anderson from Page County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Rachel Steckman, granddaughter of Representative Sharon Steckman of Cerro Gordo County and Mackenzie Gibbons, friend of Rachel.

The Journal of Monday, March 15, 2010 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 15, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 823, a bill for an act requiring public schools and state agencies to utilize environmentally preferable cleaning and maintenance products in school facilities and state buildings.

Also: That the Senate has on March 15, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2295, a bill for an act establishing a task force to review the present mission, structure, governance, and funding of the area education agencies.

Also: That the Senate has on March 15, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2409, a bill for an act eliminating specified mortgage loan disclosure statement filing requirements applicable to financial institutions.

Also: That the Senate has on March 15, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2418, a bill for an act relating to periodic evaluations of certain air quality standards.

Also: That the Senate has on March 15, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2461, a bill for an act relating to school business official training and authorization.

Also: That the Senate has on March 15, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2156, a bill for an act relating to the IowaCare program, and providing for repeals.

Also: That the Senate has on March 15, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2224, a bill for an act relating to boards of administration for horizontal property.

Also: That the Senate has on March 15, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2254, a bill for an act relating to the powers and duties of county treasurers to assess certain property associated with fence disputes and water districts.

Also: That the Senate has on March 15, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2286, a bill for an act relating to the regulation of professional and amateur mixed martial arts matches and events by the labor commissioner and providing penalties.

Also: That the Senate has on March 15, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2369, a bill for an act relating to the reporting of statewide school infrastructure funding expenditures to the general assembly.

Also: That the Senate has on March 15, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2371, a bill for an act relating to royalty fees for removal of sand and gravel from state-owned lands and waters located on the Cedar river in certain counties and including effective date provisions.

Also: That the Senate has on March 15, 2010, passed the following bill in which the concurrence of the House is asked:

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.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

Senate File 2369, by committee on ways and means, a bill for an act relating to the reporting of statewide school infrastructure funding expenditures to the general assembly.

Read first time and referred to committee on **ways and means**.

Senate File 2371, by committee on ways and means, a bill for an act relating to royalty fees for removal of sand and gravel from state-owned lands and waters located on the Cedar river in certain counties and including effective date provisions.

Read first time and referred to committee on **ways and means**.

Senate File 2375, by committee on ways and means, 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.

Read first time and **passed on file**.

SPECIAL PRESENTATION

Baudler of Adair introduced to the House, Anne Langguth, Miss Iowa 2010 from Iowa City.

The House rose and expressed its welcome.

ADOPTION OF HOUSE RESOLUTION 123

Rayhons of Hancock, Heaton of Henry, Kuhn of Floyd, Upmeyer of Hancock, Frevert of Palo Alto and Steckman of Cerro Gordo, called up for consideration **House Resolution 123**, a resolution supporting and recognizing the goals and ideals of "RV Centennial Celebration

Month" to commemorate 100 years of enjoyment of recreation vehicles in the United States, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by McCarthy of Polk, the House was recessed at 9:31 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:20 p.m., Speaker Murphy in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Wendt of Woodbury on request of McCarthy of Polk.

SPECIAL PRESENTATION

Upmeyer of Hancock introduced to the House the Honorable Dan Boddicker, former state representative from Cedar County and the Honorable Polly Granzow, former state representative from Hardin County.

The House rose and expressed its welcome.

The House stood at ease at 1:23 p.m., until the fall of the gavel.

The House resumed session at 3:41 p.m., Speaker Murphy in the chair.

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 16, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2437, a bill for an act relating to private sewage disposal system inspections and groundwater hazard statements as part of certain property transfers.

Also: That the Senate has on March 16, 2010, amended and passed the following bill in which the concurrence of the House is asked:

House File 2438, a bill for an act relating to the criminal offense of enticing or attempting to entice a minor and providing penalties.

Also: That the Senate has on March 16, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2318, a bill for an act concerning and affecting veterans and military members, related to employment benefits, professional licensing, and interest rate limit enforcement, and making penalties applicable.

Also: That the Senate has on March 16, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2352, a bill for an act relating to the emergency hospitalization of a person with a serious mental impairment.

Also: That the Senate has on March 16, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2377, a bill for an act relating to and making appropriations to the judicial branch.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILL

House File 2528, by McCarthy, a bill for an act relating to permits to carry weapons and permits to acquire pistols and revolvers including the dissemination of information relating to persons suffering from mental and substance abuse health-related disorders and the possession of firearms and providing penalties.

Read first time and referred to committee on **public safety**.

SENATE MESSAGE CONSIDERED

Senate File 2377, by committee on appropriations, a bill for an act relating to and making appropriations to the judicial branch.

Read first time and **passed on file**.

CONSIDERATION OF BILLS
Unfinished Business Calendar

Senate File 2197, a bill for an act relating to the enforcement of criminal law provisions including providing false identification information and public indecent exposure and providing penalties, with report of committee recommending passage, was taken up for consideration.

Burt of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2197)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Sands
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, none.

Absent or not voting, 3:

Ford

Rants

Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2448, a bill for an act modifying sex offender registry provisions, providing penalties, and including effective date provisions, was taken up for consideration.

Baudler of Adair offered amendment H-8222 filed by him as follows:

H-8222

1 Amend House File 2448 as follows:

2 1. Page 1, after line 18 by inserting:

3 <Sec. ____ Section 692A.101, subsection 27, Code
4 Supplement 2009, is amended to read as follows:

5 27. "Sex offense" means an indictable offense for
6 which a conviction has been entered that ~~has an element~~
7 ~~involving a sexual act, sexual contact, or sexual~~
8 ~~conduct, and which~~ is enumerated in section 692A.102,
9 and means any comparable offense for which a conviction
10 has been entered under prior law, or any comparable
11 offense for which a conviction has been entered in
12 a federal, military, or foreign court, or another
13 jurisdiction.

14 Sec. ____ Section 692A.101, Code Supplement 2009,
15 is amended by adding the following new subsection:

16 NEW SUBSECTION. 28A. "Sexually motivated" means the
17 same as defined in section 229A.2.>

18 2. Page 1, by striking lines 19 through 31.

19 3. Page 1, before line 32 by inserting:

20 <Sec. ____ Section 692A.102, subsection 1,
21 paragraph a, subparagraphs (6) and (7), Code Supplement
22 2009, are amended to read as follows:

23 (6) (a) Harassment in violation of section 708.7,
24 subsection 1, 2, or 3, if a determination is made that
25 the offense was sexually motivated pursuant to section
26 692A.126.

27 ~~(7)~~ (b) Stalking in violation of section 708.11,
28 except a violation of subsection 3, paragraph "b",
29 subparagraph (3), if a determination is made that the
30 offense was sexually motivated pursuant to section
31 692A.126.

32 (c) Any other indictable offense in violation of
33 chapter 708 if the offense is committed against a minor
34 and if a determination is made that the offense was

35 sexually motivated pursuant to section 692A.126.
36 Sec. ____ Section 692A.102, subsection 1, paragraph
37 a, Code Supplement 2009, is amended by adding the
38 following new subparagraphs:
39 NEW SUBPARAGRAPH. (08) Pimping in violation of
40 section 725.2 if the offense was committed against
41 a minor or otherwise involves a minor and if a
42 determination is made that the offense was sexually
43 motivated pursuant to section 692A.126.
44 NEW SUBPARAGRAPH. (008) Pandering in violation
45 of section 725.3, subsection 2, if a determination is
46 made that the offense was sexually motivated pursuant
47 to section 692A.126.
48 NEW SUBPARAGRAPH. (0008) Any indictable offense in
49 violation of chapter 726 if the offense is committed
50 against a minor or otherwise involves a minor and if

Page 2

1 a determination is made that the offense was sexually
2 motivated pursuant to section 692A.126.
3 Sec. ____ Section 692A.102, subsection 1, paragraph
4 b, Code Supplement 2009, is amended by adding the
5 following new subparagraph:
6 NEW SUBPARAGRAPH. (015) Pandering in violation of
7 section 725.3.>
8 4. Page 1, line 35, by striking <(5A).> and
9 inserting <(06)>
10 5. Page 2, after line 13 by inserting:
11 <Sec. ____ Section 692A.113, subsection 1,
12 unnumbered paragraph 1, Code Supplement 2009, is
13 amended to read as follows:
14 A sex offender who has been convicted of a sex
15 offense against a minor or a person required to
16 register as a sex offender in another jurisdiction for
17 an offense involving a minor shall not do any of the
18 following:>
19 6. Page 2, after line 28 by inserting:
20 <Sec. ____ Section 692A.125, Code Supplement 2009,
21 is amended by adding the following new subsection:
22 NEW SUBSECTION. 2A. For an offense requiring
23 registration due to sexual motivation, the registration
24 requirements of section 692A.126 shall apply to a
25 person convicted of an offense if the department
26 makes the determination that the offense was sexually
27 motivated as provided in section 692A.126, subsection
28 2.
29 Sec. ____ Section 692A.126, Code Supplement 2009,
30 is amended to read as follows:
31 692A.126 Sexually motivated offense –
32 determination.
33 1. If a judge or jury makes a determination, beyond

34 a reasonable doubt, that any of the following offenses
 35 for which a conviction has been entered on or after
 36 July 1, 2009, are sexually motivated, the person shall
 37 be required to register as provided in this chapter:

- 38 a. Murder in the first degree in violation of
- 39 section 707.2.
- 40 b. Murder in the second degree in violation of
- 41 section 707.3.
- 42 c. Voluntary manslaughter in violation of section
- 43 707.4.
- 44 d. Involuntary manslaughter in violation of section
- 45 707.5.
- 46 e. Attempt to commit murder in violation of section
- 47 707.11.
- 48 f. Harassment in violation of section 708.7,
- 49 subsection 1, 2, or 3.
- 50 g. Stalking in violation of section 708.11,

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- 1 subsection 3, paragraph "b", subparagraph (3).
- 2 h. Any other indictable offense in violation of
- 3 chapter 708 if the offense was committed against a
- 4 minor or otherwise involves a minor.
- 5 ~~h. i.~~ Kidnapping in the first degree in violation
- 6 of section 710.2.
- 7 ~~i. j.~~ Kidnapping in the second degree in violation
- 8 of section 710.3.
- 9 ~~j. k.~~ Kidnapping in the third degree in violation
- 10 of section 710.4.
- 11 ~~k. l.~~ Child stealing in violation of section
- 12 710.5.
- 13 ~~l. m.~~ Purchase or sale or attempted purchase or
- 14 sale of an individual in violation of section 710.11.
- 15 ~~m. n.~~ Burglary in the first degree in violation
- 16 of section 713.3, subsection 1, paragraph "a", "b", or
- 17 "c".
- 18 ~~n. o.~~ Attempted burglary in the first degree in
- 19 violation of section 713.4.
- 20 ~~o. p.~~ Burglary in the second degree in violation
- 21 of section 713.5.
- 22 ~~p. q.~~ Attempted burglary in the second degree in
- 23 violation of section 713.6.
- 24 ~~q. r.~~ Burglary in the third degree in violation of
- 25 section 713.6A.
- 26 ~~r. s.~~ Attempted burglary in the third degree in
- 27 violation of section 713.6B.
- 28 t. Pimping in violation of section 725.2 if the
- 29 offense was committed against a minor or otherwise
- 30 involves a minor.
- 31 u. Pandering in violation of section 725.3,
- 32 subsection 2.

33 v. Any indictable offense in violation of chapter
 34 726 if the offense was committed against a minor or
 35 otherwise involves a minor.
 36 2. ~~a. If a~~ The following persons shall be required
 37 to register as provided in this chapter if the
 38 department makes a determination that the offense was
 39 sexually motivated;
 40 (1) A person convicted of an offense in this state
 41 specified under subsection 1 prior to July 1, 2009.
 42 (2) A person is convicted of an offense in another
 43 jurisdiction, or convicted of an offense that was
 44 prosecuted in a federal, military, or foreign court,
 45 prior to, on, or after July 1, 2009, that is comparable
 46 to an offense specified in subsection 1, the person
 47 shall be required to register as provided in this
 48 chapter if the department makes a determination that
 49 the offense was sexually motivated.
 50 ~~3. (3) If a~~ A juvenile is convicted of a n offense

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1 in another jurisdiction, or convicted of an offense
 2 as a juvenile in a similar juvenile court proceeding
 3 in a federal, military, or foreign court, prior to,
 4 on, or after July 1, 2009, that is comparable to an
 5 offense specified in subsection 1, ~~the person shall be~~
 6 ~~required to register as provided in this chapter if the~~
 7 ~~department makes a determination that the offense was~~
 8 ~~sexually motivated.~~
 9 b. A determination made pursuant to this subsection
 10 shall be issued in writing and shall include a summary
 11 of the information and evidence considered in making
 12 the determination that the offense was sexually
 13 motivated.
 14 c. The determination made by the department shall
 15 be subject to judicial review in accordance with
 16 chapter 17A.
 17 Sec. ____ NEW SECTION. 708.14 Sexual motivation.
 18 A person convicted of any indictable offense under
 19 this chapter shall be required to register as a sex
 20 offender pursuant to the provisions of chapter 692A,
 21 if the offense was committed against a minor and the
 22 fact finder makes a determination that the offense was
 23 sexually motivated pursuant to section 692A.126.>
 24 7. Page 3, after line 33 by inserting:
 25 <Sec. ____ NEW SECTION. 726.10 Sexual motivation.
 26 A person convicted of any indictable offense under
 27 this subchapter shall be required to register as a sex
 28 offender pursuant to the provisions of chapter 692A,
 29 if the offense was committed against a minor and the
 30 fact finder makes a determination that the offense was
 31 sexually motivated pursuant to section 692A.126.>

32 8. Title page, lines 1 and 2, by striking
 33 <providing penalties, and> and inserting <and providing
 34 penalties and>

Amendment H-8222 was adopted.

Anderson of Page asked and received unanimous consent to withdraw amendment H-8255 filed by Rants of Woodbury on February 25, 2010.

Anderson of Page asked and received unanimous consent to withdraw amendment H-8256 filed by Rants of Woodbury on February 25, 2010.

SENATE FILE 2305 SUBSTITUTED FOR HOUSE FILE 2448

Baudler of Adair asked and received unanimous consent to substitute Senate File 2305 for House File 2448.

Senate File 2305, a bill for an act modifying sex offender registry provisions, and providing penalties and including effective date provisions, was taken up for consideration.

Baudler of Adair 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. 2305)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Sands
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, none.

Absent or not voting, 3:

Ford	Rants	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.

HOUSE FILE 2448 WITHDRAWN

Baudler of Adair asked and received unanimous consent to withdraw House File 2448 from further consideration by the House.

Senate File 2348, a bill for an act providing for the licensing and regulation of real estate closing agents, making penalties applicable, and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Whitead of Woodbury in the chair at 4:00 p.m.

Jacoby of Johnson 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. 2348)

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	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann

Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	Schueller	Schulte	Schultz
Shomshor	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Whitead, Presiding

The nays were, none.

Absent or not voting, 4:

Ford	Rants	Smith	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.

House File 2483, a bill for an act relating to trusts and estates including provisions relating to state inheritance tax, uniform transfers to minors, and medical assistance claims, and including an applicability provision, was taken up for consideration.

Huser of Polk offered the following amendment H-8235 filed by her and moved its adoption:

H-8235

- 1 Amend House File 2483 as follows:
- 2 1. By striking page 10, line 10, through page 11,
- 3 line 3.
- 4 2. By renumbering as necessary.

Amendment H-8235 was adopted.

Huser of Polk offered the following amendment H-8234 filed by her and moved its adoption:

H-8234

- 1 Amend House File 2483 as follows:
- 2 1. Page 11, by striking lines 4 through 10.
- 3 2. By renumbering as necessary.

Amendment H-8234 was adopted.

Huser 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. 2483)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Whitead			
Presiding			

The nays were, none.

Absent or not voting, 3:

Ford	Rants	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 MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2483, Senate Files 2197, 2305 and 2348.**

SENATE AMENDMENT CONSIDERED

Zirkelbach of Jones called up for consideration **House File 2197**, a bill for an act providing veterans a holiday for veterans day and making penalties applicable, amended by the Senate, and moved that the House concur in the following Senate amendment H-8376:

H-8376

- 1 Amend House File 2197, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 9, after <Day> by inserting <,
4 unless providing time off would impact public health
5 or safety or would cause the employer to experience
6 significant economic or operational disruption>
- 7 2. Page 1, line 10, after <3.> by inserting <a.>
- 8 3. Page 1, after line 16 by inserting:
9 <b. The employer shall, at least ten days prior
10 to Veterans Day, notify the employee if the employee
11 shall be provided paid or unpaid time off on Veterans
12 Day. If the employer determines that the employer is
13 unable to provide time off for Veterans Day for all
14 employees who request time off, the employer shall deny
15 time off to the minimum number of employees needed by
16 the employer to protect public health and safety or to
17 maintain minimum operational capacity, as applicable.>
- 18 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8376.

Zirkelbach of Jones 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. 2197)

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	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Huseman	Huser
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	Raecker	Rayhons	Reasoner
Reichert	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	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Whitead, Presiding	

The nays were, 2:

Hunter Watts

Absent or not voting, 3:

Ford Rants 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 **House File 2197** be immediately messaged to the Senate.

Appropriations Calendar

House File 2525, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and including effective date provisions, was taken up for consideration.

Reichert of Muscatine offered the following amendment H-8435 filed by him from the floor and moved its adoption:

H-8435

- 1 Amend House File 2525 as follows:
- 2 1. Page 6, line 26, by striking <44.00> and
- 3 inserting <50.00>
- 4 2. By renumbering as necessary.

Amendment H-8435 was adopted.

Reichert of Muscatine offered amendment H-8427 filed by him as follows:

H-8427

- 1 Amend House File 2525 as follows:
- 2 1. Page 14, after line 9 by inserting:
- 3 <DIVISION _____
- 4 DEPARTMENT OF NATURAL RESOURCES – GREENHOUSE GAS
- 5 EMISSIONS
- 6 Sec. ____ Section 455B.104, subsection 4, as
- 7 enacted by 2010 Iowa Acts, Senate File 2088, section
- 8 258, is amended to read as follows:
- 9 4. By ~~September 1~~ December 31 of each year, the
- 10 department shall submit a report to the governor and
- 11 the general assembly regarding the greenhouse gas
- 12 emissions in the state during the previous calendar
- 13 year and forecasting trends in such emissions. The
- 14 first submission by the department shall be filed by
- 15 ~~September 1~~ December 31, 2011, for the calendar year
- 16 beginning January 1, 2010.>
- 17 2. By renumbering as necessary.

De Boef of Keokuk rose on a point of order that amendment H-8427 was not germane.

The Speaker ruled the point well taken and amendment H-8427 not germane.

Bailey of Hamilton asked and received unanimous consent to withdraw amendment H-8433 filed by Bailey, Kuhn of Floyd, Mertz of Kossuth, Hanson of Jefferson and Marek of Washington from the floor.

Reichert of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2525)

The ayes were, 53:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Frevert	Gaskill	Gayman
Hanson	Heddens	Hunter	Huser
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
Quirk	Reasoner	Reichert	Running-Marquardt
Schueller	Shomshor	Smith	Steckman
Taylor	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Zirkelbach
Whitead, Presiding			

The nays were, 44:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rayhons	Roberts
Sands	Schulte	Schultz	Soderberg
Sorenson	Struyk	Swaim	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

Absent or not voting, 3:

Ford

Rants

Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Zirkelbach of Jones in the chair at 4:50 p.m.

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, was taken up for consideration.

Cownie of Polk offered the following amendment H-8406 filed by him and moved its adoption:

H-8406

- 1 Amend House File 2522 as follows:
- 2 1. Page 2, by striking lines 4 through 6 and
- 3 inserting:
- 4 <Sec. ____ STATE RECORDS STORAGE. The department
- 5 of cultural affairs shall, within six months of the
- 6 effective date of this Act, find new storage space for
- 7 the storage of state records.>
- 8 2. By renumbering as necessary.

Roll call was requested by Cownie of Polk and Raecker of Polk.

On the question "Shall amendment H-8406 be adopted?" (H.F. 2522)

The ayes were, 45:

Alons	Anderson	Arnold	Bailey
Baudler	Chambers	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Grassley	Hagenow	Heaton	Helland
Horbach	Huseman	Kaufmann	Koester
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rayhons
Roberts	Sands	Schulte	Schultz
Shomshor	Soderberg	Sorenson	Struyk
Sweeney	Tjepkes	Tymeson	Upmeyer

Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

The nays were, 52:

Abdul-Samad	Beard	Bell	Berry
Bukta	Burt	Cphoon	Ficken
Frevert	Gaskill	Gayman	Hanson
Heddens	Hunter	Huser	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	Quirk
Reasoner	Reichert	Running-Marquardt	Schueller
Smith	Steckman	Swaim	Taylor
Thede	Thomas	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Zirkelbach, Presiding

Absent or not voting, 3:

Ford	Rants	Wendt
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Amendment H-8406 lost.

Soderberg of Plymouth offered the following amendment H-8402 filed by him and moved its adoption:

H-8402

- 1 Amend House File 2522 as follows:
- 2 1. Page 5, before line 21 by inserting:
- 3 <Od. The moneys appropriated to the community
- 4 development division pursuant to this subsection
- 5 shall not be used for purposes of providing financial
- 6 assistance for the Iowa green streets pilot project
- 7 or for any other program or project that involves the
- 8 implementation of geothermal systems for melting snow
- 9 and ice from streets or sidewalks.>
- 10 2. By renumbering as necessary.

Roll call was requested by Soderberg of Plymouth and May of Dickinson.

On the question "Shall amendment H-8402 be adopted?" (H.F. 2522)

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rayhons	Roberts
Sands	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	Frevert	Gaskill	Gayman
Hanson	Heddens	Hunter	Huser
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
Quirk	Reasoner	Reichert	Running-Marquardt
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor	Thede	Thomas
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Zirkelbach, Presiding		

Absent or not voting, 3:

Ford	Rants	Wendt
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Amendment H-8402 lost.

Thomas of Clayton offered the following amendment H-8398 filed by him and moved its adoption:

H-8398

- 1 Amend House File 2522 as follows:
- 2 1. Page 8, line 1, by striking <\$1,076,234> and
- 3 inserting <\$994,929>
- 4 2. Page 8, line 2, after <centers.> by inserting
- 5 <If moneys allocated pursuant to this subsection exceed
- 6 the amount allocated for small business centers in 2009
- 7 Iowa Acts, chapter 176, section 11, subsection 2, at
- 8 least \$100,000 of the moneys allocated pursuant to this

9 subsection shall be used to increase the assistance
10 to small businesses for providing one-on-one business
11 planning and marketing counseling.>
12 3. By renumbering as necessary.

Amendment H-8398 was adopted.

Soderberg of Plymouth offered amendment H-8401 filed by him as follows:

H-8401

1 Amend House File 2522 as follows:
2 1. Page 15, by striking lines 25 through 28 and
3 inserting:
4 <Sec. _____. USE OF FURLOUGH DAYS BY STATE EMPLOYEES.
5 1. The moneys appropriated to the department of
6 workforce development pursuant to this Act shall not
7 be expended until the department has developed rules
8 for the use of furlough days by employees of state
9 agencies.
10 2. The rules shall prohibit employees of state
11 agencies from taking two or more furlough days
12 consecutively. The rules shall apply to all employees
13 of state agencies required to take furlough days in the
14 fiscal year beginning July 1, 2009.
15 Sec. _____. EFFECTIVE UPON ENACTMENT.
16 1. The section of this Act amending 2009 Iowa Acts,
17 chapter 176, and the sections amending section 303.17,
18 being deemed of immediate importance, take effect upon
19 enactment.
20 2. The section of this Act making certain
21 appropriations to the department of workforce
22 development contingent upon the development of rules
23 for the use of furlough days by employees of state
24 agencies, being deemed of immediate importance, takes
25 effect upon enactment.>
26 2. By renumbering as necessary.

Soderberg of Plymouth offered the following amendment H-8431, to amendment H-8401, filed by him from the floor and moved its adoption:

H-8431

1 Amend the amendment, H-8401, to House File 2522 as
2 follows:
3 1. Page 1, line 7, after <department> by inserting
4 <, in conjunction with the department of administrative

- 5 services,>
6 2. By renumbering as necessary.

Amendment H-8431 was adopted.

Soderberg of Plymouth moved the adoption of amendment H-8401, as amended.

Roll call was requested by Soderberg of Plymouth and Schultz of Crawford.

On the question "Shall amendment H-8401, as amended, be adopted?" (H.F. 2522)

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	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	Bell	Berry
Bukta	Burt	Cphoon	Ficken
Ford	Frevert	Gaskill	Gayman
Hanson	Heddens	Hunter	Huser
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
Quirk	Reasoner	Running-Marquardt	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor	Thede	Thomas	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Zirkelbach, Presiding			

Absent or not voting, 4:

Beard	Rants	Reichert	Wendt
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Amendment H-8401, as amended, lost.

Kressig of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2522)

The ayes were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	Isenhart	Jacoby	Kearns
Kelley	Kressig	Kuhn	Lensing
Lykam	Marek	Mascher	McCarthy
Mertz	Miller, H.	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	Winckler	Zirkelbach,	
		Presiding	

The nays were, 43:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rayhons	Roberts
Sands	Schulte	Schultz	Soderberg
Sorenson	Struyk	Sweeney	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

Absent or not voting, 2:

Rants	Wendt
-------	-------

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 March 16, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2487, a bill for an act relating to the allocation, issuance, reporting, recapture, and reallocation of recovery zone bonds, and including effective date provisions.

Also: That the Senate has on March 16, 2010, concurred in the House amendment and adopted the following resolution in which the concurrence of the Senate was asked:

Senate Joint Resolution 2007, a joint resolution supporting the preservation efforts for the Battleship Iowa, BB-61.

Also: That the Senate has on March 16, 2010, 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.

Also: That the Senate has on March 16, 2010, passed the following bill in which the concurrence of the House is asked:

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.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2522 and 2525.**

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 16th day of March, 2010: House Files 2233, 2372, 2374, 2392, 2466 and 2488.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 16, 2010, he approved and transmitted to the Secretary of State the following bills:

House File 755, an Act concerning eligibility for the injured veterans grant program.

House File 2110, an Act relating to unemployment insurance benefits for spouses who leave employment to accompany a spouse on a military assignment.

House File 2449, an Act relating to the encouragement and assistance of businesses owned by disabled veterans.

SUBCOMMITTEE ASSIGNMENT

Senate File 2364

Ways and Means: Huser, Chair; Isenhardt and Pettengill.

AMENDMENTS FILED

H—8428	S.F.	2370	Pettengill of Benton
H—8429	S.F.	2370	Pettengill of Benton
H—8430	S.F.	2370	May of Dickinson D. Olson of Boone
H—8432	H.F.	2284	Thede of Scott
H—8434	S.F.	2370	Schulte of Linn

H—8436	H.F.	2438	Senate Amendment
H—8437	S.F.	2324	Quirk of Chickasaw

On motion by McCarthy of Polk the House adjourned at 5:43 p.m., until 9:00 a.m., Wednesday, March 17, 2010.

State of Iowa
2010

JOURNAL OF THE HOUSE

2010
REGULAR SESSION
EIGHTY-THIRD
GENERAL ASSEMBLY

Convened January 11, 2010
Adjourned March 30, 2010

Volume II
March 17, 2010—March 30, 2010

CHESTER J. CULVER, Governor
PATRICK J. MURPHY, Speaker of the House
JOHN P. KIBBIE, President of the Senate

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Des Moines

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JOURNAL OF THE HOUSE

Sixty-sixth Calendar Day - Forty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 17, 2010

The House met pursuant to adjournment at 9:13 a.m., Speaker Murphy in the chair.

Prayer was offered by Jack Nolan, member of Holy Family Parish, Emmetsburg. He was the guest of Representative Marcella Frevert of Palo Alto County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Olivia Jordan from Hudson Community Schools in Hudson. She was the guest of Representative Doris Kelley state representative from Black Hawk County.

The Journal of Tuesday, March 16, 2010 was approved.

INTRODUCTION OF BILL

House File 2529, by committee on ways and means, a bill for an act providing for the waiver of tax penalties and interest under certain circumstances and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **ways and means calendar**.

SENATE MESSAGES CONSIDERED

Senate File 2376, by committee on appropriations, 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.

Read first time and referred to committee on **appropriations**.

Senate File 2378, by committee on appropriations, a bill for an act relating to and making appropriations to the justice system, providing for fees and fines, and including effective date provisions.

Read first time and **passed on file**.

ST. PATRICK'S DAY CELEBRATION

Frevert of Palo Alto introduced to the House, Ned O'Sullivan, a Fianna Fail member of the Irish Parliament representing Kerry North and Limerick West. He is the spokesperson for food and horticulture, health promotion and food safety. He will represent Ireland at the 2010 St. Patrick's Celebration in Emmetsburg. He addressed the House briefly. Frevert of Palo Alto also introduced Miss Shamrock, Justine Wagner, and the Little Irish Dancers from Emmetsburg.

H. Miller of Webster presented the Irish dignitary, Ned O'Sullivan and his wife Madeleine, with a gift.

The House rose and expressed its welcome.

The Honorable Dolores Mertz, state representative from Kossuth County performed the traditional Irish Jig.

On motion by Gayman of Scott, the House was recessed at 9:30 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:19 p.m., Speaker pro tempore Bukta in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-nine members present, eleven absent.

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 17, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2321, a bill for an act relating to providing veteran services to inmates incarcerated in a jail or municipal holding facility.

Also: That the Senate has on March 17, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2384, a bill for an act requiring the Iowa department of veterans affairs to advise deploying service members regarding certain issues related to taxation.

Also: That the Senate has on March 17, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2414, a bill for an act relating to service in an honor guard unit on public property.

Also: That the Senate has on March 17, 2010, amended and passed the following bill in which the concurrence of the House is asked:

House File 2473, a bill for an act relating to criminal offense definitions, penalties, and the forfeiture of an unsecured appearance bond in a criminal proceeding.

Also: That the Senate has on March 17, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 285, a bill for an act relating to magistrate jurisdiction, specifying certain traffic-related offenses as simple misdemeanors, making other related changes to simple misdemeanor offenses, and providing a penalty.

Also: That the Senate has on March 17, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 431, a bill for an act relating to the reorganization of operating-while-intoxicated criminal offenses, making related changes, and providing an effective date.

Also: That the Senate has on March 17, 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 2200, a bill for an act relating to transfer of guardianship for a child in need of assistance to the probate court.

Also: That the Senate has on March 17, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2343, a bill for an act relating to the appointment of judicial officers and senior judges.

Also: That the Senate has on March 17, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2366, a bill for an act relating to public funding and regulatory matters and making, reducing, and supplementing appropriations for expenditures in the fiscal year beginning July 1, 2009, and including effective date and retroactive applicability provisions.

MICHAEL E. MARSHALL, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Horbach of Tama, S. Olson of Clinton, until their return, on request of Paulsen of Linn; Rants of Woodbury on request of Roberts of Carroll; Wendt of Woodbury on request of McCarthy of Polk.

CONSIDERATION OF BILLS

Appropriations Calendar

House File 2521, a bill for an act relating to and making appropriations to the judicial branch, was taken up for consideration.

SENATE FILE 2377 SUBSTITUTED FOR HOUSE FILE 2521

Taylor of Linn asked and received unanimous consent to substitute Senate File 2377 for House File 2521.

Senate File 2377, a bill for an act relating to and making appropriations to the judicial branch, was taken up for consideration.

Taylor 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. 2377)

The ayes were, 55:

Abdul-Samad
Berry
Ford

Bailey
Burt
Frevert

Beard
Cohoon
Gaskill

Bell
Ficken
Gayman

Hanson	Heddens	Hunter	Huser
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
Winckler	Zirkelbach	Bukta, 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.	Paulsen	Pettengill	Raecker
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, S.	Rants	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.

HOUSE FILE 2521 WITHDRAWN

Taylor of Linn asked and received unanimous consent to withdraw House File 2521 from further consideration by the House.

The House stood at ease at 2:00 p.m., until the fall of the gavel.

The House resumed session at 4:02 p.m., Ford of Polk in the chair.

Unfinished Business Calendar

Senate File 2273, a bill for an act relating to a study regarding implementation of electronic registration and titling of vehicles, and

containing effective date provisions, with report of committee recommending passage, was taken up for consideration.

Marek of Washington 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. 2273)

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	Forristall
Frevert	Gaskill	Gayman	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.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Raecker
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Sands	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	Ford,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Horbach	Olson, S.	Quirk	Rants
Wendt			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SPECIAL PRESENTATION

Roberts of Carroll introduced to the House the Honorable Gene Manternach former state representative from Jones County.

SENATE AMENDMENT CONSIDERED

Lensing of Johnson called up for consideration **House File 788**, a bill for an act concerning alcohol beverage control, relating to minors and public intoxication or possession of alcohol and prohibiting certain liquor control, wine, or beer licensees or permittees from knowingly permitting or engaging in criminal activity in areas adjacent to the licensed premises and making penalties applicable, amended by the Senate, and moved that the House concur in the following Senate amendment H-8377:

H-8377

- 1 Amend House File 788, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, line 27, after <permit.> by inserting
- 4 <However, the absence of security personnel on the
- 5 licensed premises is insufficient, without additional
- 6 evidence, to prove that criminal activity occurring
- 7 on the licensed premises was knowingly permitted in
- 8 violation of this paragraph "j".>
- 9 2. Page 4, line 29, after <to the> by inserting
- 10 <premises of a liquor licensee or permittee authorized
- 11 to sell alcoholic beverages for consumption on the>
- 12 3. Page 5, line 22, after <Code> by inserting
- 13 <Supplement>

The motion prevailed and the House concurred in the Senate amendment H-8377.

Lensing of Johnson 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. 788)

The ayes were, 85:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers

Cohoon	Cownie	De Boef	Dolecheck
Drake	Ficken	Forristall	Frevert
Gayman	Grassley	Hagenow	Hanson
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhardt
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lykam	Marek	Mascher	May
McCarthy	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Raecker
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Schueller	Schulte	Shomshor
Smith	Soderberg	Steckman	Struyk
Swaim	Taylor	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wenthe	Wessel-Kroeschell
Whitead	Winckler	Worthan	Zirkelbach
Ford, Presiding			

The nays were, 10:

Deyoe	Gaskill	Lukan	Miller, H.
Sands	Schultz	Sorenson	Sweeney
Willems	Windschitl		

Absent or not voting, 5:

Mertz	Olson, S.	Quirk	Rants
Wendt			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 4:23 p.m., until the fall of the gavel.

The House resumed session at 5:06 p.m., Ford of Polk in the chair.

Appropriations Calendar

The House resumed consideration of **House File 2518**, a bill for an act concerning public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the statewide fire and police retirement system, making appropriations, and including effective date and retroactive applicability provisions, previously deferred and found on page 954 of the House Journal.

Frevert of Palo Alto offered amendment H-8400 filed by her as follows:

H-8400

1 Amend House File 2518 as follows:
 2 1. Page 8, line 24, after <applies.> by inserting
 3 <However, the applicable amount for each adjustment
 4 occurring on or after July 1, 2010, as provided by this
 5 section, shall not be less than the applicable amount
 6 for the adjustment for the previous July 1.>
 7 2. Page 15, lines 33 and 34, by striking <, for a
 8 member in a protection occupation.>
 9 3. Page 24, line 5, by striking <five> and
 10 inserting <seven>
 11 4. Page 24, by striking line 7 and inserting:
 12 <a. Two fire fighters, one who is an active member
 13 and one who is a retired member>
 14 5. Page 24, line 8, by striking <fighter> and
 15 inserting <fighters>
 16 6. Page 24, by striking line 11 and inserting:
 17 <b. Two police officers, one who is an active
 18 member and one who is a retired>
 19 7. Page 24, line 12, by striking <officer> and
 20 inserting <officers>
 21 8. Page 25, line 25, by striking <Administrative
 22 support.>

Huser of Polk offered the following amendment H-8449, to amendment H-8400, filed by Huser, Mascher of Johnson, Kelley of Black Hawk, Pettengill of Benton, Drake of Cass and Frevert of Palo Alto from the floor and moved its adoption:

H-8449

1 Amend the amendment, H-8400, to House File 2518 as
 2 follows:
 3 1. Page 1, by striking lines 9 through 22 and
 4 inserting:
 5 <__. Page 20, after line 17 by inserting:
 6 <Sec. __. Section 411.5, Code 2009, is amended by
 7 adding the following new subsection:
 8 NEW SUBSECTION. 16. Benefits and financing
 9 review. At least every two years, the board shall
 10 review the benefits and finances provided under this
 11 chapter. The board shall make recommendations to the
 12 general assembly concerning this review, which shall
 13 include recommendations concerning the long-term
 14 financing and benefits policy of the system.>
 15 __. By striking page 23, line 35, through page 25,

16 line 26.
 17 _____. Page 26, line 22, by striking <ADVISORY
 18 COMMITTEE> and inserting <BOARD>
 19 _____. Page 26, line 23, by striking <benefits
 20 advisory committee> and inserting <board of trustees>
 21 _____. Page 26, by striking lines 26 through 28 and
 22 inserting <examination of the benefits and finances
 23 provided under chapter 411, including an examination
 24 of the long-term financing and benefits policy of the
 25 system, with the goal of making recommendations for>
 26 _____. Page 26, by striking lines 32 through 35 and
 27 inserting:
 28 <2. On or before January 10, 2011, the board shall
 29 file a report with the general assembly which contains
 30 the results of the comprehensive >>
 31 2. By renumbering as necessary.

Amendment H-8449 was adopted.

On motion by Frevert of Palo Alto, amendment H-8400, as amended, was adopted, placing out of order amendments H-8392 and H-8393 both amendments filed by Pettengill of Benton and Drake of Cass on March 9, 2010.

Pettengill of Benton offered the following amendment H-8391 filed by her and Drake of Cass and moved its adoption:

H-8391

1 Amend House File 2518 as follows:
 2 1. Page 13, lines 25 and 26, by striking <for
 3 members in regular service>
 4 2. Page 13, line 27, by striking <~~one-half~~ one> and
 5 inserting <one-half>

Amendment H-8391 lost.

Frevert of Palo Alto 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. 2518)

The ayes were, 53:

Abdul-Samad
Berry

Bailey
Bukta

Beard
Burt

Bell
Cohon

Ficken	Frevert	Gaskill	Gayman
Hanson	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	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
Ford, Presiding			

The nays were, 43:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rayhons	Roberts
Sands	Schulte	Schultz	Soderberg
Sorenson	Struyk	Sweeney	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

Absent or not voting, 4:

Olson, R.	Quirk	Rants	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 MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 788, 2518** and **Senate File 2273**.

INTRODUCTION OF BILL

House File 2530, by committee on ways and means, a bill for an act exempting from the state sales and use taxes the sale of paint and other consumable items to an auto body shop.

Read first time and placed on the **ways and means calendar**.

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 17, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2380, a bill for an act relating to taxation, including the administration and review of certain economic development programs and certain tax incentive programs and the reenactment of the estate tax and including effective date and retroactive and other applicability provisions.

MICHAEL E. MARSHALL, Secretary

HOUSE FILE 2445 REFERRED

The Speaker announced that House File 2445, previously placed on the **calendar** was referred to committee on **appropriations**.

MOTION TO RECONSIDER (Senate File 2377)

I move to reconsider the vote by which Senate File 2377 passed the House on March 17, 2010.

MCCARTHY of Polk

SUBCOMMITTEE ASSIGNMENTS

Senate File 2369

Ways and Means: Isenhart, Chair; Forristall and Steckman.

Senate File 2371

Ways and Means: T. Olson, Chair; Struyk and Willems.

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 APPROPRIATIONS

Senate File 2367, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 2010.

COMMITTEE ON WAYS AND MEANS

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.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 2010.

Committee Bill (Formerly House Study Bill 729), exempting from the state sales and use taxes the sale of paint and other consumed materials to an auto body shop.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 2010.

AMENDMENTS FILED

H—8438	H.F.	2512	Schueller of Jackson
H—8439	S.F.	2367	Watts of Dallas
H—8440	S.F.	2367	Gaskill of Wapello
H—8441	S.F.	2356	Hunter of Polk
H—8442	H.F.	2523	Taylor of Linn
H—8443	S.F.	2270	Willems of Linn
H—8444	S.F.	2200	Senate Amendment
H—8445	H.F.	2473	Senate Amendment
H—8446	S.F.	2324	Quirk of Chickasaw
H—8447	S.F.	2310	Bell of Jasper
H—8448	S.F.	2270	Struyk of Pottawattamie
H—8450	H.F.	2512	S. Olson of Clinton
H—8451	H.F.	2527	Shomshor of Pottawattamie
H—8452	S.F.	2367	Gaskill of Wapello
H—8453	H.F.	2512	Huser of Polk
H—8454	S.F.	2367	Watts of Dallas
H—8455	H.F.	2526	Smith of Marshall Mascher of Johnson

JOURNAL OF THE HOUSE

Sixty-seventh Calendar Day - Forty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 18, 2010

The House met pursuant to adjournment at 9:13 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Marcus Badgley, pastor of St. John's Lutheran Church, Madrid. He was the guest of Representative Lisa Heddens of Story County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mekayla Prendergast, granddaughter of Ruth Vander Linden, secretary of Representative Betty De Boef of Keokuk County.

The Journal of Wednesday, March 17, 2010 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Wendt of Woodbury on request of McCarthy of Polk.

MESSAGE 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 17, 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 2274, a bill for an act relating to certain national security and military education benefits and programs.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

Senate File 2380, by committee on ways and means, a bill for an act relating to taxation, including the administration and review of certain economic development programs and certain tax incentive programs and the reenactment of the estate tax and including effective date and retroactive and other applicability provisions.

Read first time and **passed on file**.

On motion by McCarthy of Polk, the House was recessed at 9:26 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:27 p.m., Wessel-Kroeschell of Story in the chair.

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 18, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2370, a bill for an act relating to enterprise zones by extending the application deadline for certification of enterprise zones and by updating certain fiscal year limitations.

Also: That the Senate has on March 18, 2010, amended and passed the following bill in which the concurrence of the House is asked:

House File 2459, a bill for an act establishing a watershed planning advisory council.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS
Appropriations Calendar

House File 2526, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective,

retroactive, and applicability date provisions, was taken up for consideration.

Heddens of Story offered amendment H-8459 filed by her from the floor as follows:

H-8459

1 Amend House File 2526 as follows:

2 1. Page 2, line 21, by striking <\$129,961> and
3 inserting <\$179,964>

4 2. Page 5, line 13, by striking <2,693,467> and
5 inserting <2,710,062>

6 3. Page 6, line 1, by striking <\$171,295> and
7 inserting <\$187,890>

8 4. Page 6, line 17, by striking <3,688,908> and
9 inserting <3,522,313>

10 5. Page 6, line 18, by striking <3.00> and
11 inserting <4.10>

12 6. Page 6, line 23, by striking <\$388,682> and
13 inserting <\$416,682>

14 7. Page 6, line 30, by striking <\$489,085> and
15 inserting <\$489,868>

16 8. Page 7, after line 11 by inserting:

17 <h. Of the funds appropriated in this subsection,
18 \$528,834 shall be used for the center for congenital
19 and inherited disorders central registry under section
20 144.13A, subsection 4, paragraph "a".

21 i. Of the funds appropriated in this subsection,
22 \$149,612 shall be used for the prescription drug
23 donation repository program created in chapter 135M.>

24 9. By striking page 9, line 33, through page 10,
25 line 9, and inserting <to assist in the continued
26 implementation.

27 (2) It is the intent of the general assembly that
28 a board of direct care workers shall be established
29 within the department of public health by July 1, 2014,
30 contingent upon the availability of funds to establish
31 and maintain the board.

32 (3) The direct care worker advisory council shall
33 submit an interim progress report no later than March
34 1, 2011, and a final report no later than March 1,
35 2012, to the governor and the general assembly, that
36 includes but is not limited to all of the following:

37 (a) Documenting the size of the direct care
38 workforce. The report shall provide the best estimates
39 of the size of the direct care workforce in Iowa by
40 identifying what workforce data is currently being
41 collected, who is currently collecting the data, the
42 gaps in existing data, and the collection methods

43 necessary to address such gaps.

44 (b) Identifying the information management system
45 required to facilitate credentialing of direct care
46 workers and estimating the costs of development and
47 maintenance of the system.

48 (c) Reporting the results of any pilot relating
49 to and evaluating the recommendations of the advisory
50 council that address direct care worker training and

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1 curricula.

2 (d) Describing activities relating to developing
3 and delivering an education and outreach campaign to
4 direct care workers and other stakeholders regarding
5 strategies to increase the professionalism of the
6 direct care workforce. The goals of such education
7 and outreach campaign are to bring greater stability
8 to the workforce and meet the needs of direct care
9 workers that exist due to the growth in Iowa's aging
10 and persons with disabilities populations.

11 (e) Making recommendations regarding the functions
12 and composition of the board of direct care workers,
13 the definitions of and categories for credentialing
14 direct care workers, for deeming the experience
15 level of members of the existing workforce to be
16 the equivalent of other credentials, the form
17 of credentialing to be used, the timeframe for
18 credentialing of direct care workers, and the estimated
19 costs of establishing and maintaining board operations
20 and the methods to be used to fund and sustain such
21 operations.

22 (4) The department of public health shall report to
23 the persons designated in this Act for submission of
24 reports regarding use of the funds allocated in this
25 lettered paragraph, on or before January 15, 2011.>

26 10. Page 10, by striking lines 16 through 18 and
27 inserting:

28 <(2) Of the funds appropriated in this subsection,
29 \$63,000 shall be used to provide scholarships or other
30 forms of subsidized direct care worker educational
31 conferences, training, or outreach activities.>

32 11. Page 15, by striking line 20 and inserting <The
33 funds appropriated in this subsection>

34 12. Page 17, line 3, after <13.> by inserting <a.>

35 13. Page 17, by striking lines 16 through 24 and
36 inserting <be used in the following priority order:
37 continuation of the grant addressed in paragraph "b",
38 the family investment program for the fiscal year, and
39 for state child care assistance program payments for
40 individuals enrolled in the family investment program
41 who are employed. The federal funds appropriated

42 in this paragraph "a" shall be expended only after
43 all other funds appropriated in subsection 1 for the
44 assistance under the family investment program under
45 chapter 239B have been expended.

46 b. (1) Of the funds appropriated in paragraph
47 "a", \$200,000 shall be used for continuation of a
48 grant to an Iowa-based nonprofit organization with a
49 history of providing tax preparation assistance to
50 low-income Iowans in order to expand the usage of the

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1 earned income tax credit. The purpose of the grant is
2 to supply this assistance to underserved areas of the
3 state. The grant shall be provided to an organization
4 that has existing national foundation support for
5 supplying such assistance that can also secure local
6 charitable match funding.

7 (2) The general assembly supports efforts by the
8 organization receiving funding under this lettered
9 paragraph to create a statewide earned income tax
10 credit and asset-building coalition to achieve both of
11 the following purposes:

12 (a) Expanding the usage of the tax credit through
13 new and enhanced outreach and marketing strategies,
14 as well as identifying new local sites and human and
15 financial resources.

16 (b) Assessing and recommending various strategies
17 for Iowans to develop assets through savings,
18 individual development accounts, financial literacy,
19 antipredatory lending initiatives, informed home
20 ownership, use of various forms of support for work,
21 and microenterprise business development targeted to
22 persons who are self-employed or have fewer than five
23 employees.>

24 14. Page 17, line 25, by striking <b.> and
25 inserting <c.>

26 15. Page 17, by striking lines 29 through 32 and
27 inserting:

28 <d. (1) To the extent other federal funding is not
29 available for summer youth programs administered by
30 the department of workforce development and provided
31 the match requirement is met through the employment
32 programs, in addition to the amount appropriated in
33 paragraph "a", funding is appropriated from the same
34 source and for the same fiscal year addressed in
35 paragraph "a", to the department of human services
36 to be used for summer youth employment programs
37 administered by the department of workforce development
38 for the fiscal year beginning July 1, 2010, in
39 accordance with the requirements of this lettered
40 paragraph.>

41 16. Page 23, line 14, by striking <11,827,414> and
42 inserting <11,877,414>

43 17. Page 30, after line 26 by inserting:
44 <__. The department of human services shall
45 convene a workgroup with the department of inspections
46 and appeals, county central point of coordination
47 administrators, affected service providers, and
48 other appropriate interests in reviewing the various
49 regulatory requirements applicable to providers of
50 mental health and disability services paid under

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1 this and other appropriations. The review shall
2 encompass federal, state, and professional requirements
3 applicable to the providers. The workgroup shall
4 identify opportunities for streamlining regulatory
5 requirements, increasing public access to cost,
6 quality, and outcomes information within the system,
7 and increasing compliance with applicable federal
8 health, safety, and accountability provisions. The
9 workgroup shall hold two meetings and submit a report
10 on or before December 15, 2010, to the persons
11 designated by this Act for submission of reports.>

12 18. Page 35, after line 29 by inserting:
13 <Sec. ___. EDUCATIONAL EXPENSES AT
14 INSTITUTIONS. There is appropriated from the
15 general fund of the state to the department of human
16 services for the fiscal year beginning July 1, 2010,
17 and ending June 30, 2011, the following amount, or
18 so much thereof as is necessary, to be used for the
19 purposes designated:

20 For distribution to licensed classroom teachers at
21 institutions under the control of the department of
22 human services based upon the average student yearly
23 enrollment at each institution as determined by the
24 department of human services:

25 \$ 103,950>>

26 19. Page 41, line 27, by striking <\$300,000> and
27 inserting <\$925,306>

28 20. Page 44, line 33, after <services.> by
29 inserting <As part of the review, the department
30 shall consult with stakeholders concerning developing
31 subacute mental health care options at the institutes.>

32 21. Page 50, line 6, by striking <53,107,624> and
33 inserting <53,207,624>

34 22. Page 51, by striking lines 12 through 15 and
35 inserting <the director of the Iowa plan, the executive
36 director of the coalition of family and children's
37 services in Iowa, three remedial services providers
38 designated by the executive director of the coalition,
39 and a>

40 23. Page 53, lines 14 and 15, by striking
 41 <independent laboratories,>
 42 24. Page 53, after line 18 by inserting:
 43 dd. For the fiscal year beginning July 1, 2010,
 44 independent laboratories shall be reimbursed using the
 45 same methodology in effect on June 30, 2010.
 46 25. Page 54, line 1, after <249A.31> by inserting
 47 <subject to the rate limitations specified in executive
 48 order number 19 issued October 8, 2009>
 49 26. Page 54, line 26, by striking <semiannual> and
 50 inserting <annual>

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1 27. Page 59, by striking line 25 and inserting:
 2 <TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT,
 3 QUALITY ASSURANCE TRUST FUND, AND UNDERGROUND STORAGE
 4 TANK FUND>

5 28. Page 62, line 7, by striking <To> and inserting
 6 <Notwithstanding any provision of law to the contrary,
 7 to>

8 29. Page 64, line 6, by striking <college of
 9 medicine> and inserting <physicians faculty practice
 10 plan>

11 30. Page 66, after line 19 by inserting:
 12 <Notwithstanding any provision of law to the
 13 contrary, the amount appropriated in this subsection
 14 shall be distributed based on claims submitted,
 15 adjudicated, and paid by the Iowa Medicaid enterprise.
 16 Once the entire amount appropriated in this subsection
 17 has been distributed, claims shall continue to
 18 be submitted and adjudicated by the Iowa Medicaid
 19 enterprise; however, no payment shall be made based
 20 upon such claims.>

21 31. Page 68, after line 19 by inserting:
 22 <Sec. ____ QUALITY ASSURANCE TRUST FUND –
 23 DEPARTMENT OF HUMAN SERVICES. Notwithstanding
 24 any provision to the contrary and subject to the
 25 availability of funds, there is appropriated from the
 26 quality assurance trust fund created in section 249L.4
 27 to the department of human services for the fiscal year
 28 beginning July 1, 2010, and ending June 30, 2011, the
 29 following amounts, or so much thereof as is necessary
 30 for the purposes designated:

31 To supplement the appropriation made in this Act
 32 from the general fund of the state to the department of
 33 human services for medical assistance:
 34 \$ 8,500,000

35 1. Funds appropriated in this section shall be used
 36 for nursing facility reimbursement under the medical
 37 assistance program in accordance with the nursing
 38 facility reimbursement provisions of division IV of

39 this Act, to continue application of the administrative
 40 rules changes relating to nursing facility
 41 reimbursement and payment procedures made pursuant to
 42 2010 Iowa Acts, Senate File 2366, if enacted, for the
 43 fiscal year beginning July 1, 2010, and ending June
 44 30, 2011, and to restore the 5 percent reduction made
 45 in nursing facility reimbursement in accordance with
 46 executive order number 19 issued October 8, 2009.
 47 2. The costs associated with the implementation of
 48 this section shall be funded exclusively through moneys
 49 appropriated from the quality assurance trust fund,
 50 and shall result in budget neutrality to the general

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1 fund of the state for the fiscal year beginning July 1,
 2 2010, and ending June 30, 2011.

3 Sec. ___. IOWA COMPREHENSIVE PETROLEUM UNDERGROUND

4 STORAGE TANK FUND. There is appropriated from the Iowa
 5 comprehensive petroleum underground storage tank fund
 6 created in section 455G.3 to the following designated
 7 departments for the fiscal year beginning July 1, 2010,
 8 and ending June 30, 2011, the following amounts, or
 9 so much thereof as is necessary, to be used for the
 10 purposes designated, notwithstanding section 455G.3,
 11 subsection 1:

12 1. To the department of public health for:

13 a. Addictive disorders:
 14 \$ 500,000

15 The funds appropriated in this paragraph shall be
 16 used for substance abuse treatment and prevention.

17 b. Chronic conditions:
 18 \$ 35,000

19 (1) Of the funds appropriated in this paragraph,
 20 \$20,000 shall be used for grants to individual patients
 21 who have phenylketonuria (PKU) to assist with the costs
 22 of necessary special foods.

23 (2) Of the funds appropriated in this paragraph
 24 \$15,000 shall be used for child health specialty
 25 clinics.

26 c. Public protection:
 27 \$ 100,000

28 Of the funds appropriated in this paragraph,
 29 \$100,000 shall be used for the state poison control
 30 center.

31 2. To the department of human services for:

32 a. Child and family services:
 33 \$ 925,000

34 (1) Of the funds appropriated in this paragraph,
 35 \$600,000 shall be used for the purposes of juvenile
 36 delinquent graduated sanction services.

37 (2) Of the funds appropriated in this paragraph,

38 \$200,000 shall be allocated to a county with a
 39 population of more than 300,000 to be used for
 40 continuation of a grant to support child care center
 41 services provided to children with mental, physical,
 42 or emotional challenges in order for the children to
 43 remain in a home or family setting.

44 (3) Of the funds appropriated in this paragraph,
 45 \$25,000 shall be used for the public purpose of
 46 providing a grant to a child welfare services provider
 47 headquartered in a county with a population between
 48 189,000 and 196,000 in the latest preceding certified
 49 federal census that provides multiple services
 50 including but not limited to a psychiatric medical

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1 institution for children, shelter, residential
 2 treatment, after school programs, school-based
 3 programming, and an Asperger's syndrome program, to
 4 be used for support services for children with autism
 5 spectrum disorder and their families.

6 (4) Of the funds appropriated in this section,
 7 \$100,000 shall be used for a one-time grant to support
 8 startup costs for a child protection center to be
 9 operated in a hospital in a county in northeast
 10 Iowa with a population between 120,000 and 135,000.
 11 Population numbers used in this subsection are from the
 12 latest preceding certified federal census.

13 b. Family support subsidy:
 14 \$ 100,000

15 The funds appropriated in this paragraph shall be
 16 used for the family support center component of the
 17 comprehensive family support program under section
 18 225C.47.

19 c. Child support recovery:
 20 \$ 250,000

21 d. Juvenile institutions:
 22 \$ 600,000

23 (1) Of the funds appropriated in this paragraph,
 24 \$200,000 shall be used for operation of the Iowa
 25 juvenile home at Toledo.

26 (2) Of the funds appropriated in this paragraph,
 27 \$400,000 shall be used for operation of the state
 28 training school at Eldora.

29 e. Mental health institutes:
 30 \$ 350,000

31 (1) Of the funds appropriated in this paragraph,
 32 \$100,000 shall be used for the state mental health
 33 institute at Cherokee.

34 (2) Of the funds appropriated in this paragraph,
 35 \$100,000 shall be used for the state mental health
 36 institute at Clarinda.

37 (3) Of the funds appropriated in this paragraph,
38 \$100,000 shall be used for the state mental health
39 institute at Independence.

40 (4) Of the funds appropriated in this paragraph,
41 \$50,000 shall be used for the state mental health
42 institute at Mount Pleasant.

43 f. MI/MR/DD state cases:	
44	\$ 1,000,000
45 g. Sexually violent predators:	
46	\$ 800,000
47 h. Field operations:	
48	\$2,340,000>

49 32. Page 72, by striking lines 32 and 33 and
50 inserting <by the department shall be credited to the

Page 8

1 property tax relief fund and distributed as additional
2 funding for the fiscal year beginning July 1, 2010,
3 in accordance with the formula provisions in this
4 section.>

5 33. Page 73, by striking lines 15 and 16 and
6 inserting <However, for a county that is subject to
7 this subparagraph, the amount withheld>

8 34. Page 77, after line 25 by inserting:

9 <GENERAL FUND ADDICTIVE DISORDERS – TOBACCO USE
10 PREVENTION AND CONTROL INITIATIVE

11 Sec. __. 2009 Iowa Acts, chapter 182, section 2,
12 subsection 1, paragraph a, is amended by adding the
13 following new subparagraph:

14 NEW SUBPARAGRAPH. (3) Notwithstanding section
15 8.33, moneys allocated in this paragraph "a" that
16 remain unencumbered or unobligated at the close of the
17 fiscal year shall not revert but shall remain available
18 for expenditure for the purposes designated until the
19 close of the succeeding fiscal year.>

20 35. Page 80, after line 13 by inserting:

21 <HEALTH CARE TRUST FUND ADDICTIVE DISORDERS – TOBACCO
22 USE PREVENTION AND CONTROL INITIATIVE

23 Sec. __. 2009 Iowa Acts, chapter 182, section 60,
24 subsection 1, paragraph b, is amended by adding the
25 following new unnumbered paragraph:

26 NEW UNNUMBERED PARAGRAPH Notwithstanding section
27 8.33, moneys allocated in this paragraph "b" that
28 remain unencumbered or unobligated at the close of the
29 fiscal year shall not revert but shall remain available
30 for expenditure for the purposes designated until the
31 close of the succeeding fiscal year.

32 ADDICTIVE DISORDERS – NONREVERSION
33 Sec. __. ADDICTIVE DISORDERS NONREVERSION
34 DIRECTIVE. The authority provided in this division
35 of this Act for nonreversion of the appropriations

36 for addictive disorders allocated for the tobacco
37 use prevention and control initiative, as referenced
38 in this section, is limited to \$500,000 and shall
39 be realized by applying the authority to such
40 appropriations in the following order until the
41 limitation amount is reached:

42 1. The allocation made from the general fund of
43 the state in 2009 Iowa Acts, chapter 182, section 60,
44 subsection 1, paragraph "b".

45 2. The allocation made from the health care trust
46 fund in 2009 Iowa Acts, chapter 182, section 2,
47 subsection 1, paragraph "a".>

48 36. Page 80, before line 14 by inserting:
49 Sec. ____ 2009 Iowa Acts, chapter 182, section 5A,
50 as enacted by 2010 Iowa Acts, Senate File 2151, section

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1 2, is amended by adding the following new subsection:

2 4. a. (1) To the extent other federal funding is
3 not available for summer youth programs administered by
4 the department of workforce development and provided
5 the match requirement is met through the employment
6 programs, in addition to the amount appropriated in
7 subsection 1, funding is appropriated from the same
8 source and for the same fiscal year addressed in
9 subsection 1, to the department of human services to be
10 used for summer youth employment programs administered
11 by the department of workforce development for the
12 fiscal year beginning July 1, 2009, in accordance with
13 the requirements of this lettered paragraph.

14 (2) The department of human services shall
15 collaborate with the department of workforce
16 development to secure additional federal funds from the
17 emergency contingency fund for the temporary assistance
18 for needy families state program established pursuant
19 to the federal American Recovery and Reinvestment Act
20 of 2009, Pub. L. No. 115-5 § 2101. This collaboration
21 shall be for the express limited purpose of securing
22 emergency contingency funds to subsidize wages paid
23 on behalf of individuals participating in the summer
24 youth employment program administered by the department
25 of workforce development. Subsidized wages shall
26 be eligible for reimbursement under the terms of the
27 federal American Recovery and Reinvestment Act of 2009,
28 Pub. L. No. 115-5 § 2101, or successor legislation,
29 which may extend the availability of emergency
30 contingency funds. The collaboration between the two
31 agencies shall be formalized through a memorandum of
32 agreement.

33 (3) Federal funds received as the result of
34 this collaboration shall be transferred to the

35 department of workforce development for the sole
 36 purpose of covering the costs of wages paid on behalf
 37 of individuals participating in the summer youth
 38 employment program administered by the department of
 39 workforce development. The department of workforce
 40 development shall ensure that all expenditures comply
 41 with applicable federal requirements and shall be
 42 responsible for the repayment of any funds spent
 43 in error and any corresponding penalty as well as
 44 taking corrective action to address the error. Funds
 45 received in excess of the amount of subsidized wages
 46 eligible for reimbursement under the terms of the
 47 federal American Recovery and Reinvestment Act of 2009,
 48 Pub. L. No. 115-5 § 2101, or successor legislation,
 49 which may extend the availability of emergency
 50 contingency funds, shall be returned by the department

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1 of workforce development to the federal government
 2 following procedures developed by the federal temporary
 3 assistance for needy families agency for that purpose.
 4 (4) The department of workforce development
 5 shall provide the department of human services with
 6 the necessary information to support the request
 7 for emergency contingency funds and to report the
 8 expenditure of these funds once received pursuant to
 9 federal reporting requirements. The responsibilities
 10 of both agencies shall be specified in the memorandum
 11 of agreement.>
 12 37. By striking page 103, line 15, through page
 13 105, line 1.
 14 38. By renumbering as necessary.

Heddens of Story offered the following amendment H-8477, to amendment H-8459, filed by her from the floor and moved its adoption:

H-8477

1 Amend the amendment, H-8459, to House File 2526 as
 2 follows:
 3 1. Page 2, after line 34 by inserting:
 4 <__. Page 17, line 10, by striking <111-5> and
 5 inserting <115-5>>
 6 2. Page 3, after line 40 by inserting:
 7 <__. Page 21, by striking line 1 and inserting
 8 <available through Pub. L. No. 111-118, § 1001 for>>
 9 3. Page 4, line 41, after <laboratories,> by
 10 inserting <rehabilitation agencies,>
 11 4. Page 4, line 44, after <laboratories> by

12 inserting <and rehabilitation agencies>
13 5. Page 5, by striking lines 8 through 10 and
14 inserting:
15 <__. By striking page 64, line 6, and inserting
16 distribution to university of Iowa physicians for>
17 6. Page 7, after line 48 by inserting:
18 <__. Page 69, by striking lines 25 through 33. >>
19 7. Page 9, line 20, by striking <115-5> and
20 inserting <111-5>
21 8. Page 9, line 28, by striking <115-5> and
22 inserting <111-5>
23 9. Page 9, line 48, by striking <115-5> and
24 inserting <111-5>

Amendment H-8477 was adopted.

Heaton of Henry offered the following amendment H-8472, to amendment H-8459, filed by him and Heddens of Story, from the floor and moved its adoption:

H-8472

1 Amend the amendment, H-8459, to House File 2526 as
2 follows:
3 1. Page 4, line 31, after <institutes.> by
4 inserting:
5 <In addition, the department shall consider the
6 feasibility of developing treatment facilities of
7 sixteen beds or fewer that would be eligible for
8 federal Medicaid program match; identify provisions
9 to increase the participation of students of medical,
10 dental, psychiatry, psychology, social work, and
11 other health care and behavioral health professions
12 in clinical practice training at the institutions
13 administered by the department; and develop methods for
14 the department and the judicial branch to facilitate
15 regular meetings and other communication between
16 representatives of the criminal justice system,
17 service providers, county central point of coordination
18 administrators, other pertinent state agencies,
19 and other stakeholders to improve the processes for
20 involuntary commitment for chronic substance abuse
21 under chapter 125 and serious mental illness under
22 chapter 229.>

Amendment H-8472 was adopted.

On motion by Heddens of Story, amendment H-8459, as amended, was adopted.

L. Miller of Scott offered the following amendment H-8470 filed by her from the floor and moved its adoption:

H-8470

1 Amend House File 2526 as follows:
 2 1. Page 2, after line 24 by inserting:
 3 <4. a. The department on aging shall establish and
 4 enforce procedures relating to expenditure of state and
 5 federal funds by area agencies on aging that require
 6 compliance with both state and federal laws, rules, and
 7 regulations, including but not limited to all of the
 8 following:
 9 (1) Requiring that expenditures are incurred only
 10 for goods or services received or performed prior to
 11 the end of the fiscal period designated for use of the
 12 funds.
 13 (2) Prohibiting prepayment for goods or services
 14 not received or performed prior to the end of the
 15 fiscal period designated for use of the funds.
 16 (3) Prohibiting the prepayment for goods or
 17 services not defined specifically by good or service,
 18 time period, or recipient.
 19 (4) Prohibiting the establishment of accounts from
 20 which future goods or services which are not defined
 21 specifically by good or service, time period, or
 22 recipient, may be purchased.
 23 b. The procedures shall provide that if any funds
 24 are expended in a manner that is not in compliance with
 25 the procedures and applicable federal and state laws,
 26 rules, and regulations, and are subsequently subject
 27 to repayment, the area agency on aging expending such
 28 funds in contravention of such procedures, laws, rules
 29 and regulations, not the state, shall be liable for
 30 such repayment.>

Roll call was requested by Paulsen of Linn and Upmeyer of Hancock.

On the question "Shall amendment H-8470 be adopted?" (H.F. 2526)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford

Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Wessel-Kroeschell, Presiding	

The nays were, none.

Absent or not voting, 1:

Wendt

Amendment H-8470 was adopted.

Smith of Marshall offered the following amendment H-8471 filed by him from the floor and moved its adoption:

H-8471

1 Amend House File 2526 as follows:
 2 1. Page 13, after line 13 by inserting:
 3 <c. Within available resources and in conformance
 4 with associated state and federal program eligibility
 5 requirements, the Iowa veterans home may implement
 6 measures to provide financial assistance to or on
 7 behalf of veterans or their spouses participating in
 8 the community reentry program.>

Amendment H-8471 was adopted.

Alons of Sioux offered amendment H-8463 filed by him from the floor and requested division as follows:

H-8463B

1 Amend House File 2526 as follows:

H-8463A

2 1. Page 25, line 4, after <reported> by inserting
3 <and verified>

H-8463B

4 2. Page 25, after line 14, by inserting:
5 <__. Before a medically necessary abortion is
6 performed, with the exception of a medically necessary
7 abortion described in subsection 1, paragraph "e", as a
8 spontaneous abortion, all of the following conditions
9 shall be met:
10 a. The pregnant woman is referred to a nonprofit
11 agency providing a comprehensive range of free services
12 including options counseling.
13 b. The woman is provided an ultrasound exam.
14 c. The woman is provided information that the
15 right to life is the paramount and most fundamental
16 right of every person, irrespective of age, health,
17 function, physical or mental dependency, and this right
18 applies to all human beings from the beginning of their
19 biological development.>

H-8463A

20 3. Page 63, line 2, after <reported> by inserting
21 <and verified>

H-8463B

22 4. Page 63, after line 12 by inserting:
23 <Ob. Before a medically necessary abortion is
24 performed, with the exception of a medically necessary
25 abortion described in paragraph "a", subparagraph
26 (5), as a spontaneous abortion, all of the following
27 conditions shall be met:
28 (1) The pregnant woman is referred to a nonprofit
29 agency providing a comprehensive range of free services
30 including options counseling.
31 (2) The woman is provided an ultrasound exam.
32 (3) The woman is provided information that the
33 right to life is the paramount and most fundamental
34 right of every person, irrespective of age, health,
35 function, physical or mental dependency, and this right
36 applies to all human beings from the beginning of their
37 biological development.>
38 5. By renumbering as necessary.

Alons of Sioux asked and received unanimous consent to withdraw amendment H-8463A filed by him from the floor.

Alons of Sioux moved the adoption of amendment H-8463B.

Roll call was requested by De Boef of Keokuk and Smith of Marshall.

Rule 75 was invoked.

On the question "Shall amendment H-8463B be adopted?" (H.F. 2526)

The ayes were, 45:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Mertz	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rayhons	Roberts	Sands	Schulte
Schultz	Soderberg	Sorenson	Struyk
Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

The nays were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	Isenhardt	Jacoby	Kearns
Kelley	Kressig	Kuhn	Lensing
Lykam	Marek	Mascher	McCarthy
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	Whitead	Willems	Winckler
Zirkelbach	Wessel-Kroeschell, Presiding		

Absent or not voting, 1:

Wendt

Amendment H-8463B lost.

Alons of Sioux asked and received unanimous consent to withdraw amendment H-8456 filed by Alons of Sioux, et al., on March 17, 2010.

Schulte of Linn offered the following amendment H-8473 filed by her from the floor and moved its adoption:

H-8473

1 Amend House File 2526 as follows:
 2 1. Page 31, after line 18 by inserting:
 3 <The Iowa Medicaid enterprise shall require that
 4 in any procurement or reprourement of a contract to
 5 provide program eligibility services, procedures shall
 6 be implemented to ensure that eligibility information
 7 provided by an applicant or recipient is independently
 8 verified or supported by sufficient documentation to
 9 prevent an ineligible individual from receiving medical
 10 assistance program benefits.>

Roll call was requested by Heaton of Henry and May of Dickinson.

On the question "Shall amendment H-8473 be adopted?" (H.F. 2526)

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

The nays were, 51:

Abdul-Samad	Bailey	Beard	Bell
Bukta	Burt	Cphoon	Ficken
Frevert	Gaskill	Gayman	Hanson
Heddens	Hunter	Huser	Isenhardt
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Reasoner	Reichert
Running-Marquardt	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor	Thede

Thomas Winckler	Wenthe Zirkelbach	Whitead Wessel-Kroeschell, Presiding	Willems
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Absent or not voting, 5:

Berry Wendt	Ford	Miller, H.	Quirk
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Amendment H-8473 lost.

Schulte of Linn offered the following amendment H-8469 filed by her from the floor and moved its adoption:

H-8469

- 1 Amend House File 2526 as follows:
- 2 1. Page 50, after line 26 by inserting:
- 3 <3. The department shall implement standardized
- 4 procedures for determining income eligibility for all
- 5 programs under the purview of the department.>

Roll call was requested by May of Dickinson and Smith of Marshall.

On the question "Shall amendment H-8469 be adopted?" (H.F. 2526)

The ayes were, 45:

Alons	Anderson	Arnold	Bailey
Baudler	Chambers	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Grassley	Hagenow	Heaton	Helland
Horbach	Huseman	Kaufmann	Koester
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rayhons	Roberts	Sands	Schulte
Schultz	Soderberg	Sorenson	Struyk
Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

The nays were, 52:

Abdul-Samad	Beard	Bell	Berry
Bukta	Burt	Cphoon	Ficken
Frevert	Gaskill	Gayman	Hanson
Heddens	Hunter	Huser	Isenhardt
Jacoby	Kearns	Kelley	Kressig

Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	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	Whitead
Willems	Winckler	Zirkelbach	Wessel-Kroeschell, Presiding

Absent or not voting, 3:

Ford	Miller, H.	Wendt
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Amendment H-8469 lost.

Smith of Marshall offered amendment H-8455 filed by him and Mascher of Johnson as follows:

H-8455

1 Amend House File 2526 as follows:
 2 1. Page 103, after line 14 by inserting:
 3 <Sec. ____ Section 237A.3A, subsection 3, Code
 4 Supplement 2009, is amended by adding the following new
 5 paragraph:
 6 NEW PARAGRAPH. e. If the department adopts rules
 7 establishing a limitation on the number of hours for
 8 which substitute care may be utilized by the provider,
 9 such a limitation shall not apply to or incorporate
 10 substitute care utilized when the provider is engaged
 11 in jury duty or in official duties connected with the
 12 provider's membership on a state board, committee, or
 13 other policy-related body.>
 14 2. By renumbering as necessary.

Raecker of Polk rose on a point of order that amendment H-8455 was not germane.

The Speaker ruled the point not well taken and amendment H-8455 germane.

On motion by Smith of Marshall, amendment H-8455 was adopted.

Isenhardt of Dubuque asked and received unanimous consent to withdraw amendment H-8461 filed by him from the floor.

Heaton of Henry offered the following amendment H-8474 filed by him from the floor and moved its adoption:

H-8474

- 1 Amend House File 2526 as follows:
- 2 1. Page 106, after line 8 by inserting:
- 3 <Sec. ____ SCHOOL READY CHILDREN GRANTS – HOME
- 4 VISITATION COMPONENT. This section applies to the
- 5 school ready children grant program requirement in
- 6 section 256L.9, subsection 3, paragraph b, as enacted
- 7 by 2010 Iowa Acts, Senate File 2088, section 286, that
- 8 at least sixty percent of funding from all sources
- 9 designated by an early childhood Iowa area board for
- 10 family support program shall be committed to programs
- 11 with a home visitation component. For the fiscal year
- 12 beginning July 1, 2010, upon request from an early
- 13 childhood Iowa area board, the early childhood Iowa
- 14 state board may approve a waiver to recognize a program
- 15 to be equivalent to and be part of the home visitation
- 16 component if the program provides comparable services
- 17 in settings other than the home.>
- 18 2. By renumbering as necessary.

Roll call was requested by Heaton of Henry and Watts of Dallas.

On the question “Shall amendment H-8474 be adopted?” (H.F. 2526)

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Miller, L.	Murphy, Sprk.	Olson, S.
Paulsen	Pettengill	Raecker	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
Huser	Isenhart	Jacoby	Kearns
Kelley	Kressig	Kuhn	Lensing

Lykam	Marek	Mascher	McCarthy
Mertz	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Running-Marquardt	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor	Thede	Thomas	Wenthe
Whitead	Willems	Winckler	Wessel-Kroeschell, Presiding

Absent or not voting, 4:

Miller, H.	Rants	Wendt	Zirkelbach
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Amendment H-8474 lost.

Heddens of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2526)

The ayes 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
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
Whitead	Willems	Winckler	Zirkelbach
Wessel-Kroeschell, Presiding			

The nays were, 45:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Huser	Kaufmann	Koester
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rayhons	Roberts	Sands	Schulte
Schultz	Soderberg	Sorenson	Struyk

Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

Absent or not voting, 2:

Miller, H. 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 **House File 2526** be immediately messaged to the Senate.

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 18, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2483, a bill for an act relating to trusts and estates including provisions relating to state inheritance tax, uniform transfers to minors, and medical assistance claims, and including an applicability provision.

Also: That the Senate has on March 18, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2518, a bill for an act concerning public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the statewide fire and police retirement system, making appropriations, and including effective date and retroactive applicability provisions.

Also: That the Senate has on March 18, 2010, passed the following bill in which the concurrence of the House is 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

The House stood at ease at 5:20 p.m., until the fall of the gavel.

The House resumed session at 5:52 p.m., Gayman of Scott in the chair.

House File 2523, a bill for an act relating to and making appropriations to the justice system, and including effective date provisions, was taken up for consideration.

Taylor of Linn offered the following amendment H-8442 filed by him and moved its adoption:

H-8442

1 Amend House File 2523 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <DIVISION __I
5 APPROPRIATIONS

6 Section 1. DEPARTMENT OF JUSTICE.

7 1. There is appropriated from the general fund
8 of the state to the department of justice for the
9 fiscal year beginning July 1, 2010, and ending June 30,
10 2011, the following amounts, or so much thereof as is
11 necessary, to be used for the purposes designated:

12 a. For the general office of attorney general for
13 salaries, support, maintenance, and miscellaneous
14 purposes, including the prosecuting attorneys training
15 program, victim assistance grants, office of drug
16 control policy prosecuting attorney program, and
17 odometer fraud enforcement, and for not more than the
18 following full-time equivalent positions:

19 \$ 7,732,930

20 FTEs 232.50

21 It is the intent of the general assembly that as
22 a condition of receiving the appropriation provided
23 in this lettered paragraph, the department of justice
24 shall maintain a record of the estimated time incurred
25 representing each agency or department.

26 b. For victim assistance grants:

27 \$ 3,060,000

28 The funds appropriated in this lettered paragraph
29 shall be used to provide grants to care providers
30 providing services to crime victims of domestic abuse
31 or to crime victims of rape and sexual assault.

32 The balance of the victim compensation fund
33 established in section 915.94 may be used to provide
34 salary and support of not more than 22 FTEs and
35 to provide maintenance for the victim compensation
36 functions of the department of justice.

37 The department of justice may transfer moneys from

38 the victim compensation fund established in section
 39 915.94 to the victim assistance grant program.
 40 c. For legal services for persons in poverty grants
 41 as provided in section 13.34:
 42 \$ 1,930,671
 43 2. a. The department of justice, in submitting
 44 budget estimates for the fiscal year commencing July
 45 1, 2011, pursuant to section 8.23, shall include a
 46 report of funding from sources other than amounts
 47 appropriated directly from the general fund of the
 48 state to the department of justice or to the office of
 49 consumer advocate. These funding sources shall include
 50 but are not limited to reimbursements from other state

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1 agencies, commissions, boards, or similar entities, and
 2 reimbursements from special funds or internal accounts
 3 within the department of justice. The department of
 4 justice shall also report actual reimbursements for the
 5 fiscal year commencing July 1, 2009, and actual and
 6 expected reimbursements for the fiscal year commencing
 7 July 1, 2010.
 8 b. The department of justice shall include the
 9 report required under paragraph "a", as well as
 10 information regarding any revisions occurring as a
 11 result of reimbursements actually received or expected
 12 at a later date, in a report to the co-chairpersons
 13 and ranking members of the joint appropriations
 14 subcommittee on the justice system and the legislative
 15 services agency. The department of justice shall
 16 submit the report on or before January 15, 2011.
 17 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
 18 appropriated from the department of commerce revolving
 19 fund created in section 546.12 to the office of
 20 consumer advocate of the department of justice for the
 21 fiscal year beginning July 1, 2010, and ending June 30,
 22 2011, the following amount, or so much thereof as is
 23 necessary, to be used for the purposes designated:
 24 For salaries, support, maintenance, miscellaneous
 25 purposes, and for not more than the following full-time
 26 equivalent positions:
 27 \$ 3,336,344
 28 FTEs 27.00
 29 Sec. 3. DEPARTMENT OF CORRECTIONS – FACILITIES.
 30 1. There is appropriated from the general fund of
 31 the state to the department of corrections for the
 32 fiscal year beginning July 1, 2010, and ending June 30,
 33 2011, the following amounts, or so much thereof as is
 34 necessary, to be used for the purposes designated:
 35 For the operation of adult correctional
 36 institutions, reimbursement of counties for certain

37 confinement costs, and federal prison reimbursement,
38 to be allocated as follows:

39 a. For the operation of the Fort Madison
40 correctional facility, including salaries, support,
41 maintenance, and miscellaneous purposes:
42 \$ 39,991,374

43 As a condition of receiving an appropriation in
44 this lettered paragraph, the department of corrections
45 shall operate the John Bennett facility either as an
46 institution of the department or a community-based
47 correctional facility.

48 b. For the operation of the Anamosa correctional
49 facility, including salaries, support, maintenance, and
50 miscellaneous purposes:

Page 3

1 \$ 30,416,461

2 As a condition of receiving the appropriation in
3 this lettered paragraph, the department of corrections
4 shall employ two part-time registered nurses at the
5 Luster Heights facility, and shall seek volunteer
6 licensed medical personnel to serve at the facility.

7 It is the intent of the general assembly that the
8 department of corrections fully operate the Luster
9 Heights facility at the facility's 88-bed capacity.

10 As a condition of the moneys appropriated in this
11 lettered paragraph, the department of corrections shall
12 replace expired federal funding by expending at least
13 \$238,252 for continuation of a treatment program that
14 prepares offenders for ongoing therapeutic treatment
15 programs offered by the department and maintaining at
16 least 4.75 FTEs for the program.

17 Moneys appropriated in this lettered paragraph shall
18 provide for one full-time substance abuse counselor
19 for the Luster Heights facility for the purpose of
20 certification of a substance abuse program at that
21 facility.

22 c. For the operation of the Oakdale correctional
23 facility, including salaries, support, maintenance, and
24 miscellaneous purposes:
25 \$ 55,755,246

26 d. For the operation of the Newton correctional
27 facility, including salaries, support, maintenance, and
28 miscellaneous purposes:
29 \$ 26,452,257

30 e. For the operation of the Mt. Pleasant
31 correctional facility, including salaries, support,
32 maintenance, and miscellaneous purposes:
33 \$ 26,265,257

34 f. For the operation of the Rockwell City
35 correctional facility, including salaries, support,

36 maintenance, and miscellaneous purposes:
 37 \$ 9,324,565
 38 g. For the operation of the Clarinda correctional
 39 facility, including salaries, support, maintenance, and
 40 miscellaneous purposes:
 41 \$ 23,645,033
 42 Moneys received by the department of corrections as
 43 reimbursement for services provided to the Clarinda
 44 youth corporation are appropriated to the department
 45 and shall be used for the purpose of operating the
 46 Clarinda correctional facility.
 47 h. For the operation of the Mitchellville
 48 correctional facility, including salaries, support,
 49 maintenance, and miscellaneous purposes:
 50 \$ 15,486,586

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1 i. For the operation of the Fort Dodge correctional
 2 facility, including salaries, support, maintenance, and
 3 miscellaneous purposes:
 4 \$ 29,020,235
 5 j. For reimbursement of counties for temporary
 6 confinement of work release and parole violators, as
 7 provided in sections 901.7, 904.908, and 906.17, and
 8 for offenders confined pursuant to section 904.513:
 9 \$ 775,092
 10 k. For federal prison reimbursement, reimbursements
 11 for out-of-state placements, and miscellaneous
 12 contracts:
 13 \$ 239,411

14 2. The department of corrections shall use moneys
 15 appropriated in subsection 1 to continue to contract
 16 for the services of a Muslim imam.

17 Sec. 4. DEPARTMENT OF CORRECTIONS –
 18 ADMINISTRATION.

19 1. There is appropriated from the general fund of
 20 the state to the department of corrections for the
 21 fiscal year beginning July 1, 2010, and ending June 30,
 22 2011, the following amounts, or so much thereof as is
 23 necessary, to be used for the purposes designated:

24 a. For general administration, including salaries,
 25 support, maintenance, employment of an education
 26 director to administer a centralized education
 27 program for the correctional system, and miscellaneous
 28 purposes:
 29 \$ 4,254,068

30 (1) It is the intent of the general assembly
 31 that as a condition of receiving the appropriation
 32 provided in this lettered paragraph the department of
 33 corrections shall not, except as otherwise provided in
 34 subparagraph (3), enter into a new contract, unless

35 the contract is a renewal of an existing contract,
 36 for the expenditure of moneys in excess of \$100,000
 37 during the fiscal year beginning July 1, 2010, for the
 38 privatization of services performed by the department
 39 using state employees as of July 1, 2010, or for the
 40 privatization of new services by the department without
 41 prior consultation with any applicable state employee
 42 organization affected by the proposed new contract and
 43 prior notification of the co-chairpersons and ranking
 44 members of the joint appropriations subcommittee on the
 45 justice system.

46 (2) It is the intent of the general assembly
 47 that each lease negotiated by the department of
 48 corrections with a private corporation for the purpose
 49 of providing private industry employment of inmates in
 50 a correctional institution shall prohibit the private

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1 corporation from utilizing inmate labor for partisan
 2 political purposes for any person seeking election to
 3 public office in this state and that a violation of
 4 this requirement shall result in a termination of the
 5 lease agreement.

6 (3) It is the intent of the general assembly
 7 that as a condition of receiving the appropriation
 8 provided in this lettered paragraph the department
 9 of corrections shall not enter into a lease or
 10 contractual agreement pursuant to section 904.809 with
 11 a private corporation for the use of building space
 12 for the purpose of providing inmate employment without
 13 providing that the terms of the lease or contract
 14 establish safeguards to restrict, to the greatest
 15 extent feasible, access by inmates working for the
 16 private corporation to personal identifying information
 17 of citizens.

18 b. For educational programs for inmates at state
 19 penal institutions:

20 \$ 1,558,109

21 As a condition of receiving the appropriation in
 22 this lettered paragraph, the department of corrections
 23 shall transfer at least \$300,000 from the canteen
 24 operating funds established pursuant to section 904.310
 25 to be used for correctional educational programs funded
 26 in this lettered paragraph.

27 It is the intent of the general assembly that moneys
 28 appropriated in this lettered paragraph shall be used
 29 solely for the purpose indicated and that the moneys
 30 shall not be transferred for any other purpose. In
 31 addition, it is the intent of the general assembly
 32 that the department shall consult with the community
 33 colleges in the areas in which the institutions are

34 located to utilize moneys appropriated in this lettered
 35 paragraph to fund the high school completion, high
 36 school equivalency diploma, adult literacy, and adult
 37 basic education programs in a manner so as to maintain
 38 these programs at the institutions.

39 To maximize the funding for educational programs,
 40 the department shall establish guidelines and
 41 procedures to prioritize the availability of
 42 educational and vocational training for inmates based
 43 upon the goal of facilitating an inmate's successful
 44 release from the correctional institution.

45 The director of the department of corrections may
 46 transfer moneys from Iowa prison industries for use in
 47 educational programs for inmates.

48 Notwithstanding section 8.33, moneys appropriated
 49 in this lettered paragraph that remain unobligated or
 50 unexpended at the close of the fiscal year shall not

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1 revert but shall remain available for expenditure only
 2 for the purpose designated in this lettered paragraph
 3 until the close of the succeeding fiscal year.

4 c. For the development of the Iowa corrections
 5 offender network (ICON) data system:

6 \$ 424,364

7 d. For offender mental health and substance abuse
 8 treatment:

9 \$ 22,319

10 e. For viral hepatitis prevention and treatment:

11 \$ 167,881

12 2. It is the intent of the general assembly
 13 that the department of corrections shall continue
 14 to operate the correctional farms under the control
 15 of the department at the same or greater level
 16 of participation and involvement as existed as
 17 of June 30, 2011; shall not enter into any rental
 18 agreement or contract concerning any farmland under
 19 the control of the department that is not subject
 20 to a rental agreement or contract as of January 1,
 21 2010, without prior legislative approval; and shall
 22 further attempt to provide job opportunities at the
 23 farms for inmates. The department shall attempt to
 24 provide job opportunities at the farms for inmates
 25 by encouraging labor-intensive farming or gardening
 26 where appropriate; using inmates to grow produce
 27 and meat for institutional consumption; researching
 28 the possibility of instituting food canning and
 29 cook-and-chill operations; and exploring opportunities
 30 for organic farming and gardening, livestock ventures,
 31 horticulture, and specialized crops.

32 3. The department of corrections shall provide a

33 smoking cessation program to offenders committed to the
 34 custody of the director or who are otherwise detained
 35 by the department, that complies with legislation
 36 enacted restricting or prohibiting smoking on the
 37 grounds of correctional institutions.

38 4. As a condition of receiving the appropriations
 39 made in this section, the department of corrections
 40 shall develop and implement offender reentry programs
 41 in Black Hawk and Polk counties to provide transitional
 42 planning and release primarily for offenders released
 43 from the Iowa correctional institution for women
 44 at Mitchellville and the Fort Dodge correctional
 45 facility. Programming shall include minority and
 46 gender-specific responsivity, employment, substance
 47 abuse treatment, mental health services, housing, and
 48 family reintegration. The department of corrections
 49 shall collaborate with the first and fifth judicial
 50 district departments of correctional services, the Iowa

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1 department of workforce development, the department
 2 of human services, community-based providers and
 3 faith-based organizations, and local law enforcement.

4 5. The chief security officer position within the
 5 department of corrections shall be eliminated by the
 6 effective date of this subsection.

7 6. The department shall place inmates at the Luster
 8 Heights facility who have been approved by the board
 9 of parole for work release but who are expected to be
 10 waiting in prison for at least four months for a bed
 11 to become available at a community-based correctional
 12 facility, unless the placement would dislodge an inmate
 13 receiving substance abuse treatment.

14 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF
 15 CORRECTIONAL SERVICES.

16 1. There is appropriated from the general fund of
 17 the state to the department of corrections for the
 18 fiscal year beginning July 1, 2010, and ending June
 19 30, 2011, for salaries, support, maintenance, and
 20 miscellaneous purposes, the following amounts, or
 21 so much thereof as is necessary, to be allocated as
 22 follows:

- 23 a. For the first judicial district department of
- 24 correctional services:
- 25 \$ 12,453,082

26 As a condition of the moneys appropriated in this
 27 lettered paragraph, the department of corrections shall
 28 replace expired federal funding by expending at least
 29 \$140,000 for the dual diagnosis program and maintaining
 30 1.25 FTEs for the program.

31 b. For the second judicial district department of

32 correctional services:
 33 \$ 10,770,616
 34 c. For the third judicial district department of
 35 correctional services:
 36 \$ 5,715,578
 37 d. For the fourth judicial district department of
 38 correctional services:
 39 \$ 5,522,416
 40 e. For the fifth judicial district department of
 41 correctional services, including funding for electronic
 42 monitoring devices for use on a statewide basis:
 43 \$ 18,938,081
 44 As a condition of receiving the appropriation in
 45 this lettered paragraph, the fifth judicial district
 46 department of correctional services shall reinstate
 47 67 beds in buildings 65 and 66 at the Fort Des Moines
 48 facility and resume operating the buildings, in
 49 addition to maintaining the 199 beds in buildings 68
 50 and 70 at the Fort Des Moines facility. The district

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1 department may use inmate labor to upgrade and renovate
 2 the buildings, if renovation and updating are required.
 3 f. For the sixth judicial district department of
 4 correctional services:
 5 \$13,030,356
 6 g. For the seventh judicial district department of
 7 correctional services:
 8 \$ 6,846,560
 9 h. For the eighth judicial district department of
 10 correctional services:
 11 \$ 6,935,622
 12 2. Each judicial district department of
 13 correctional services, within the funding available,
 14 shall continue programs and plans established within
 15 that district to provide for intensive supervision, sex
 16 offender treatment, diversion of low-risk offenders
 17 to the least restrictive sanction available, job
 18 development, and expanded use of intermediate criminal
 19 sanctions.
 20 3. Each judicial district department of
 21 correctional services shall provide alternatives to
 22 prison consistent with chapter 901B. The alternatives
 23 to prison shall ensure public safety while providing
 24 maximum rehabilitation to the offender. A judicial
 25 district department of correctional services may also
 26 establish a day program.
 27 4. The governor's office of drug control policy
 28 shall consider federal grants made to the department
 29 of corrections for the benefit of each of the eight
 30 judicial district departments of correctional services

31 as local government grants, as defined pursuant to
32 federal regulations.

33 5. The department of corrections shall continue
34 to contract with a judicial district department
35 of correctional services to provide for the rental
36 of electronic monitoring equipment which shall be
37 available statewide.

38 6. A judicial district department of correctional
39 services shall accept into the facilities of the
40 district department, offenders assigned from other
41 judicial district departments of correctional services.

42 Sec. 6. DEPARTMENT OF CORRECTIONS – REALLOCATION
43 OF APPROPRIATIONS. Notwithstanding section 8.39,
44 within the moneys appropriated in this Act to the
45 department of corrections, the department may
46 reallocate the moneys appropriated and allocated as
47 necessary to best fulfill the needs of the correctional
48 institutions, administration of the department, and the
49 judicial district departments of correctional services.
50 However, in addition to complying with the requirements

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1 of sections 904.116 and 905.8 and providing notice to
2 the legislative services agency, the department of
3 corrections shall also provide notice to the department
4 of management, prior to the effective date of the
5 revision or reallocation of an appropriation made
6 pursuant to this section. The department shall not
7 reallocate an appropriation or allocation for the
8 purpose of eliminating any program.

9 Sec. 7. INTENT – REPORTS.

10 1. The department in cooperation with townships,
11 the Iowa cemetery associations, and other nonprofit
12 or governmental entities may use inmate labor during
13 the fiscal year beginning July 1, 2010, to restore or
14 preserve rural cemeteries and historical landmarks.
15 The department in cooperation with the counties may
16 also use inmate labor to clean up roads, major water
17 sources, and other water sources around the state.

18 2. Each month the department shall provide a
19 status report regarding private-sector employment to
20 the legislative services agency beginning on July 1,
21 2010. The report shall include the number of offenders
22 employed in the private sector, the combined number of
23 hours worked by the offenders, and the total amount of
24 allowances, and the distribution of allowances pursuant
25 to section 904.702, including any moneys deposited in
26 the general fund of the state.

27 Sec. 8. ELECTRONIC MONITORING REPORT. The
28 department of corrections shall submit a report on
29 electronic monitoring to the general assembly, to the

30 co-chairpersons and the ranking members of the joint
 31 appropriations subcommittee on the justice system, and
 32 to the legislative services agency by January 15, 2011.
 33 The report shall specifically address the number of
 34 persons being electronically monitored and break down
 35 the number of persons being electronically monitored
 36 by offense committed. The report shall also include a
 37 comparison of any data from the prior fiscal year with
 38 the current year.

39 Sec. 9. STATE AGENCY PURCHASES FROM PRISON
 40 INDUSTRIES.

41 1. As used in this section, unless the context
 42 otherwise requires, "state agency" means the government
 43 of the state of Iowa, including but not limited to
 44 all executive branch departments, agencies, boards,
 45 bureaus, and commissions, the judicial branch,
 46 the general assembly and all legislative agencies,
 47 institutions within the purview of the state board of
 48 regents, and any corporation whose primary function is
 49 to act as an instrumentality of the state.

50 2. State agencies are hereby encouraged to purchase

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1 products from Iowa state industries, as defined in
 2 section 904.802, when purchases are required and the
 3 products are available from Iowa state industries.
 4 State agencies shall obtain bids from Iowa state
 5 industries for purchases of office furniture during the
 6 fiscal year beginning July 1, 2010, exceeding \$5,000
 7 or in accordance with applicable administrative rules
 8 related to purchases for the agency.

9 Sec. 10. STATE PUBLIC DEFENDER. There is
 10 appropriated from the general fund of the state to the
 11 office of the state public defender of the department
 12 of inspections and appeals for the fiscal year
 13 beginning July 1, 2010, and ending June 30, 2011, the
 14 following amounts, or so much thereof as is necessary,
 15 to be allocated as follows for the purposes designated:

- 16 1. For salaries, support, maintenance,
- 17 miscellaneous purposes, and for not more than the
- 18 following full-time equivalent positions:
- 19 \$ 21,743,182
- 20 FTEs 203.00

- 21 2. For the fees of court-appointed attorneys for
- 22 indigent adults and juveniles, in accordance with
- 23 section 232.141 and chapter 815:
- 24 \$ 15,680,929

25 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

26 1. There is appropriated from the general fund of
 27 the state to the Iowa law enforcement academy for the
 28 fiscal year beginning July 1, 2010, and ending June 30,

29 2011, the following amount, or so much thereof as is
 30 necessary, to be used for the purposes designated:
 31 For salaries, support, maintenance, miscellaneous
 32 purposes, including jailer training and technical
 33 assistance, and for not more than the following
 34 full-time equivalent positions:

35 \$ 1,049,430
 36 FTEs 30.55

37 It is the intent of the general assembly that the
 38 Iowa law enforcement academy may provide training of
 39 state and local law enforcement personnel concerning
 40 the recognition of and response to persons with
 41 Alzheimer's disease.

42 The Iowa law enforcement academy may temporarily
 43 exceed and draw more than the amount appropriated and
 44 incur a negative cash balance as long as there are
 45 receivables equal to or greater than the negative
 46 balance and the amount appropriated in this subsection
 47 is not exceeded at the close of the fiscal year.

48 2. The Iowa law enforcement academy may select
 49 at least five automobiles of the department of public
 50 safety, division of state patrol, prior to turning over

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1 the automobiles to the department of administrative
 2 services to be disposed of by public auction, and
 3 the Iowa law enforcement academy may exchange any
 4 automobile owned by the academy for each automobile
 5 selected if the selected automobile is used in training
 6 law enforcement officers at the academy. However,
 7 any automobile exchanged by the academy shall be
 8 substituted for the selected vehicle of the department
 9 of public safety and sold by public auction with the
 10 receipts being deposited in the depreciation fund to
 11 the credit of the department of public safety, division
 12 of state patrol.

13 Sec. 12. BOARD OF PAROLE. There is appropriated
 14 from the general fund of the state to the board of
 15 parole for the fiscal year beginning July 1, 2010, and
 16 ending June 30, 2011, the following amount, or so much
 17 thereof as is necessary, to be used for the purposes
 18 designated:

19 For salaries, support, maintenance, miscellaneous
 20 purposes, and for not more than the following full-time
 21 equivalent positions:
 22 \$ 1,045,259
 23 FTEs 13.50

24 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
 25 appropriated from the general fund of the state to
 26 the department of public defense for the fiscal year
 27 beginning July 1, 2010, and ending June 30, 2011, the

28 following amounts, or so much thereof as is necessary,
29 to be used for the purposes designated:

30 1. MILITARY DIVISION

31 For salaries, support, maintenance, miscellaneous
32 purposes, and for not more than the following full-time
33 equivalent positions:

34 \$ 6,249,201
35 FTEs 24.00

36 The military division may temporarily exceed and
37 draw more than the amount appropriated and incur a
38 negative cash balance as long as there are receivables
39 of federal funds equal to or greater than the negative
40 balance and the amount appropriated in this subsection
41 is not exceeded at the close of the fiscal year.

42 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
43 DIVISION

44 For salaries, support, maintenance, miscellaneous
45 purposes, and for not more than the following full-time
46 equivalent positions:

47 \$ 2,038,119
48 FTEs 33.00

49 The homeland security and emergency management
50 division may temporarily exceed and draw more than the

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1 amount appropriated and incur a negative cash balance
2 as long as there are receivables of federal funds equal
3 to or greater than the negative balance and the amount
4 appropriated in this subsection is not exceeded at the
5 close of the fiscal year.

6 It is the intent of the general assembly that the
7 homeland security and emergency management division
8 work in conjunction with the department of public
9 safety, to the extent possible, when gathering and
10 analyzing information related to potential domestic
11 or foreign security threats, and when monitoring such
12 threats.

13 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is
14 appropriated from the general fund of the state to
15 the department of public safety for the fiscal year
16 beginning July 1, 2010, and ending June 30, 2011, the
17 following amounts, or so much thereof as is necessary,
18 to be used for the purposes designated:

19 1. For the department's administrative functions,
20 including the criminal justice information system, and
21 for not more than the following full-time equivalent
22 positions:

23 \$ 4,134,461
24 FTEs 36.00

25 2. For the division of criminal investigation,
26 including the state's contribution to the peace

27 officers' retirement, accident, and disability system
 28 provided in chapter 97A in the amount of the state's
 29 normal contribution rate, as defined in section
 30 97A.8, multiplied by the salaries for which the
 31 funds are appropriated, to meet federal fund matching
 32 requirements, and for not more than the following
 33 full-time equivalent positions:

34 \$ 12,861,710
 35 FTEs 162.10

36 If any of the Indian tribes fail to pay for 1.00 FTE
 37 pursuant to the agreements or compacts entered into
 38 between the state and the Indian tribes pursuant to
 39 section 10A.104, subsection 10, the number of full-time
 40 equivalent positions authorized under this subsection
 41 is reduced by 1.00 FTE.

42 The department shall employ one additional special
 43 agent and one additional criminalist for the purpose
 44 of investigating cold cases. Prior to employing the
 45 additional special agent and criminalist authorized
 46 in this paragraph, the department shall provide a
 47 written statement to prospective employees that states
 48 to the effect that the positions are being funded by
 49 a temporary federal grant and there are no assurances
 50 that funds from other sources will be available after

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1 the federal funding expires. If the federal funding
 2 for the additional positions expires during the fiscal
 3 year, the number of full-time equivalent positions
 4 authorized in this subsection is reduced by 2.00 FTEs.

5 The department of public safety, with the approval
 6 of the department of management, may employ no more
 7 than two special agents and four gaming enforcement
 8 officers for each additional riverboat or gambling
 9 structure regulated after July 1, 2010, and one
 10 special agent for each racing facility which becomes
 11 operational during the fiscal year which begins July
 12 1, 2010. One additional gaming enforcement officer,
 13 up to a total of four per riverboat or gambling
 14 structure, may be employed for each riverboat or
 15 gambling structure that has extended operations to 24
 16 hours and has not previously operated with a 24-hour
 17 schedule. Positions authorized in this paragraph are
 18 in addition to the full-time equivalent positions
 19 otherwise authorized in this subsection.

20 3. For the criminalistics laboratory fund created
 21 in section 691.9:

22 \$ 302,345

23 4. a. For the division of narcotics enforcement,
 24 including the state's contribution to the peace
 25 officers' retirement, accident, and disability system

26 provided in chapter 97A in the amount of the state's
 27 normal contribution rate, as defined in section
 28 97A.8, multiplied by the salaries for which the
 29 funds are appropriated, to meet federal fund matching
 30 requirements, and for not more than the following
 31 full-time equivalent positions:
 32 \$ 6,507,048
 33 FTEs 75.00
 34 b. For the division of narcotics enforcement for
 35 undercover purchases:
 36 \$ 109,042
 37 5. For the division of state fire marshal, for fire
 38 protection services as provided through the state fire
 39 service and emergency response council as created in
 40 the department, and for the state's contribution to the
 41 peace officers' retirement, accident, and disability
 42 system provided in chapter 97A in the amount of the
 43 state's normal contribution rate, as defined in section
 44 97A.8, multiplied by the salaries for which the funds
 45 are appropriated, and for not more than the following
 46 full-time equivalent positions:
 47 \$ 4,343,896
 48 FTEs 57.00
 49 6. For the division of state patrol, for salaries,
 50 support, maintenance, workers' compensation costs,

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1 and miscellaneous purposes, including the state's
 2 contribution to the peace officers' retirement,
 3 accident, and disability system provided in chapter 97A
 4 in the amount of the state's normal contribution rate,
 5 as defined in section 97A.8, multiplied by the salaries
 6 for which the funds are appropriated, and for not more
 7 than the following full-time equivalent positions:
 8 \$ 48,984,147
 9 FTEs 503.00
 10 It is the intent of the general assembly that
 11 members of the state patrol be assigned to patrol
 12 the highways and roads in lieu of assignments to
 13 inspecting school buses for the school districts.
 14 7. For deposit in the sick leave benefits fund
 15 established under section 80.42 for all departmental
 16 employees eligible to receive benefits for accrued sick
 17 leave under the collective bargaining agreement:
 18 \$ 279,517
 19 8. For costs associated with the training and
 20 equipment needs of volunteer fire fighters:
 21 \$ 612,255
 22 Notwithstanding section 8.33, moneys appropriated in
 23 this subsection that remain unencumbered or unobligated
 24 at the close of the fiscal year shall not revert but

25 shall remain available for expenditure only for the
26 purpose designated in this subsection until the close
27 of the succeeding fiscal year.

28 Notwithstanding section 8.39, within the moneys
29 appropriated in this section the department of public
30 safety may reallocate moneys as necessary to best
31 fulfill the needs provided for in the appropriation.
32 However, the department shall not reallocate an
33 appropriation made to the department in this section
34 unless notice of the reallocation is given to the
35 legislative services agency and the department
36 of management prior to the effective date of the
37 reallocation. The notice shall include information
38 about the rationale for reallocating the appropriation.
39 The department shall not reallocate an appropriation
40 made in this section for the purpose of eliminating any
41 program.

42 Sec. 15. GAMING ENFORCEMENT. There is appropriated
43 from the gaming enforcement revolving fund created in
44 section 80.43 to the department of public safety for
45 the fiscal year beginning July 1, 2010, and ending June
46 30, 2011, the following amount, or so much thereof as
47 is necessary, to be used for the purposes designated:

48 For any direct and indirect support costs for
49 agents and officers of the division of criminal
50 investigation's excursion gambling boat, gambling

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1 structure, and racetrack enclosure enforcement
2 activities, including salaries, support, maintenance,
3 miscellaneous purposes, and for not more than the
4 following full-time equivalent positions:

5 \$ 8,851,775
6 FTEs 115.00

7 However, for each additional license to conduct
8 gambling games on an excursion gambling boat, gambling
9 structure, or racetrack enclosure issued during the
10 period beginning July 1, 2009, through June 30, 2011,
11 there is appropriated from the gaming enforcement fund
12 to the department of public safety for the fiscal year
13 beginning July 1, 2010, and ending June 30, 2011, an
14 additional amount of not more than \$521,000 to be used
15 for not more than 6.00 additional full-time equivalent
16 positions.

17 Sec. 16. CIVIL RIGHTS COMMISSION. There is
18 appropriated from the general fund of the state to the
19 Iowa state civil rights commission for the fiscal year
20 beginning July 1, 2010, and ending June 30, 2011, the
21 following amount, or so much thereof as is necessary,
22 to be used for the purposes designated:

23 For salaries, support, maintenance, miscellaneous

24 purposes, and for not more than the following full-time
 25 equivalent positions:
 26 \$ 1,379,861
 27 FTEs 29.50

28 The Iowa state civil rights commission may enter
 29 into a contract with a nonprofit organization to
 30 provide legal assistance to resolve civil rights
 31 complaints.
 32 Sec. 17. EFFECTIVE UPON ENACTMENT. The provision
 33 of this division of this Act eliminating the chief
 34 security officer position within the department of
 35 corrections, being deemed of immediate importance,
 36 takes effect upon enactment.

37 DIVISION ___II
 38 COURT COSTS – FINES

39 Sec. 18. Section 602.8106, subsection 1, paragraphs
 40 a, b, d, and e, Code Supplement 2009, are amended to
 41 read as follows:

42 a. Except as otherwise provided in paragraphs "b"
 43 and "c", for filing and docketing a criminal case to
 44 be paid by the county or city which has the duty to
 45 prosecute the criminal action, payable as provided
 46 in section 602.8109, one hundred twenty dollars.
 47 When judgment is rendered against the defendant,
 48 costs collected from the defendant shall be paid to
 49 the county or city which has the duty to prosecute
 50 the criminal action to the extent necessary for

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1 reimbursement for fees paid. However, the fees which
 2 are payable by the county to the clerk of the district
 3 court for services rendered in criminal actions
 4 prosecuted under state law and the court costs taxed in
 5 connection with the trial of those actions or appeals
 6 from the judgments in those actions are waived.

7 b. For filing and docketing of a complaint or
 8 information for a simple misdemeanor and a complaint or
 9 information for a nonscheduled simple misdemeanor under
 10 chapter 321, ~~sixty~~ seventy dollars.

11 d. The court costs in scheduled violation cases
 12 where a court appearance is required, ~~sixty~~
 13 seventy dollars.

14 e. For court costs in scheduled violation cases
 15 where a court appearance is not required, ~~sixty~~
 16 seventy dollars.

17 Sec. 19. Section 805.8A, Code Supplement 2009, is
 18 amended to read as follows:

19 805.8A Motor vehicle and transportation scheduled
 20 violations.

21 1. Parking violations.

22 a. For parking violations under sections 321.236,

23 321.239, 321.358, 321.360, and 321.361, the scheduled
 24 fine is five dollars, except if the local authority has
 25 established the fine by ordinance. The scheduled fine
 26 for a parking violation pursuant to section 321.236
 27 increases by five dollars, if authorized by ordinance
 28 and if the parking violation is not paid within thirty
 29 days of the date upon which the violation occurred.
 30 For purposes of calculating the unsecured appearance
 31 bond required under section 805.6, the scheduled fine
 32 shall be five dollars, or if the amount of the fine is
 33 greater than five dollars, the unsecured appearance
 34 bond shall be the amount of the fine established by
 35 the local authority. However, violations charged
 36 by a city or county upon simple notice of a fine
 37 instead of a uniform citation and complaint required
 38 by section 321.236, subsection 1, paragraph "b", are
 39 not scheduled violations, and this section shall not
 40 apply to any offense charged in that manner. For a
 41 parking violation under section ~~321.362~~ or 461A.38, the
 42 scheduled fine is ten dollars. For parking violations
 43 under section 321.362, the scheduled fine is twenty
 44 dollars.
 45 b. For a parking violation under section 321L.2A,
 46 subsection 2, the scheduled fine is twenty dollars.
 47 c. For violations under section 321L.2A, subsection
 48 3, sections 321L.3, 321L.4, subsection 2, and section
 49 321L.7, the scheduled fine is one hundred ten dollars.
 50 2. Title or registration violations.

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1 a. For violations under sections 321.32, 321.34,
 2 321.37, 321.38, and 321.41, the scheduled fine is
 3 ~~ten~~ twenty dollars.
 4 b. (1) For violations under sections 321.115 and
 5 321.115A, the scheduled fine is thirty dollars.
 6 (2) For violations under sections 321.17, 321.47,
 7 321.55, and 321.98, ~~321.115, and 321.115A,~~ the
 8 scheduled fine is ~~thirty~~ forty dollars.
 9 c. For violations under sections 321.25, 321.45,
 10 321.46, 321.48, 321.52, 321.57, 321.62, 321.67, and
 11 321.104, the scheduled fine is ~~forty~~ sixty dollars.
 12 d. For a violation under section 321.99, the
 13 scheduled fine is one hundred ten dollars.
 14 3. Equipment violations.
 15 a. For violations under sections 321.317,
 16 321.386, 321.387, 321.388, 321.389, 321.390, 321.392,
 17 321.393, 321.422, 321.432, 321.436, 321.439, 321.440,
 18 321.441, 321.442, and 321.444, the scheduled fine is
 19 ~~ten~~ twenty dollars.
 20 b. For improperly used or nonused, or defective or
 21 improper equipment, other than brakes, driving lights

22 and brake lights, under section 321.437, the scheduled
23 fine is ~~ten~~ twenty dollars.

24 c. For violations under sections 321.382, and
25 321.404A, ~~and 321.438~~, the scheduled fine is
26 ~~fifteen~~ twenty-five dollars.

27 d. For violations of sections 321.383, 321.384,
28 321.385, 321.398, 321.402, 321.403, 321.404, 321.409,
29 321.415, 321.419, 321.420, 321.421, 321.423, and
30 321.433, the scheduled fine is ~~twenty~~ thirty dollars.

31 e. For a violation of section 321.430, the
32 scheduled fine is ~~thirty-five~~ forty-five dollars.

33 f. (1) For violations under section 321.234A and
34 321.438, the scheduled fine is fifty dollars.

35 (2) For violations under sections
36 ~~321.234A~~, 321.247, 321.381, and 321.381A, the scheduled
37 fine is ~~fifty~~ sixty dollars.

38 4. Driver's license violations.

39 a. For violations under sections 321.174A, 321.180,
40 321.180B, 321.193, and 321.194, the scheduled fine is
41 ~~thirty~~ forty dollars.

42 b. For a violation of section 321.216, the
43 scheduled fine is ~~seventy-five~~ eighty-five dollars.

44 c. For violations under sections 321.174, 321.216B,
45 321.216C, 321.219, and 321.220, the scheduled fine is
46 one hundred ~~ten~~ dollars.

47 5. Speed violations.

48 a. For excessive speed violations in excess of the
49 limit under section 321.236, subsections 5 and 11,
50 sections 321.285, and 461A.36, the scheduled fine shall

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1 be the following:

2 (1) ~~Ten~~ Twenty dollars for speed not more than five
3 miles per hour in excess of the limit.

4 (2) ~~Twenty~~ Forty dollars for speed greater than
5 five but not more than ten miles per hour in excess of
6 the limit.

7 (3) ~~Thirty~~ Fifty dollars for speed greater than ten
8 but not more than fifteen miles per hour in excess of
9 the limit.

10 (4) ~~Forty~~ Sixty dollars for speed greater than
11 fifteen but not more than twenty miles per hour in
12 excess of the limit.

13 (5) ~~Forty~~ Sixty dollars plus two dollars for each
14 mile per hour of excessive speed over twenty miles per
15 hour over the limit.

16 b. Notwithstanding paragraph "a", for excessive
17 speed violations in speed zones greater than fifty-five
18 miles per hour, the scheduled fine shall be:

19 (1) ~~Twenty~~ Thirty dollars for speed not more than
20 five miles per hour in excess of the limit.

- 21 (2) ~~Forty Sixty~~ dollars for speed greater than five
 22 but not more than ten miles per hour in excess of the
 23 limit.
- 24 (3) ~~Sixty Eighty~~ dollars for speed greater than ten
 25 but not more than fifteen miles per hour in excess of
 26 the limit.
- 27 (4) ~~Eighty One hundred~~ dollars for speed greater
 28 than fifteen but not more than twenty miles per hour in
 29 excess of the limit.
- 30 (5) ~~Ninety One hundred ten~~ dollars plus five
 31 dollars for each mile per hour of excessive speed over
 32 twenty miles per hour over the limit.
- 33 c. Excessive speed in whatever amount by a school
 34 bus is not a scheduled violation under any section
 35 listed in this subsection.
- 36 d. Excessive speed in conjunction with a violation
 37 of section 321.278 is not a scheduled violation,
 38 whatever the amount of excess speed.
- 39 e. For a violation under section 321.295, the
 40 scheduled fine is ~~thirty forty~~ dollars.
- 41 6. Operating violations.
- 42 a. For a violation under section 321.236,
 43 subsections 3, 4, 9, and 12, the scheduled fine is
 44 twenty dollars.
- 45 b. For violations under section 321.275,
 46 subsections 1 through 7, sections ~~321.277A~~, 321.315,
 47 321.316, 321.318, 321.363, and 321.365, the scheduled
 48 fine is ~~twenty five thirty-five~~ dollars.
- 49 c. (1) For violations under sections ~~321.288,~~
 50 ~~321.297, 321.299, 321.303, 321.304, subsections~~

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- 1 ~~1 and 2, sections 321.305, 321.306, 321.311,~~
 2 ~~321.312, 321.314, 321.323, 321.340, 321.353,~~
 3 ~~321.354, and 321.395, the scheduled fine is~~
 4 ~~thirty five forty-five~~ dollars.
- 5 (2) For violations under sections 321.277A,
 6 321.297, 321.299, 321.303, 321.304, subsections 1 and
 7 2, 321.305, 321.312, and 321.320, the scheduled fine is
 8 seventy-five dollars.
- 9 (3) For violations under section 321.288, the
 10 scheduled fine is one hundred dollars.
- 11 d. For violations under sections 321.302 and
 12 321.366, the scheduled fine is ~~forty sixty~~ dollars.
- 13 7. Failure to yield or obey violations.
- 14 a. ~~For a violation by an operator of a motor~~
 15 ~~vehicle under section 321.257, subsection 2, the~~
 16 ~~scheduled fine is thirty five dollars.~~
- 17 b. a. For violations under sections
 18 ~~321.298, 321.307, 321.308, 321.313, 321.319, 321.320,~~
 19 ~~321.321, 321.327, 321.329, and 321.333, the scheduled~~

20 fine is ~~thirty five~~ forty-five dollars.

21 b. For a violation under section 321.321, the
22 scheduled fine is fifty dollars.

23 c. For violations under sections 321.298 and
24 321.320, the scheduled fine is seventy-five dollars.

25 d. For a violation by an operator of a motor
26 vehicle under section 321.257, subsection 2, the
27 scheduled fine is seventy-five dollars.

28 8. Traffic sign or signal violations.

29 a. For violations under section 321.236,
30 subsections 2 and 6, sections 321.256, 321.294,
31 321.304, subsection 3, and section 321.322, the
32 scheduled fine is thirty-five dollars.

33 b. For a violation under section 321.294, the
34 scheduled fine is forty-five dollars.

35 c. For violations of sections 321.256, 321.304,
36 subsection 3, and 321.322, the scheduled fine is
37 seventy-five dollars.

38 9. Bicycle or pedestrian violations.

39 a. For violations by a pedestrian or a bicyclist
40 under section 321.234, subsections 3 and 4, section
41 321.236, subsection 10, section 321.257, subsection
42 2, section 321.275, subsection 8, section 321.325,
43 321.326, 321.328, 321.331, 321.332, 321.397, or and
44 section 321.434, the scheduled fine is fifteen dollars.

45 b. For violations by a pedestrian or bicyclist
46 under section 321.234, subsections 3 and 4, section
47 321.257, subsection 2, section 321.275, subsection
48 8, and sections 321.325, 321.326, 321.328, 321.331,
49 321.332, and 321.397, the scheduled fine is twenty-five
50 dollars.

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1 9A. Electric personal assistive mobility device
2 violations. For violations under section 321.235A, the
3 scheduled fine is fifteen dollars.

4 10. School bus violations.

5 a. For violations by an operator of a
6 school bus under sections 321.285 and 321.372,
7 subsections 1 and 2, the scheduled fine is
8 thirty five forty-five dollars. However, an excessive
9 speed violation by a school bus of more than ten miles
10 per hour in excess of the limit is not a scheduled
11 violation.

12 b. For a violation under section 321.372,
13 subsection 3, the scheduled fine is one hundred
14 ten dollars.

15 11. Emergency vehicle violations.

16 a. For violations under sections 321.231,
17 321.367, and 321.368, the scheduled fine is
18 thirty five forty-five dollars.

19 b. For a violation under section 321.323A or
 20 321.324, the scheduled fine is ~~forty~~ sixty dollars.
 21 12. Restrictions on vehicles.
 22 a. For violations under sections 321.309, 321.310,
 23 321.394, 321.461, and 321.462, the scheduled fine is
 24 ~~twenty-five~~ thirty-five dollars.
 25 b. For violations under section 321.437, the
 26 scheduled fine is ~~twenty-five~~ thirty-five dollars.
 27 c. For height, length, width, and load violations
 28 under sections 321.454, 321.455, 321.456, 321.457, and
 29 321.458, the scheduled fine is one hundred ten dollars.
 30 d. For violations under section 321.466, the
 31 scheduled fine is twenty dollars for each two thousand
 32 pounds or fraction thereof of overweight.
 33 e. (1) Violations of the schedule of axle
 34 and tandem axle and gross or group of axle weight
 35 violations in section 321.463 shall be scheduled
 36 violations subject to the provisions, procedures, and
 37 exceptions contained in sections 805.6 through 805.11,
 38 irrespective of the amount of the fine under that
 39 schedule.
 40 (a) Violations of the schedule of weight violations
 41 shall be chargeable, where the fine charged does not
 42 exceed one thousand dollars, only by uniform citation
 43 and complaint.
 44 (b) Violations of the schedule of weight
 45 violations, where the fine charged exceeds one
 46 thousand dollars shall, when the violation is
 47 admitted and section 805.9 applies, be chargeable
 48 upon uniform citation and complaint, indictment, or
 49 county attorney's information, but otherwise shall be
 50 chargeable only upon indictment or county attorney's

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1 information.
 2 (2) In all cases of charges under the schedule of
 3 weight violations, the charge shall specify the amount
 4 of fine charged under the schedule. Where a defendant
 5 is convicted and the fine under the foregoing schedule
 6 of weight violations exceeds one thousand dollars, the
 7 conviction shall be of an indictable offense although
 8 section 805.9 is employed and whether the violation
 9 is charged upon uniform citation and complaint,
 10 indictment, or county attorney's information.
 11 f. For a violation under section 321E.16, other
 12 than the provisions relating to weight, the scheduled
 13 fine is one hundred ten dollars.
 14 13. Motor carrier violations.
 15 a. (1) For violations under sections
 16 ~~321.54~~, 326.22, and 326.23, the scheduled fine
 17 is twenty dollars.

- 18 (2) For a violation under section 321.54, the
19 scheduled fine is thirty dollars.
20 b. For a violation under section 321.449, the
21 scheduled fine is ~~twenty five~~ fifty dollars.
22 c. (1) For violations under sections 321.364,
23 ~~321.450, 321.460,~~ and 452A.52, the scheduled fine is
24 one hundred dollars.
25 (2) For violations under sections 321.450 and
26 321.460, the scheduled fine is one hundred ten dollars.
27 d. For violations of section 325A.3, subsection
28 5, or section 325A.8, the scheduled fine is
29 ~~fifty sixt~~ y dollars.
30 e. For violations of chapter 325A, other than a
31 violation of section 325A.3, subsection 5, or section
32 325A.8, the scheduled fine is two hundred fifty
33 dollars.
34 f. For failure to have proper carrier
35 identification markings under section 327B.1, the
36 scheduled fine is ~~fifty sixt~~ y dollars.
37 g. For failure to have proper evidence of
38 interstate authority carried or displayed under section
39 327B.1, and for failure to register, carry, or display
40 evidence that interstate authority is not required
41 under section 327B.1, the scheduled fine is two hundred
42 ~~fifty sixt~~ y dollars.
- 43 14. Miscellaneous violations.
- 44 a. Failure to obey a peace officer. For a
45 violation under section 321.229, the scheduled fine is
46 ~~thirty five~~ forty-five dollars.
- 47 b. Abandoning a motor vehicle. For a violation
48 under section 321.91, the scheduled fine is one hundred
49 ten dollars.
- 50 c. Seat belt or restraint violations. For

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- 1 violations under sections 321.445 and 321.446, the
2 scheduled fine is ~~twenty five~~ seventy-five dollars.
- 3 d. Litter and debris violations. For violations
4 under sections 321.369 and 321.370, the scheduled fine
5 is ~~seventy eight~~ y dollars.
- 6 e. Open container violations. For violations under
7 sections 321.284 and 321.284A, the scheduled fine is
8 one hundred fifty dollars.
- 9 f. Proof of financial responsibility. If, in
10 connection with a motor vehicle accident, a person is
11 charged and found guilty of a violation of section
12 321.20B, subsection 1, the scheduled fine is five
13 hundred dollars; otherwise, the scheduled fine for
14 a violation of section 321.20B, subsection 1, is
15 two hundred fifty dollars. Notwithstanding section
16 805.12, fines collected pursuant to this paragraph

17 shall be submitted to the state court administrator and
18 distributed fifty percent to the victim compensation
19 fund established in section 915.94, twenty-five percent
20 to the county in which such fine is imposed, and
21 twenty-five percent to the general fund of the state.

22 g. Radar-jamming devices. For a violation
23 under section 321.232, the scheduled fine is
24 ~~fifty~~ sixty dollars.

25 h. Railroad crossing violations.

26 (1) For violations under sections 321.341, 321.342,
27 321.343, and 321.344, the scheduled fine is one hundred
28 ten dollars.

29 (2) For a violation under section 321.344B, the
30 scheduled fine is two hundred dollars.

31 i. Road work zone violations. The scheduled fine
32 for any moving traffic violation under chapter 321,
33 as provided in this section, shall be doubled if the
34 violation occurs within any road work zone, as defined
35 in section 321.1. However, notwithstanding subsection
36 5, the scheduled fine for violating the speed limit in
37 a road work zone is as follows:

38 (1) One hundred fifty dollars for speed not more
39 than ten miles per hour over the posted speed limit.

40 (2) Three hundred dollars for speed greater than
41 ten but not more than twenty miles per hour over the
42 posted speed limit.

43 (3) Five hundred dollars for speed greater than
44 twenty but not more than twenty-five miles per hour
45 over the posted speed limit.

46 (4) One thousand dollars for speed greater than
47 twenty-five miles per hour over the posted speed limit.

48 j. Vehicle component parts records violations. For
49 violations under section 321.95, the scheduled fine is
50 fifty dollars.

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1 Sec. 20. Section 805.8C, subsection 6, paragraph a,
2 Code Supplement 2009, is amended to read as follows:

3 a. If the violation is a first offense, the
4 scheduled fine is one hundred ten dollars.

5 DIVISION III

6 PUBLIC SAFETY ENFORCEMENT FUND

7 Sec. 21. PUBLIC SAFETY ENFORCEMENT FUND ESTABLISHED
8 – TEMPORARY ALLOCATION OF FINES AND FEES.

9 1. A public safety enforcement fund is created in
10 the state treasury under the control of the treasurer
11 of state. Notwithstanding section 602.8108, the state
12 court administrator shall allocate to the treasurer
13 of state for deposit in the public safety enforcement
14 fund the first eight million eight hundred thousand
15 dollars of the moneys received under section 602.8108,

16 subsection 2, during the fiscal year beginning July 1,
17 2010, and ending June 30, 2011. Moneys deposited into
18 the fund are appropriated to the treasurer of state for
19 allocation as provided in subsection 2.

20 2. The treasurer of state shall allocate to the
21 following entities the following amounts from the
22 public safety enforcement fund for the fiscal year
23 beginning July 1, 2010, and ending June 30, 2011:

24 a. To the department of corrections, \$502,810 and
25 of the amount allocated in this paragraph, \$402,810
26 shall be allocated by the department of corrections
27 to the sixth judicial district of department of
28 correctional services, and \$100,000 shall be
29 allocated to the first judicial district department of
30 correctional services.

31 b. To the department of corrections, \$2,497,190 and
32 of the amount allocated in this paragraph, \$1,451,000
33 shall be allocated by the department of corrections
34 for the operation of the Fort Madison correctional
35 facility, \$846,190 shall be allocated for the operation
36 of the Luster Heights facility, and \$200,000 shall be
37 allocated for the operation of the Anamosa correctional
38 facility.

39 c. To the department of public safety, \$150,000 for
40 costs associated with the training and equipment needs
41 of volunteer fire fighters.

42 d. To the department of public safety, \$250,000.

43 e. To the Iowa civil rights commission, \$100,000.

44 f. To the judicial branch, \$5,300,000.

45 3. Moneys remaining in the fund at or after the
46 close of the fiscal year shall revert to the general
47 fund of the state.

48 4. This section is repealed June 30, 2011.

49 DIVISION __IV

50 GAMING ENFORCEMENT FUND AND MISCELLANEOUS PROVISIONS

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1 Sec. 22. 2010 Iowa Acts, Senate File 2088, section
2 62, is amended to read as follows:

3 SEC. 62. COMMUNITY-BASED CORRECTIONS – STATE
4 ~~ACCOUNTING BUDGETING~~ SYSTEM. Each judicial district
5 department of correctional services shall utilize the
6 state ~~accounting budgeting~~ system for purposes of
7 tracking both appropriations and expenditures. Each
8 judicial district department shall coordinate its
9 ~~accounting budgeting~~ activities with the department
10 of management for purposes of implementing the
11 requirements of this section.

12 Sec. 23. Section 8A.302, subsection 1, as amended
13 by 2010 Iowa Acts, Senate File 2088, section 71, is
14 amended to read as follows:

15 1. Providing a system of uniform standards and
16 specifications for purchasing. When the system is
17 developed, all items of general use shall be purchased
18 by state agencies through the department, except items
19 provided for under section 904.808 or items used by
20 the state board of regents and institutions under
21 the control of the state board of regents. However,
22 the department may authorize the department of
23 transportation, the department for the blind, and
24 any other agencies otherwise exempted by law from
25 centralized purchasing, to directly purchase items used
26 by those agencies without going through the department,
27 if the department of administrative services determines
28 such purchasing is in the best interests of the state.
29 However, items of general use may be purchased through
30 the department by any governmental entity.

31 Sec. 24. NEW SECTION. 80.43 Gaming enforcement –
32 revolving fund.

33 1. A gaming enforcement revolving fund is created
34 in the state treasury under the control of the
35 department. The fund shall consist of fees collected
36 and deposited into the fund paid by licensees pursuant
37 to section 99D.14, subsection 2, paragraph "b", and
38 fees paid by licensees pursuant to section 99F.10,
39 subsection 4, paragraph "b". All costs for agents and
40 officers plus any direct and indirect support costs for
41 such agents and officers of the division of criminal
42 investigation's racetrack, excursion boat, or gambling
43 structure enforcement activities shall be paid from
44 the fund as provided in appropriations made for this
45 purpose by the general assembly.

46 2. To meet the department's cash flow needs, the
47 department may temporarily use funds from the general
48 fund of the state to pay expenses in excess of moneys
49 available in the revolving fund if those additional
50 expenditures are fully reimbursable and the department

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1 reimburses the general fund of the state and ensures
2 all moneys are repaid in full by the close of the
3 fiscal year. Because any general fund moneys used
4 shall be fully reimbursed, such temporary use of funds
5 from the general fund of the state shall not constitute
6 an appropriation for purposes of calculating the state
7 general fund expenditure limitation pursuant to section
8 8.54.

9 3. Section 8.33 does not apply to any moneys
10 credited or appropriated to the revolving fund from
11 any other fund and, notwithstanding section 12C.7,
12 subsection 2, earnings or interest on moneys deposited
13 in the revolving fund shall be credited to the

14 revolving fund.

15 Sec. 25. Section 99D.14, subsection 2, Code 2009,
16 is amended to read as follows:

17 2. a. A licensee shall pay a regulatory fee to be
18 charged as provided in this section. In determining
19 the regulatory fee to be charged as provided under
20 this section, the commission shall use the amount
21 appropriated to the commission plus the cost of
22 salaries for no more than two special agents for
23 each racetrack that has not been issued a table games
24 license under chapter 99F or no more than three special
25 agents for each racetrack that has been issued a table
26 games license under chapter 99F, plus any direct and
27 indirect support costs for the agents, for the division
28 of criminal investigation's racetrack activities, as
29 the basis for determining the amount of revenue to be
30 raised from the regulatory fee.

31 b. Notwithstanding sections 8.60 and 99D.17,
32 the portion of the fee paid pursuant to paragraph
33 "a" relating to the costs of special agents plus any
34 direct and indirect support costs for the agents, for
35 the division of criminal investigation's racetrack
36 activities, shall not be deposited in the general
37 fund of the state but instead shall be deposited into
38 the gaming enforcement revolving fund established in
39 section 80.43.

40 Sec. 26. Section 99F.10, subsection 4, Code 2009,
41 is amended to read as follows:

42 4. a. In determining the license fees and state
43 regulatory fees to be charged as provided under section
44 99F.4 and this section, the commission shall use as
45 the basis for determining the amount of revenue to be
46 raised from the license fees and regulatory fees the
47 amount appropriated to the commission plus the cost of
48 salaries for no more than two special agents for each
49 excursion gambling boat or gambling structure and no
50 more than four gaming enforcement officers for each

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1 excursion gambling boat or gambling structure with a
2 patron capacity of less than two thousand persons or
3 no more than five gaming enforcement officers for each
4 excursion gambling boat or gambling structure with
5 a patron capacity of at least two thousand persons,
6 plus any direct and indirect support costs for the
7 agents and officers, for the division of criminal
8 investigation's excursion gambling boat or gambling
9 structure activities.

10 b. Notwithstanding sections 8.60 and 99F.4,
11 the portion of the fee paid pursuant to paragraph
12 "a" relating to the costs of special agents and

13 officers plus any direct and indirect support costs
 14 for the agents and officers, for the division of
 15 criminal investigation's excursion gambling boat or
 16 gambling structure activities, shall not be deposited
 17 in the general fund of the state but instead shall be
 18 deposited into the gaming enforcement revolving fund
 19 established in section 80.43.

20 Sec. 27. Section 809A.17, subsection 5, Code 2009,
 21 is amended by adding the following new paragraph:
 22 NEW PARAGRAPH. e. If the forfeited property is
 23 cash or proceeds from the sale of real property the
 24 distribution of the forfeited property shall be as
 25 follows:

26 (1) The department of justice shall not retain more
 27 than ten percent of the gross sale of any forfeited
 28 real property. The balance of the proceeds shall be
 29 distributed to the seizing agency for use by the agency
 30 or for division among law enforcement agencies and
 31 county attorneys pursuant to any agreement entered into
 32 by the seizing agency.

33 (2) The department of justice shall not retain more
 34 than ten percent of any forfeited cash. The balance
 35 shall be distributed to the seizing agency for use
 36 by the agency or for division among law enforcement
 37 agencies and county attorneys pursuant to any agreement
 38 entered into by the seizing agency.

39 (3) In the event of a cash forfeiture in excess
 40 of four hundred thousand dollars the distribution of
 41 forfeited cash shall be as follows:

42 (a) Forty-five percent shall be retained by the
 43 seizing agency.

44 (b) Forty-five percent shall be distributed to
 45 other law enforcement agencies within the region of the
 46 seizing agency.

47 (c) Ten percent shall be retained by the department
 48 of justice.

49 Sec. 28. Section 904.315, subsection 2, Code
 50 Supplement 2009, is amended to read as follows:

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1 2. A contract is not required for improvements at
 2 a state institution where the labor of inmates is to
 3 be used if the contract is not for a construction,
 4 reconstruction, demolition, or repair project or
 5 improvement with an estimated cost in excess of
 6 ~~forty one~~ one hundred thousand dollars.

7 Sec. 29. Section 904A.4B, Code 2009, is amended to
 8 read as follows:

9 904A.4B Executive director of the board of parole –
 10 duties.

11 1. The chief administrative officer of the board

12 of parole shall be the executive director, except as
 13 provided in subsection 2. The executive director
 14 shall be appointed by the chairperson, subject to the
 15 approval of the board and shall serve at the pleasure
 16 of the board. The executive director shall do all of
 17 the following:

18 ~~1. a.~~ Advise the board on matters relating to
 19 parole, work release, and executive clemency, and
 20 advise the board on matters involving automation and
 21 word processing.

22 ~~2. b.~~ Carry out all directives of the board.

23 ~~3. c.~~ Hire and supervise all of the board's staff
 24 pursuant to the provisions of chapter 8A, subchapter
 25 IV.

26 ~~4. d.~~ Act as the board's liaison with the general
 27 assembly.

28 ~~5. e.~~ Prepare a budget for the board, subject
 29 to the approval of the board, and prepare all other
 30 reports required by law.

31 ~~6. f.~~ Develop long-range parole and work release
 32 planning, in cooperation with the department of
 33 corrections.

34 2. If an executive director is not appointed
 35 as provided in subsection 1, the chairperson shall
 36 serve as acting executive director and perform the
 37 administrative duties under subsection 1.

38 Sec. 30. IOWA COMMUNICATIONS NETWORK. It is the
 39 intent of the general assembly that the executive
 40 branch agencies receiving an appropriation in this Act
 41 utilize the Iowa communications network or secure other
 42 electronic communications in lieu of traveling for the
 43 fiscal year addressed by the appropriations.

44 Sec. 31. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
 45 DIVISION. There is appropriated from the wireless
 46 E911 emergency communications fund created in section
 47 34A.7A to the administrator of the homeland security
 48 and emergency management division of the department of
 49 public defense for the fiscal year beginning July 1,
 50 2010, and ending June 30, 2011, an amount not exceeding

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1 \$200,000 to be used for implementation, support, and
 2 maintenance of the functions of the administrator and
 3 program manager under chapter 34A and to employ the
 4 auditor of the state to perform an annual audit of the
 5 wireless E911 emergency communications fund.

6 Sec. 32. CORRECTIONAL OFFICER AND PEACE OFFICER –
 7 PRIORITY. As a condition of receiving an appropriation
 8 in this Act, the department of corrections and the
 9 department of public safety shall make every effort
 10 to preserve correctional officer and peace officer

11 positions through the reduction of administrative and
 12 related overhead costs.>
 13 2. Title page, line 2, after <system,> by inserting
 14 <providing for fees and fines,>

Amendment H-8442 was adopted.

SENATE FILE 2378 SUBSTITUTED FOR HOUSE FILE 2523

Taylor of Linn asked and received unanimous consent to substitute Senate File 2378 for House File 2523.

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, was taken up for consideration.

Taylor of Linn asked and received unanimous consent to withdraw amendment H-8489 filed by him and R. Olson of Polk from the floor.

Taylor of Linn offered the following amendment H-8493 filed by him and R. Olson of Polk from the floor and moved its adoption:

H-8493

1 Amend Senate File 2378, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking page 20, line 3, through page 29,
 4 line 11, and inserting:
 5 <Sec. ____ Section 805.8A, Code Supplement 2009, is
 6 amended by striking the section and inserting in lieu
 7 thereof the following:
 8 805.8A Motor vehicle and transportation scheduled
 9 violations.
 10 1. Parking violations.
 11 a. For parking violations under sections 321.236,
 12 321.239, 321.358, 321.360, and 321.361, the scheduled
 13 fine is five dollars, except if the local authority has
 14 established the fine by ordinance. The scheduled fine
 15 for a parking violation pursuant to section 321.236
 16 increases by five dollars if authorized by ordinance
 17 and if the parking violation is not paid within thirty
 18 days of the date upon which the violation occurred.
 19 For purposes of calculating the unsecured appearance
 20 bond required under section 805.6, the scheduled fine
 21 shall be five dollars, or if the amount of the fine is
 22 greater than five dollars, the unsecured appearance
 23 bond shall be the amount of the fine established by

24 the local authority. However, violations charged
25 by a city or county upon simple notice of a fine
26 instead of a uniform citation and complaint required by
27 section 321.236, subsection 1, paragraph "b", are not
28 scheduled violations, and this section shall not apply
29 to any offense charged in that manner. For a parking
30 violation under section 461A.38, the scheduled fine is
31 ten dollars. For a parking violation under section
32 321.362, the scheduled fine is twenty dollars.

33 b. For a parking violation under section 321L.2A,
34 subsection 2, the scheduled fine is twenty dollars.

35 c. For violations under section 321L.2A, subsection
36 3, sections 321L.3, 321L.4, subsection 2, and section
37 321L.7, the scheduled fine is two hundred dollars.

38 2. Title and registration violations. For title or
39 registration violations under the following sections,
40 the scheduled fine is as follows:

41 a. 321.17, \$50.

42 b. 321.25, \$100.

43 c. 321.32, \$20.

44 d. 321.34, \$20.

45 e. 321.37, \$20.

46 f. 321.38, \$20.

47 g. 321.41, \$20.

48 h. 321.45, \$100.

49 i. 321.46, \$100.

50 j. 321.47, \$100.

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1 k. 321.48, \$100.

2 l. 321.52, \$100.

3 m. 321.55, \$50.

4 n. 321.57, \$100.

5 o. 321.62, \$100.

6 p. 321.67, \$100.

7 q. 321.98, \$50.

8 r. 321.99, \$200.

9 s. 321.104, \$100.

10 t. 321.115, \$30.

11 u. 321.115A, \$30.

12 3. Equipment violations. For equipment violations
13 under the following sections, the scheduled fine is as
14 follows:

15 a. 321.234A, \$50.

16 b. 321.247, \$100.

17 c. 321.317, \$20.

18 d. 321.381, \$100.

19 e. 321.381A, \$100.

20 f. 321.382, \$25.

21 g. 321.383, \$30.

22 h. 321.384, \$30.

- 23 i. 321.385, \$30.
- 24 j. 321.386, \$30.
- 25 k. 321.387, \$20.
- 26 l. 321.388, \$20.
- 27 m. 321.389, \$20.
- 28 n. 321.390, \$20.
- 29 o. 321.392, \$20.
- 30 p. 321.393, \$20.
- 31 q. 321.398, \$30.
- 32 r. 321.402, \$30.
- 33 s. 321.403, \$30.
- 34 t. 321.404, \$30.
- 35 u. 321.404A, \$25.
- 36 v. 321.409, \$30.
- 37 w. 321.415, \$30.
- 38 x. 321.419, \$30.
- 39 y. 321.420, \$30.
- 40 z. 321.421, \$30.
- 41 aa. 321.422, \$20.
- 42 ab. 321.423, \$30.
- 43 ac. 321.430, \$100.
- 44 ad. 321.432, \$20.
- 45 ae. 321.433, \$30.
- 46 af. 321.436, \$20.
- 47 ag. 321.437, for improperly used or nonused, or
- 48 defective or improper equipment, other than brakes,
- 49 driving lights, and brake lights, \$20.
- 50 ah. 321.438, \$50.

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- 1 ai. 321.439, \$20.
- 2 aj. 321.440, \$20.
- 3 ak. 321.441, \$20.
- 4 al. 321.442, \$20.
- 5 am. 321.444, \$20.
- 6 4. Driver's license violations. For driver's
- 7 license violations under the following sections, the
- 8 scheduled violation is as follows:
- 9 a. 321.174, \$200.
- 10 b. 321.174A, \$50.
- 11 c. 321.180, \$50.
- 12 d. 321.180B, \$50.
- 13 e. 321.193, \$50.
- 14 f. 321.194, \$50.
- 15 g. 321.216, \$100.
- 16 h. 321.216B, \$200.
- 17 i. 321.216C, \$200.
- 18 j. 321.219, \$200.
- 19 k. 321.220, \$200.
- 20 5. Speed violations.
- 21 a. For excessive speed violations in excess of the

22 limit under section 321.236, subsections 5 and 11,
23 sections 321.285, and 461A.36, the scheduled fine shall
24 be the following:

25 (1) Twenty dollars for speed not more than five
26 miles per hour in excess of the limit.

27 (2) Forty dollars for speed greater than five but
28 not more than ten miles per hour in excess of the
29 limit.

30 (3) Eighty dollars for speed greater than ten but
31 not more than fifteen miles per hour in excess of the
32 limit.

33 (4) Ninety dollars for speed greater than fifteen
34 but not more than twenty miles per hour in excess of
35 the limit.

36 (5) One hundred dollars plus five dollars for each
37 mile per hour of excessive speed over twenty miles per
38 hour over the limit.

39 b. Notwithstanding paragraph "a", for excessive
40 speed violations in speed zones greater than fifty-five
41 miles per hour, the scheduled fine shall be:

42 (1) Twenty dollars for speed not more than five
43 miles per hour in excess of the limit.

44 (2) Forty dollars for speed greater than five but
45 not more than ten miles per hour in excess of the
46 limit.

47 (3) Eighty dollars for speed greater than ten but
48 not more than fifteen miles per hour in excess of the
49 limit.

50 (4) Ninety dollars for speed greater than fifteen

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1 but not more than twenty miles per hour in excess of
2 the limit.

3 (5) One hundred dollars plus five dollars for each
4 mile per hour of excessive speed over twenty miles per
5 hour over the limit.

6 c. Excessive speed in whatever amount by a school
7 bus is not a scheduled violation under any section
8 listed in this subsection.

9 d. Excessive speed in conjunction with a violation
10 of section 321.278 is not a scheduled violation,
11 whatever the amount of excess speed.

12 e. For a violation under section 321.295, the
13 scheduled fine is fifty dollars.

14 6. Operating violations. For operating violations
15 under the following sections, the scheduled violation
16 is as follows:

17 a. 321.236, subsections 3, 4, 9, and 12, \$20.

18 b. 321.275, subsections 1 through 7, \$35.

19 c. 321.277A, \$35.

20 d. 321.288, \$100.

- 21 e. 321.297, \$100.
- 22 f. 321.299, \$100.
- 23 g. 321.302, \$100.
- 24 h. 321.303, \$100.
- 25 i. 321.304, subsections 1 and 2, \$100.
- 26 j. 321.305, \$100.
- 27 k. 321.306, \$100.
- 28 l. 321.311, \$100.
- 29 m. 321.312, \$100.
- 30 n. 321.314, \$100.
- 31 o. 321.315, \$35.
- 32 p. 321.316, \$35.
- 33 q. 321.318, \$35.
- 34 r. 321.323, \$100.
- 35 s. 321.340, \$100.
- 36 t. 321.353, \$100.
- 37 u. 321.354, \$100.
- 38 v. 321.363, \$35.
- 39 w. 321.365, \$35.
- 40 x. 321.366, \$100.
- 41 y. 321.395, \$100.
- 42 7. Failure to yield or obey violations. For failure
- 43 to yield or obey violations under the following
- 44 sections, the scheduled violation is as follows:
- 45 a. 321.257, subsection 2, for a violation by an
- 46 operator of a motor vehicle, \$100.
- 47 b. 321.298, \$100.
- 48 c. 321.307, \$100.
- 49 d. 321.308, \$100.
- 50 e. 321.313, \$100.

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- 1 f. 321.319, \$100.
- 2 g. 321.320, \$100.
- 3 h. 321.321, \$100.
- 4 i. 321.327, \$100.
- 5 j. 321.329, \$100.
- 6 k. 321.333, \$100.
- 7 8. Traffic sign or signal violations. For traffic
- 8 sign or signal violations under the following sections,
- 9 the scheduled violation is as follows:
- 10 a. 321.236, subsections 2 and 6, \$35.
- 11 b. 321.256, \$100.
- 12 c. 321.294, \$100.
- 13 d. 321.304, subsection 3, \$100.
- 14 e. 321.322, \$100.
- 15 9. Bicycle or pedestrian violations. For bicycle
- 16 or pedestrian violations under the following sections,
- 17 the scheduled fine for a pedestrian or bicyclist is as
- 18 follows:
- 19 a. 321.234, subsections 3 and 4, \$25.

- 20 b. 321.236, subsection 10, \$15.
21 c. 321.257, subsection 2, \$25.
22 d. 321.275, subsection 8, \$25.
23 e. 321.325, \$25.
24 f. 321.326, \$25.
25 g. 321.328, \$25.
26 h. 321.331, \$25.
27 i. 321.332, \$25.
28 j. 321.397, \$25.
29 k. 321.434, \$25.
30 9A. Electric personal assistive mobility device
31 violations. For violations under section 321.235A, the
32 scheduled fine is fifteen dollars.
33 10. School bus violations.
34 a. For violations by an operator of a school bus
35 under sections 321.285 and 321.372, subsections 1 and
36 2, the scheduled fine is one hundred dollars. However,
37 an excessive speed violation by a school bus of more
38 than ten miles per hour in excess of the limit is not a
39 scheduled violation.
40 b. For a violation under section 321.372,
41 subsection 3, the scheduled fine is two hundred
42 dollars.
43 11. Emergency vehicle violations. For emergency
44 vehicle violations under the following sections, the
45 scheduled fine is as follows:
46 a. 321.231, \$100.
47 b. 321.323A, \$100.
48 c. 321.324, \$100.
49 d. 321.367, \$100.
50 e. 321.368, \$100.

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- 1 12. Restrictions on vehicles.
2 a. For violations under sections 321.309, 321.310,
3 321.394, 321.461, and 321.462, the scheduled fine is
4 thirty-five dollars.
5 b. For violations under section 321.437, the
6 scheduled fine is thirty-five dollars.
7 c. For height, length, width, and load violations
8 under sections 321.454, 321.455, 321.456, 321.457, and
9 321.458, the scheduled fine is two hundred dollars.
10 d. For violations under section 321.466, the
11 scheduled fine is twenty dollars for each two thousand
12 pounds or fraction thereof of overweight.
13 e. (1) Violations of the schedule of axle
14 and tandem axle and gross or group of axle weight
15 violations in section 321.463 shall be scheduled
16 violations subject to the provisions, procedures, and
17 exceptions contained in sections 805.6 through 805.11,
18 irrespective of the amount of the fine under that

19 schedule.

20 (a) Violations of the schedule of weight violations
21 shall be chargeable, where the fine charged does not
22 exceed one thousand dollars, only by uniform citation
23 and complaint.

24 (b) Violations of the schedule of weight
25 violations, where the fine charged exceeds one
26 thousand dollars shall, when the violation is
27 admitted and section 805.9 applies, be chargeable
28 upon uniform citation and complaint, indictment, or
29 county attorney's information, but otherwise shall be
30 chargeable only upon indictment or county attorney's
31 information.

32 (2) In all cases of charges under the schedule of
33 weight violations, the charge shall specify the amount
34 of fine charged under the schedule. Where a defendant
35 is convicted and the fine under the foregoing schedule
36 of weight violations exceeds one thousand dollars, the
37 conviction shall be of an indictable offense although
38 section 805.9 is employed and whether the violation
39 is charged upon uniform citation and complaint,
40 indictment, or county attorney's information.

41 f. For a violation under section 321E.16, other
42 than the provisions relating to weight, the scheduled
43 fine is two hundred dollars.

44 13. Motor carrier violations.

45 a. (1) For a violation under section 321.54, the
46 scheduled fine is thirty dollars.

47 (2) For violations under sections 326.22 and
48 326.23, the scheduled fine is fifty dollars.

49 b. For a violation under section 321.449, the
50 scheduled fine is fifty dollars.

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1 c. For violations under sections 321.364, 321.450,
2 321.460, and 452A.52, the scheduled fine is two hundred
3 dollars.

4 d. For violations of section 325A.3, subsection 5,
5 or section 325A.8, the scheduled fine is one hundred
6 dollars.

7 e. For violations of chapter 325A, other than a
8 violation of section 325A.3, subsection 5, or section
9 325A.8, the scheduled fine is two hundred fifty
10 dollars.

11 f. For failure to have proper carrier
12 identification markings under section 327B.1, the
13 scheduled fine is one hundred dollars.

14 g. For failure to have proper evidence of
15 interstate authority carried or displayed under section
16 327B.1, and for failure to register, carry, or display
17 evidence that interstate authority is not required

18 under section 327B.1, the scheduled fine is two hundred
19 fifty dollars.

20 14. Miscellaneous violations.

21 a. Failure to obey a peace officer. For a violation
22 under section 321.229, the scheduled fine is one
23 hundred dollars.

24 b. Abandoning a motor vehicle. For a violation
25 under section 321.91, the scheduled fine is two hundred
26 dollars.

27 c. Seat belt or restraint violations.

28 (1) For a violation under section 321.445, the
29 scheduled fine is fifty dollars.

30 (2) For a violation under section 321.446, the
31 scheduled violation is one hundred dollars.

32 d. Litter and debris violations. For violations
33 under sections 321.369 and 321.370, the scheduled fine
34 is seventy dollars.

35 e. Open container violations. For violations under
36 sections 321.284 and 321.284A, the scheduled fine is
37 two hundred dollars.

38 f. Proof of financial responsibility. If, in
39 connection with a motor vehicle accident, a person is
40 charged and found guilty of a violation of section
41 321.20B, subsection 1, the scheduled fine is five
42 hundred dollars; otherwise, the scheduled fine for
43 a violation of section 321.20B, subsection 1, is
44 two hundred fifty dollars. Notwithstanding section
45 805.12, fines collected pursuant to this paragraph
46 shall be submitted to the state court administrator and
47 distributed fifty percent to the victim compensation
48 fund established in section 915.94, twenty-five percent
49 to the county in which such fine is imposed, and
50 twenty-five percent to the general fund of the state.

Page 8

1 g. Radar-jamming devices. For a violation under
2 section 321.232, the scheduled fine is one hundred
3 dollars.

4 h. Railroad crossing violations. For violations
5 under sections 321.341, 321.342, 321.343, and 321.344,
6 and 321.344B, the scheduled fine is two hundred
7 dollars.

8 i. Road work zone violations. The scheduled fine
9 for any moving traffic violation under chapter 321,
10 as provided in this section, shall be doubled if the
11 violation occurs within any road work zone, as defined
12 in section 321.1. However, notwithstanding subsection
13 5, the scheduled fine for violating the speed limit in
14 a road work zone is as follows:

15 (1) One hundred fifty dollars for speed not more
16 than ten miles per hour over the posted speed limit.

17 (2) Three hundred dollars for speed greater than
 18 ten but not more than twenty miles per hour over the
 19 posted speed limit.

20 (3) Five hundred dollars for speed greater than
 21 twenty but not more than twenty-five miles per hour
 22 over the posted speed limit.

23 (4) One thousand dollars for speed greater than
 24 twenty-five miles per hour over the posted speed limit.

25 j. Vehicle component parts records violations. For
 26 violations under section 321.95, the scheduled fine is
 27 fifty dollars.>

28 2. Page 29, line 15, by striking <one hundred ten>
 29 and inserting <one two hundred>

30 3. Page 29, line 27, after <2011.> by inserting
 31 <Of the moneys allocated for deposit into the victim
 32 compensation fund pursuant to section 602.8108,
 33 subsection 3, the state court administrator shall
 34 allocate to the treasurer of state for deposit in the
 35 public safety enforcement fund the first two hundred
 36 thirty-five thousand dollars of the moneys received
 37 during the fiscal year beginning July 1, 2010, and
 38 ending June 30, 2011.>

39 4. By striking page 29, line 34, through page 30,
 40 line 20, and inserting:

41 <a. To the department of corrections for
 42 operations including but not limited to drug courts
 43 and salaries and support for probation and parole
 44 officers, \$837,810, and of the amount allocated in
 45 this paragraph, \$402,810 shall be allocated by the
 46 department of corrections to the sixth judicial
 47 district department of correctional services, \$335,000
 48 shall be allocated to the fifth judicial district
 49 department of correctional services, and \$100,000 shall
 50 be allocated to the first judicial district department

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1 of correctional services.

2 b. To the department of corrections for salaries
 3 and support for correctional officers, \$2,497,190, and
 4 of the amount allocated in this paragraph, \$1,451,000
 5 shall be allocated by the department of corrections
 6 for the operation of the Fort Madison correctional
 7 facility, \$846,190 shall be allocated for the operation
 8 of the Luster Heights facility, and \$200,000 shall be
 9 allocated for the operation of the Anamosa correctional
 10 facility.

11 c. To the department of public safety, \$150,000,
 12 for costs associated with the training and equipment
 13 needs of volunteer fire fighters.

14 d. To the department of public safety for salaries
 15 and support for sworn peace officers of the state

16 patrol, \$300,000.

17 e. To the Iowa civil rights commission, \$100,000.

18 f. To the judicial branch, \$5,300,000.

19 g. To the department of justice for salaries and
20 support, \$150,000.

21 3. Moneys remaining in the fund at or after the
22 close of the fiscal year shall revert to the general
23 fund of the state.

24 4. This section is repealed June 30, 2011.>

25 5. Page 33, before line 21 by inserting:

26 <Sec. ____ Section 321.174, subsection 1, Code
27 2009, is amended to read as follows:

28 1. a. A person, except those expressly exempted,
29 shall not operate any motor vehicle upon a highway in
30 this state unless the person has a driver's license
31 issued by the department valid for the vehicle's
32 operation.

33 b. A moving traffic violation does not include a
34 violation of this subsection.

35 Sec. ____ Section 321.210, subsection 2, paragraph
36 d, Code 2009, is amended to read as follows:

37 d. The first two speeding violations within any
38 twelve-month period of ten miles per hour or less over
39 the legal speed limit in speed zones having a legal
40 speed limit between thirty-four miles per hour and
41 ~~fifty-six~~ sixty-one miles per hour.

42 Sec. ____ Section 516B.3, subsection 1, Code 2009,
43 is amended to read as follows:

44 1. The commissioner shall require that insurance
45 companies transacting business in this state not
46 consider speeding violations occurring on or after
47 July 1, 1986, but before May 12, 1987, which are for
48 speeding violations for ten miles per hour or less
49 over the legal speed limit in speed zones that have a
50 legal speed limit greater than thirty-five miles per

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1 hour or speeding violations occurring on or after May
2 12, 1987, which are for speeding violations for ten
3 miles per hour or less over the legal speed limit in
4 speed zones that have a legal speed limit equal to or
5 greater than thirty-five miles per hour but not greater
6 than ~~fifty-five~~ sixty miles per hour for the purpose
7 of establishing rates for motor vehicle insurance
8 charged by the insurer and shall require that insurance
9 companies not cancel or refuse to renew any such policy
10 for such violations. In any twelve-month period, this
11 section applies only to the first two such violations
12 which occur.>

13 6. Title page, line 2, by striking <providing for>
14 and inserting <modifying certain traffic offenses,>

Amendment H-8493 was adopted.

Zirkelbach of Jones asked and received unanimous consent to withdraw amendment H-8460 filed by him from the floor.

Taylor 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. 2378)

The ayes were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Hanson	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
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	Winckler
Zirkelbach	Gayman, Presiding		

The nays were, 44:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Soderson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

Absent or not voting, 2:

Miller, H. Wendt

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

HOUSE FILE 2523 WITHDRAWN

Taylor of Linn asked and received unanimous consent to withdraw House File 2523 from further consideration by the House.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 2378** be immediately messaged to the Senate.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 18th day of March, 2010: House File 2076.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 17, 2010, he approved and transmitted to the Secretary of State the following bills:

Senate File 434, an Act relating to nuisance properties by requiring the indexing of certain municipal citations and petitions affecting real property and requiring the county treasurer to withhold certain real property from tax sale.

Senate File 2264, an Act relating to the review and approval of proposed subdivisions by a city.

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 ETHICS

Committee Bill (Formerly LSB 5717HC), amending the House Code of Ethics.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 2010.

RESOLUTIONS FILED

HR 126, by Smith, Kaufmann and Raecker, a resolution recognizing the Uncommon Public Service Award.

Laid over under **Rule 25**.

HR 127, by Winckler, Gayman, Lykam, L. Miller and Thede, a resolution honoring the sesquicentennial of Temple Emanuel.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8457	S.F.	2274	Senate Amendment
H—8458	S.F.	2367	Gaskill of Wapello
H—8464	H.F.	2459	Senate Amendment
H—8465	S.F.	2270	Tymeson of Madison
H—8466	H.F.	2528	Windschitl of Harrison
H—8467	S.F.	2367	Kuhn of Floyd
H—8468	S.F.	2250	R. Olson of Polk
H—8475	H.F.	2512	Struyk of Pottawattamie
H—8476	H.F.	2512	Struyk of Pottawattamie
H—8478	H.F.	2527	Sweeney of Hardin
H—8479	H.F.	2527	Schulte of Linn
			Cownie of Polk
			De Boef of Keokuk
			S. Olson of Clinton
			Chambers of O'Brien
			Roberts of Carroll
			Soderberg of Plymouth
			Drake of Cass
			Mertz of Kossuth
			Upmeyer of Hancock
			Zirkelbach of Jones
			Hagenow of Polk
			Alons of Sioux
			May of Dickinson
			L. Miller of Scott
			Lukan of Dubuque
			Schultz of Crawford
			Sweeney of Hardin
			Marek of Washington
			Quirk of Chickasaw
			Schueller of Jackson

H—8480	H.F.	2527	Sweeney of Hardin De Boef of Keokuk S. Olson of Clinton Chambers of O'Brien Roberts of Carroll Soderberg of Plymouth
			Alons of Sioux May of Dickinson L. Miller of Scott Lukan of Dubuque Schultz of Crawford Drake of Cass
H—8481	H.F.	2527	Helland of Polk Wagner of Linn
H—8482	H.F.	2527	Sands of Louisa
H—8483	S.F.	2380	Schulte of Linn Alons of Sioux May of Dickinson L. Miller of Scott Lukan of Dubuque Schultz of Crawford Sweeney of Hardin Marek of Washington Quirk of Chickasaw Schueller of Jackson
			Hagenow of Polk De Boef of Keokuk S. Olson of Clinton Chambers of O'Brien Roberts of Carroll Soderberg of Plymouth Drake of Cass Mertz of Kossuth Upmeyer of Hancock Zirkelbach of Jones
H—8484	S.F.	2380	Sweeney of Hardin De Boef of Keokuk S. Olson of Clinton Chambers of O'Brien Roberts of Carroll Soderberg of Plymouth
			Alons of Sioux May of Dickinson L. Miller of Scott Lukan of Dubuque Schultz of Crawford Drake of Cass
H—8485	S.F.	2380	Sands of Louisa
H—8486	S.F.	2380	Helland of Polk Wagner of Linn
H—8487	S.F.	2270	Tymeson of Madison
H—8488	S.F.	2201	Petersen of Polk
H—8490	H.F.	2229	Quirk of Chickasaw
H—8491	S.F.	2367	Mascher of Johnson Abdul-Samad of Polk
H—8492	S.F.	2370	Bell of Jasper
H—8494	S.F.	2354	Cohoon of Des Moines
H—8495	S.F.	2215	Running-Marquardt of Linn Soderberg of Plymouth

H—8496	S.F.	2270	Upmeyer of Hancock
H—8497	S.F.	2367	Raecker of Polk

On motion by McCarthy of Polk the House adjourned at 6:25 p.m., until 9:00 a.m., Friday, March 19, 2010.

JOURNAL OF THE HOUSE

Sixty-eighth Calendar Day - Forty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 19, 2010

The House met pursuant to adjournment at 9:26 a.m., Speaker Murphy in the chair.

Prayer was offered by the Honorable Mary Mascher, state representative from Johnson County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Brent Smith, House Page from Pella.

The Journal of Thursday, March 18, 2010 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huser of Polk on request of Struyk of Pottawattamie; Wendt of Woodbury on request of McCarthy of Polk.

SENATE MESSAGE CONSIDERED

Senate File 2381, by committee on appropriations, 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.

Read first time and referred to committee on **appropriations**.

On motion by McCarthy of Polk, the House was recessed at 9:58 a.m., until 1:15 p.m.

AFTERNOON SESSION

The House reconvened at 1:24 p.m., Berry of Black Hawk in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

H. Miller of Webster on request of Speaker Murphy; Tjepkes of Webster on request of Roberts of Carroll.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-eight members present, twelve absent.

Speaker Murphy in the chair at 1:43 p.m.

CONSIDERATION OF BILLS

Appropriations Calendar

Senate File 2367, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Hunter of Polk offered amendment H-8499 filed by him from the floor as follows:

H-8499

- 1 Amend Senate File 2367, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 7, by striking <\$2> and inserting
- 4 <\$4>
- 5 2. Page 7, by striking lines 5 through 7.
- 6 3. Page 13, after line 32 by inserting:
- 7 <7. DEPENDENT ADULT ABUSE. For costs associated
- 8 with implementing the requirements of 2010 Iowa Acts,
- 9 Senate File 2333, if enacted:
- 10 \$ 250,000>

11 4. By striking page 15, line 29, through page 16,
12 line 1.

13 5. Page 22, line 26, after <procured contracts> by
14 inserting <let by another participating agency>

15 6. By striking page 23, line 28, through page 26,
16 line 10, and inserting:

17 <DIVISION _____

18 MEDICATION THERAPY MANAGEMENT

19 Sec. ____ MEDICATION THERAPY MANAGEMENT – PILOT
20 – REPEAL.

21 1. As used in this section unless the context
22 otherwise requires:

23 a. "Eligible employee" means an employee of the
24 state, with the exception of an employee of the state
25 board of regents or institutions under the state board
26 of regents, for whom group health plans are established
27 pursuant to chapter 509A providing for third-party
28 payment or prepayment for health or medical expenses.

29 b. "Medication therapy management" means a
30 systematic process performed by a licensed pharmacist,
31 designed to optimize therapeutic outcomes through
32 improved medication use and reduced risk of adverse
33 drug events, including all of the following services:

34 (1) A medication therapy review and in-person
35 consultation relating to all medications, vitamins, and
36 herbal supplements currently being taken by an eligible
37 individual.

38 (2) A medication action plan, subject to the
39 limitations specified in this section, communicated
40 to the individual and the individual's primary care
41 physician or other appropriate prescriber to address
42 safety issues, inconsistencies, duplicative therapy,
43 omissions, and medication costs. The medication action
44 plan may include recommendations to the prescriber for
45 changes in drug therapy.

46 (3) Documentation and follow-up to ensure
47 consistent levels of pharmacy services and positive
48 outcomes.

49 2. a. Prior to July 1, 2010, the department of
50 administrative services shall utilize a request for

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1 proposals process to contract for the provision of
2 medication therapy management services beginning July
3 1, 2010, for eligible employees who meet any of the
4 following criteria:

5 (1) An individual who takes four or more
6 prescription drugs to treat or prevent two or more
7 chronic medical conditions.

8 (2) An individual with a prescription drug therapy
9 problem who is identified by the prescribing physician

10 or other appropriate prescriber, and referred to a
11 pharmacist for medication therapy management services.

12 (3) An individual who meets other criteria
13 established by the third-party payment provider
14 contract, policy, or plan.

15 b. The contract shall require the company to
16 provide annual reports to the general assembly
17 detailing the costs, savings, estimated cost avoidance
18 and return on investment, and patient outcomes
19 related to the medication therapy management services
20 provided. The company shall guarantee demonstrated
21 annual savings, including any savings associated with
22 cost avoidance at least equal to the program's costs
23 with any shortfall amount refunded to the state. As
24 a proof of concept in the program for the period
25 beginning July 1, 2010, and ending June 30, 2011, the
26 company shall offer a dollar-for-dollar guarantee for
27 drug product costs savings alone. Prior to entering
28 into a contract with a company, the department and
29 the company shall agree on the terms, conditions,
30 and applicable measurement standards associated
31 with the demonstration of savings. The department
32 shall verify the demonstrated savings reported by
33 the company was performed in accordance with the
34 agreed upon measurement standards. The company shall
35 be prohibited from using the company's employees to
36 provide the medication therapy management services and
37 shall instead be required to contract with licensed
38 pharmacies, pharmacists, or physicians.

39 c. The fees for pharmacist-delivered medication
40 therapy management services shall be separate from
41 the reimbursement for prescription drug product or
42 dispensing services; shall be determined by each
43 third-party payment provider contract, policy, or plan;
44 and must be reasonable based on the resources and time
45 required to provide the service.

46 d. A fee shall be established for physician
47 reimbursement for services delivered for medication
48 therapy management as determined by each third-party
49 payment provider contract, policy, or plan, and must be
50 reasonable based on the resources and time required to

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1 provide the service.

2 e. If any part of the medication therapy management
3 plan developed by a pharmacist incorporates services
4 which are outside the pharmacist's independent scope
5 of practice including the initiation of therapy,
6 modification of dosages, therapeutic interchange, or
7 changes in drug therapy, the express authorization
8 of the individual's physician or other appropriate

9 prescriber is required.

10 3. This section is repealed December 31, 2011.

11 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
12 of this Act, being deemed of immediate importance,
13 takes effect upon enactment.>

14 7. Page 26, after line 17 by inserting:

15 <DIVISION _____

16 DEPARTMENT OF HUMAN RIGHTS PROVISIONS

17 Sec. ____ Section 216A.3, subsection 2, unnumbered
18 paragraph 1, Code 2009, as amended by 2010 Iowa Acts,
19 Senate File 2088, section 103, is amended to read as
20 follows:

21 The board shall consist of ~~fourteen sixteen~~ members,
22 including ~~nine eleven~~ voting members and five nonvoting
23 members and determined as follows:

24 Sec. ____ Section 216A.12, subsection 2, Code
25 Supplement 2009, as amended by 2010 Iowa Acts, Senate
26 File 2088, section 108, is amended to read as follows:

27 2. The members of the commission shall be appointed
28 during the month of June and shall serve for staggered
29 four-year terms ~~commencing July 1 of the year of~~
30 ~~appointment which shall begin and end pursuant to~~
31 ~~section 69.19.~~ Members appointed shall continue to
32 serve until their respective successors are appointed.
33 Vacancies in the membership of the commission shall be
34 filled by the original appointing authority and in the
35 manner of the original appointments. Members shall
36 receive actual expenses incurred while serving in their
37 official capacity. Members may also be eligible to
38 receive compensation as provided in section 7E.6.

39 DIVISION _____

40 TREASURER OF STATE PROVISIONS

41 Sec. ____ NEW SECTION. 12G.1 Iowa financial
42 literacy program – legislative intent.

43 The general assembly finds that the general welfare
44 of this state and well-being of its citizens is
45 directly related to the financial education of those
46 citizens. While the state has limited resources
47 to promote financial literacy, a vital and valid
48 public purpose shall be served by the creation and
49 implementation of programs which encourage and make
50 possible the attainment of financial literacy by the

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1 largest possible number of citizens in this state, and
2 particularly by low-income to moderate-income families.

3 Sec. ____ NEW SECTION. 12G.2 Program created.

4 1. An Iowa financial literacy program is created
5 within the office of the treasurer of state. The
6 treasurer of state shall have all powers necessary to
7 carry out and effectuate the purposes, objectives, and

8 provisions pertaining to the program, including the
 9 authority to do all of the following:

- 10 a. Promote the advantages of personal savings
 11 and responsible borrowing and the viability and
 12 desirability of implementing a personal savings program
 13 and responsible borrowing practices regardless of an
 14 individual's or family's financial status.
- 15 b. Create an incentive program and awards ceremony
 16 whereby individuals and families who have made
 17 significant progress toward achieving personal savings
 18 goals and engaging in responsible borrowing practices
 19 shall be officially recognized.
- 20 c. Create strategies for coordination of the
 21 program with the Iowa educational savings plan trust
 22 established in chapter 12D.
- 23 d. Make presentations to groups including but not
 24 limited to schools, hospitals, civic organizations,
 25 and privately organized clubs and groups regarding the
 26 existence of the program.
- 27 e. Coordinate conferences, meetings, and events
 28 which promote financial literacy and education.

29 2. The treasurer of state shall not accept any
 30 moneys or materials for the program from any private
 31 source that will create the appearance that the
 32 treasurer of state endorses any particular financial
 33 product or any particular entity or otherwise will be
 34 deemed to create an unacceptable conflict of interest.

35 Sec. ____ NEW SECTION. 12G.3 Financial literacy
 36 fund.

- 37 1. A financial literacy fund is created within the
 38 state treasury under the control of the treasurer of
 39 state. The fund shall consist of moneys in the form
 40 of a devise, gift, bequest, donation, federal or other
 41 grant, reimbursement, repayment, judgment, transfer,
 42 payment, or appropriation from any source intended to
 43 be used for the purposes of the fund.
- 44 2. Moneys in the fund are appropriated to the
 45 treasurer of state for purposes of the Iowa financial
 46 literacy program established in section 12G.2.
- 47 3. Section 8.33 does not apply to any moneys in the
 48 fund. Notwithstanding section 12C.7, subsection 2,
 49 interest or earnings on moneys deposited in the fund
 50 shall be credited to the fund.

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1 DIVISION _____
 2 PUBLIC INFORMATION BOARD
 3 Sec. ____ PUBLIC INFORMATION BOARD. There is
 4 appropriated from the general fund of the state to
 5 the Iowa public information board for the fiscal year
 6 beginning July 1, 2010, and ending June 30, 2011, the

7 following amount, or so much thereof as is necessary,
 8 to be used for the purposes designated:
 9 For costs associated with establishing the Iowa
 10 public information board, if enacted by 2010 Iowa Acts,
 11 House File 777:
 12 \$ 6,000>
 13 8. By renumbering as necessary.

Raecker of Polk offered the following amendment H-8504, to amendment H-8499, filed by him and Cownie of Polk from the floor and moved its adoption:

H-8504

1 Amend the amendment, H-8499, to Senate File 2367,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 4, after line 34 by inserting:
 5 <Sec. ____ NEW SECTION. 12G.3 Financial literacy
 6 program – members of the general assembly.
 7 The treasurer of state and auditor of state shall
 8 develop a financial literacy program for newly elected
 9 members of the general assembly, which program shall
 10 include information on basic budgeting, financial
 11 statements, an overview of the state's budget process,
 12 and a review of the current financial condition of
 13 the state. The treasurer of state and auditor of
 14 state shall coordinate with the legislative council in
 15 providing for the ability of newly-elected members of
 16 the general assembly to attend the program prior to
 17 being sworn in.>
 18 2. Page 4, line 35, by striking <12G.3> and
 19 inserting <12G.4>
 20 3. Page 4, line 45, after <state> by inserting <and
 21 auditor of state>
 22 4. Page 4, line 46, by striking <program> and
 23 inserting <programs>
 24 5. Page 4, line 46, by striking <section 12G.2> and
 25 inserting <sections 12G.2 and 12G.3>
 26 6. By renumbering as necessary.

Roll call was requested by Paulsen of Linn and Windschitl of Harrison.

On the question "Shall amendment H-8504 to amendment H-8499 be adopted?" (S.F. 2367)

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Kelley	Koester
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rayhons	Roberts	Sands	Schulte
Schultz	Soderberg	Sorenson	Struyk
Sweeney	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

The nays were, 51:

Abdul-Samad	Beard	Bell	Berry
Bukta	Burt	Cphoon	Ficken
Ford	Frevert	Gaskill	Gayman
Hanson	Heddens	Hunter	Isenhart
Jacoby	Kearns	Kressig	Kuhn
Lensing	Lykam	Marek	Mascher
McCarthy	Mertz	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Running-Marquardt
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor	Thede	Thomas
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Zirkelbach	Mr. Speaker Murphy	

Absent or not voting, 5:

Bailey	Huser	Miller, H.	Tjepkes
Wendt			

Amendment H-8504 lost, placing out of order amendment H-8498 filed by Raecker of Polk from the floor.

Hunter of Polk moved the adoption of amendment H-8499.

Amendment H-8499 was adopted.

Gaskill of Wapello asked and received unanimous consent that amendment H-8440 be deferred.

Watts of Dallas asked and received unanimous consent to withdraw amendment H-8439 filed by him on March 17, 2010.

Watts of Dallas offered the following amendment H-8454 filed by him and moved its adoption:

H-8454

- 1 Amend Senate File 2367, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 14, by striking lines 6 through 12.
- 4 2. By striking page 19, line 35, through page 20,
- 5 line 5.
- 6 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 50, nays 41.

Amendment H-8454 was adopted, placing out of order amendment H-8440, previously deferred, filed by Gaskill of Wapello on March 17, 2010.

Lensing of Johnson offered the following amendment H-8408 filed by her and moved its adoption:

H-8408

- 1 Amend Senate File 2367, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 26, after line 17 by inserting:
- 4 <DIVISION _____
- 5 ALCOHOLIC BEVERAGES DIVISION – HIGH ALCOHOLIC CONTENT
- 6 BEER
- 7 Sec. ____ NEW SECTION. 123.126 High alcoholic
- 8 content beer.
- 9 Unless otherwise provided by this chapter, the
- 10 provisions of this chapter applicable to beer shall
- 11 also apply to high alcoholic content beer.
- 12 Sec. ____ EFFECTIVE UPON ENACTMENT AND RETROACTIVE
- 13 APPLICABILITY. This division of this Act, being deemed
- 14 of immediate importance, takes effect upon enactment
- 15 and applies retroactively to March 10, 2010.>
- 16 2. By renumbering as necessary.

Amendment H-8408 was adopted, placing out of order amendment H-8421 filed by Kressig of Black Hawk on March 15, 2010.

Gaskill of Wapello asked and received unanimous consent to withdraw amendment H-8452 filed by her on March 17, 2010.

Gaskill of Wapello offered the following amendment H-8458 filed by her and moved its adoption:

H-8458

1 Amend Senate File 2367, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 26, after line 17 by inserting:

4 <DIVISION _____

5 REVENUE COLLECTIONS BY COUNTY TREASURERS

6 Sec. ____ Section 321.40, subsection 6, Code

7 Supplement 2009, is amended to read as follows:

8 6. a. The department or the county treasurer
9 shall refuse to renew the registration of a vehicle
10 registered to the applicant if the department or
11 the county treasurer knows that the applicant has a
12 delinquent account, charge, fee, loan, taxes, or other
13 indebtedness owed to or being collected by the state,
14 from information provided pursuant to sections 8A.504
15 and 421.17. An applicant may contest this action by
16 requesting a contested case proceeding from the agency
17 that referred the debt for collection pursuant to
18 section 8A.504. The department of revenue and the
19 department of transportation shall notify the county
20 treasurers through the distributed teleprocessing
21 network of persons who owe such a charge, fee, loan,
22 taxes, or other indebtedness.

23 b. The county treasurer of the county of the
24 person's residence and in which the person's vehicle
25 is registered, in cooperation with the department
26 of revenue, may collect delinquent taxes including
27 penalties and interest owed to the state from a person
28 applying for renewal of a vehicle registration. The
29 applicant may remit full payment of the taxes including
30 applicable penalties and interest, along with a
31 processing fee of five dollars, to the county treasurer
32 at the time of registration renewal. Upon full payment
33 of the required taxes including applicable penalties
34 and interest, the processing fee, and the vehicle
35 registration fee, the county treasurer shall issue
36 the registration to the person. A county treasurer
37 collecting on behalf of the department of revenue shall
38 update the vehicle registration records through the
39 distributed teleprocessing network on a daily basis
40 for all persons who have paid taxes pursuant to this
41 subsection. A county treasurer shall forward all
42 funds collected for the department of revenue to the
43 department of revenue.

44 Sec. ____ Section 321.152, Code 2009, is amended by
45 adding the following new subsection:

46 NEW SUBSECTION. 2A. a. Except as provided in

47 paragraph "b", the five dollar processing fee charged
48 by a county treasurer for collection of tax debt
49 owed to the department of revenue pursuant to section
50 321.40, subsection 6, shall be retained for deposit in

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1 the county general fund.

2 b. From each five dollar processing fee charged
3 by a county treasurer pursuant to section 321.40,
4 subsection 6, the county treasurer shall retain
5 two dollars and fifty cents and shall forward the
6 remaining two dollars and fifty cents to the treasurer
7 of state to be used to reimburse the department
8 of transportation for actual costs incurred by the
9 department to implement provisions relating to the
10 collection of tax debt by the county treasurers
11 as provided in section 321.40, subsection 6. The
12 department shall certify its costs to the treasurer of
13 state for approval and payment. The treasurer of state
14 shall notify the county treasurers and the department
15 when the department's costs have been paid in full.
16 Upon such notification, the county treasurers shall
17 retain processing fees as provided in paragraph "a".
18 Sec. ____. Section 321.153, Code 2009, is amended to
19 read as follows:

20 321.153 Treasurer's report to department.

21 1. The county treasurer on the tenth day of each
22 month shall certify to the department a full and
23 complete statement of all fees and penalties received
24 by the county treasurer during the preceding calendar
25 month and shall remit all moneys not retained for
26 deposit under section 321.152 to the treasurer of
27 state.

28 2. The distributed teleprocessing network shall be
29 used in the collection, receipting, accounting, and
30 reporting of any fee collected through the registration
31 renewal or title process, with sufficient time and
32 financial resources provided for implementation.

33 3. This section does not apply to fees collected
34 or retained by a county treasurer pursuant to
35 participation in county issuance of driver's licenses
36 under chapter 321M.

37 4. This section does not apply to processing fees
38 charged by a county treasurer for the collection of
39 tax debt owed to the department of revenue pursuant to
40 section 321.40.

41 Sec. ____. Section 421.17, subsection 27, Code 2009,
42 is amended by adding the following new paragraph:
43 **NEW PARAGRAPH.** k. A county treasurer may collect
44 delinquent taxes, including penalties and interest,
45 administered by the department in conjunction with

46 renewal of a vehicle registration as provided in
 47 section 321.40, subsection 6, paragraph "b", and rules
 48 adopted pursuant to this paragraph. County treasurers
 49 shall be given access to information required for the
 50 collection of delinquent taxes, including penalties

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1 and interest, as necessary to accomplish the purposes
 2 of section 321.40, subsection 6, paragraph "b". The
 3 confidentiality provisions of sections 422.20 and
 4 422.72 do not apply to information provided to a
 5 county treasurer pursuant to this paragraph. A county
 6 treasurer collecting taxes, penalties, and interest
 7 administered by the department is subject to the
 8 requirements and penalties of the confidentiality
 9 laws of this state regarding tax or indebtedness
 10 information. The director shall adopt rules to
 11 implement the collection of tax debt as authorized in
 12 section 321.40 and this paragraph.

13 Sec. ____ Section 422.20, subsection 3, paragraph
 14 a, Code 2009, is amended to read as follows:

15 a. Unless otherwise expressly permitted by
 16 section 8A.504, section 421.17, subsections 22, 23,
 17 and 26, ~~sections and subsection 27, paragraph "k",~~
 18 section 252B.9, section 321.40, subsection 6, paragraph
 19 "b", sections 321.120, 421.19, 421.28, 422.72, and
 20 452A.63, and this section, a tax return, return
 21 information, or investigative or audit information
 22 shall not be divulged to any person or entity,
 23 other than the taxpayer, the department, or internal
 24 revenue service for use in a matter unrelated to tax
 25 administration.

26 Sec. ____ Section 422.72, subsection 3, paragraph
 27 a, Code 2009, is amended to read as follows:

28 a. Unless otherwise expressly permitted by
 29 section 8A.504, section 421.17, subsections 22, 23,
 30 and 26, ~~sections and subsection 27, paragraph "k",~~
 31 section 252B.9, section 321.40, subsection 6, paragraph
 32 "b", sections 321.120, 421.19, 421.28, 422.20, and
 33 452A.63, and this section, a tax return, return
 34 information, or investigative or audit information
 35 shall not be divulged to any person or entity,
 36 other than the taxpayer, the department, or internal
 37 revenue service for use in a matter unrelated to tax
 38 administration.

39 Sec. ____ INTENT – COLLECTION OF COURT DEBT BY
 40 COUNTY TREASURERS – STUDY.

41 1. It is the intent of the general assembly to
 42 implement the collection of court debt on behalf of the
 43 clerk of the district court at the time a person renews
 44 a motor vehicle registration beginning July 1, 2011.

45 2. The state court administrator, or the state
 46 court administrator's designee, in cooperation with
 47 the Iowa state county treasurers association shall
 48 develop a plan to allow county treasurers to collect
 49 restitution and delinquent court debt on behalf of
 50 the clerk of the district court at the time a person

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1 appears before the county treasurer to renew a vehicle
 2 registration. The state court administrator shall
 3 submit a report of the plan to the general assembly on
 4 or before December 1, 2010.

5 Sec. ____ EFFECTIVE DATE. The sections of this
 6 division of this Act amending sections 321.40, 321.152,
 7 321.153, 421.17, 422.20, and 422.72 take effect January
 8 1, 2011.>

9 2. By renumbering as necessary.

Amendment H-8458 was adopted.

Kuhn of Floyd offered amendment H-8467 filed by him as follows:

H-8467

1 Amend Senate File 2367, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 26, after line 17 by inserting:

4 <DIVISION ____

5 PUBLIC FINANCING OF ELECTIONS STUDY

6 Sec. ____ STUDY – PUBLIC FINANCING OF ELECTIONS

7 IN IOWA. The executive director of the ethics and
 8 campaign disclosure board, in consultation with the
 9 board, shall do all of the following:

10 1. Study the level of public and other stakeholder
 11 support for public financing of state and local
 12 elections in Iowa.

13 2. Investigate and report on the implementation of
 14 public financing in other jurisdictions.

15 3. Make recommendations to the general assembly
 16 and the governor regarding the feasibility of public
 17 financing.

18 4. If feasible, recommend appropriate legislation.>

19 2. By renumbering as necessary.

Alons of Sioux rose on a point of order that amendment H-8467 was not germane.

The Speaker ruled the point not well taken and amendment H-8467 germane.

Kuhn of Floyd asked and received unanimous consent to withdraw amendment H-8467 filed by him on March 18, 2010.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-8491 filed by her and Abdul-Samad of Polk, placing out of order amendment H-8497 filed by Raecker of Polk on March 18, 2010 and amendment H-8506 filed by Reichert of Muscatine from the floor.

Hunter 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. 2367)

The ayes were, 51:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Isenhart	Jacoby	Kearns	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Running-Marquardt	Schueller	Shomshor	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	Horbach
Huseman	Kaufmann	Kelley	Koester
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rayhons	Roberts	Sands	Schulte
Schultz	Smith	Soderberg	Sorenson
Struyk	Sweeney	Tymeson	Upmeyer

Van Engelenhoven Wagner
Worthan

Watts

Windschitl

Absent or not voting, 4:

Huser

Miller, H.

Tjepkes

Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 3:51 p.m., until the fall of the gavel.

The House resumed session at 4:34 p.m., Speaker Murphy in the chair.

Ways and Means Calendar

House File 2527, a bill for an act relating to taxation, including the administration and review of certain economic development programs and certain tax incentive programs and the reenactment of the estate tax and including effective date and retroactive and other applicability provisions, was taken up for consideration.

Sands of Louisa asked and received unanimous consent to withdraw amendment H-8482 filed by him on March 18, 2010.

Shomshor of Pottawattamie offered amendment H-8451 filed by him as follows:

H-8451

- 1 Amend House File 2527 as follows:
- 2 1. Page 10, line 7, by striking <two> and inserting
- 3 <three>

Sweeney of Hardin asked and received unanimous consent to withdraw amendment H-8478, to amendment H-8451, filed by her on March 18, 2010.

On motion by Shomshor of Pottawattamie, amendment H-8451 was adopted.

Sweeney of Hardin asked and received unanimous consent to withdraw amendment H-8480 filed by Sweeney of Hardin, et al., on March 18, 2010.

Schulte of Linn asked and received unanimous consent to withdraw amendment H-8479 filed by Schulte of Linn, et al., on March 18, 2010.

Helland of Polk asked and received unanimous consent to withdraw amendment H-8481 filed by him and Wagner of Linn on March 18, 2010.

SENATE FILE 2380 SUBSTITUTED FOR HOUSE FILE 2527

Shomshor of Pottawattamie asked and received unanimous consent to substitute Senate File 2380 for House File 2527.

Senate File 2380, a bill for an act relating to taxation, including the administration and review of certain economic development programs and certain tax incentive programs and the reenactment of the estate tax and including effective date and retroactive and other applicability provisions, was taken up for consideration.

Sands of Louisa offered the following amendment H-8485 filed by him and moved its adoption:

H-8485

1 Amend Senate File 2380, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 1, line 1, through page 5, line
4 3, and inserting:

5 <DIVISION __I

6 REVIEW AND REAUTHORIZATION OF PROGRAMS

7 Section 1. INTENT AND PURPOSE.

8 1. It is the intent of the general assembly that
9 each tax credit, withholding credit, and revenue
10 division program should effectuate the purposes for
11 which it was enacted and that the cost of such programs
12 should be included more readily in the yearly budgeting
13 process.

14 2. The purposes of this Act are to provide for the
15 regular review of all tax credit, withholding credit,
16 and revenue division programs in order to facilitate
17 the reauthorization of successful programs and to do

18 so at a cost that can be accommodated by the state's
19 annual budget.

20 DIVISION __II

21 LEGISLATIVE TAX EXPENDITURE COMMITTEE

22 Sec. 2. Section 2.45, Code Supplement 2009, is
23 amended by adding the following new subsection:

24 NEW SUBSECTION. 5. a. The legislative tax
25 expenditure committee which shall be composed of
26 ten members of the general assembly, consisting of
27 five members from each house, to be appointed by the
28 legislative council. In appointing the five members of
29 each house to the committee, the council shall appoint
30 three members from the majority party and two members
31 from the minority party.

32 b. The legislative tax expenditure committee shall
33 have the powers and duties described in section 2.48.

34 Sec. 3. NEW SECTION. 2.48 Legislative tax
35 expenditure committee – review of tax incentive
36 programs.

37 1. Duties of committee. The legislative tax
38 expenditure committee shall do all of the following:

39 a. Evaluate any tax expenditure available
40 under Iowa law and assess its equity, simplicity,
41 competitiveness, public purpose, adequacy, and extent
42 of conformance with the original purposes of the
43 legislation that enacted the tax expenditure, as those
44 issues pertain to taxation in Iowa. For purposes of
45 this section, "tax expenditure" means an exclusion
46 from the operation or collection of a tax imposed in
47 this state. Tax expenditures include tax credits,
48 exemptions, deductions, and rebates. Tax expenditures
49 also include sales tax refunds issued pursuant to
50 section 423.3 or section 423.4.

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1 b. Establish and maintain a system for making
2 available to the public information about the amount
3 and effectiveness of tax expenditures, and the extent
4 to which tax expenditures comply with the original
5 intent of the legislation that enacted the tax
6 expenditure.

7 2. Review of tax expenditures – budget
8 estimates. The legislative tax expenditure committee
9 shall do all of the following:

10 a. Engage in the regular review of the state's tax
11 expenditures.

12 (1) In reviewing tax expenditures, the committee
13 may review any tax expenditure at any time, but
14 shall at a minimum perform the reviews described in
15 subsection 3.

16 (2) For each tax expenditure reviewed, the

17 committee shall submit a report to the legislative
18 council containing the results of the review. The
19 report shall contain a statement of the policy goals
20 of the tax expenditure and a return on investment
21 calculation for the tax expenditure. For purposes of
22 this subparagraph, "return on investment calculation"
23 means analyzing the cost to the state of providing
24 the tax expenditure, analyzing the benefits realized
25 by the state from providing the tax expenditure, and
26 reaching a conclusion as to whether the benefits of
27 the tax expenditure are worth the cost to the state of
28 providing the tax expenditure.

29 (3) The report described in subparagraph (2)
30 may include recommendations for better aligning
31 tax expenditures with the original intent of the
32 legislation that enacted the tax expenditure.

33 b. (1) Estimate for each fiscal year, in
34 conjunction with the legislative services agency
35 and the department of revenue, the cost of each
36 individual tax expenditure and the total cost of all
37 tax expenditures, and by December 15 provide those
38 estimates to the governor for use in the preparation
39 of the budget message under section 8.22 and to the
40 general assembly to be used in the budget process.

41 (2) The estimates provided pursuant to subparagraph
42 (1) may include the committee's recommendations for
43 the imposition of a limitation on a specified tax
44 expenditure, a limitation on the total amount of
45 tax expenditures, or any other recommendation for a
46 specific tax expenditure or the program under which the
47 tax expenditure is provided.

48 3. Schedule of review of all tax expenditures. The
49 committee shall review the following tax expenditures
50 and incentives according to the following schedule:

Page 3

1 a. In 2011:

2 (1) The high quality jobs program under chapter 15,
3 subchapter II, part 13.

4 (2) The tax credits for increasing research
5 activities available under sections 15.335, 15A.9,
6 422.10, and 422.33.

7 (3) The franchise tax credits available under
8 sections 422.11 and 422.33.

9 (4) The earned income tax credit available under
10 section 422.12B.

11 b. In 2012:

12 (1) The Iowa fund of funds program in chapter 15E,
13 division VII.

14 (2) Property tax revenue divisions for urban
15 renewal areas under section 403.19.

16 (3) The targeted jobs withholding credits available
17 under section 403.19A.

18 (4) Funding of urban renewal projects with
19 increased local sales and services tax revenues under
20 section 423B.10.

21 (5) School tuition organization tax credits under
22 sections 422.11S and 422.33.

23 (6) Tuition and textbook tax credits under section
24 422.12.

25 c. In 2013:

26 (1) The child and dependent care and early
27 childhood development tax credits under section
28 422.12C.

29 (2) The endow Iowa tax credits authorized under
30 section 15E.305.

31 (3) The redevelopment tax credits available under
32 section 15.293A.

33 (4) The disaster recovery housing tax credits
34 available under sections 16.211 and 16.212.

35 (5) The tax credits available for film, television,
36 and video project promotion under section 15.393.

37 d. In 2014:

38 (1) Tax credits for investments in qualifying
39 businesses and community-based seed capital funds under
40 chapter 15E, division V.

41 (2) Historic preservation and cultural and
42 entertainment district tax credits under chapter 404A.

43 (3) Wind energy production tax credits under
44 chapter 476B.

45 (4) Renewable energy tax credits under chapter
46 476C.

47 (5) The ethanol promotion tax credits available
48 under section 422.11N.

49 (6) The E-85 gasoline promotion tax credits
50 available under section 422.11O.

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1 (7) The biodiesel blended fuel tax credits
2 available under section 422.11P.

3 e. In 2015:

4 (1) The agricultural assets transfer tax credit
5 under section 175.37.

6 (2) The claim of right tax credit under section
7 422.5.

8 (3) The reduction in allocating income to Iowa by S
9 corporation shareholders under section 422.8.

10 (4) The minimum tax credit under sections 422.11B,
11 422.33, and 422.60.

12 (5) The assistive device corporate tax credit under
13 section 422.33.

14 (6) The charitable conservation contribution tax

- 15 credit under sections 422.11W and 422.33.
 16 (7) The motor vehicle fuel tax credit under section
 17 422.110.
 18 (8) The new jobs tax credits available under
 19 section 422.11A.
 20 (9) The financial assistance available under the
 21 enterprise zones program in chapter 15E, division
 22 XVIII.
 23 4. A tax expenditure or incentive reviewed pursuant
 24 to subsection 3 shall be reviewed again not more than
 25 five years after the tax expenditure or incentive was
 26 most recently reviewed.>
 27 2. Page 5, line 26, by striking <2012> and
 28 inserting <2013>
 29 3. By renumbering as necessary.

Roll call was requested by Sands of Louisa and Paulsen of Linn.

On the question "Shall amendment H-8485 be adopted?" (S.F. 2380)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Bukta	Burt	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, L.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor	Thede
Thomas	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, 5:

Berry	Huser	Miller, H.	Tjepkes
Wendt			

Amendment H-8485 was adopted.

Sweeney of Hardin offered the following amendment H-8484 filed by Sweeney, et al., and moved its adoption:

H-8484

- 1 Amend Senate File 2380, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 10, by striking lines 2 through 9.
- 4 2. By renumbering as necessary.

Roll call was requested by Sweeney of Hardin and Paulsen of Linn.

On the question "Shall amendment H-8484 be adopted?" (S.F. 2380)

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	Horbach	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, L.	Oldson	Olson, D.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor	Thede
Thomas	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, 3:

Hunter Olson, R. Whitead

Absent or not voting, 3:

Miller, H. Tjepkes Wendt

Amendment H-8484 was adopted.

Schulte of Linn offered the following amendment H-8483 filed by Schulte of Linn, et al., and moved its adoption:

H-8483

- 1 Amend Senate File 2380, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 11, by striking lines 9 through 18.
- 4 2. By renumbering as necessary.

Roll call was requested by Schulte of Linn and Koester of Polk.

On the question "Shall amendment H-8483 be adopted?" (S.F. 2380)

The ayes were, 87:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Helland
Horbach	Huseman	Huser	Isenhardt
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lukan
Lykam	Marek	May	McCarthy
Mertz	Miller, L.	Oldson	Olson, D.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Roberts
Running-Marquardt	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor	Thede	Thomas
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wenthe	Winckler	Windschitl
Worthan	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, 10:

Cohoon	Heddens	Hunter	Lensing
Mascher	Olson, R.	Reichert	Wessel-Kroeschell
Whitead	Willems		

Absent or not voting, 3:

Miller, H.	Tjepkes	Wendt
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Amendment H-8483 was adopted.

Isenhart of Dubuque offered amendment H-8462 filed by him, Schueller of Jackson and Struyk of Pottawattamie as follows:

H-8462

1 Amend Senate File 2380, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 24, after line 5 by inserting:
4 <DIVISION _____
5 DIVISION ___OF PROPERTY TAX REVENUE
6 <Sec. ____ Section 331.502, Code Supplement 2009,
7 is amended by adding the following new subsection:
8 NEW SUBSECTION. 42A. Prepare and submit the report
9 required under section 403.19, subsection 9.
10 Sec. ____ Section 403.19, subsection 2, Code 2009,
11 is amended to read as follows:
12 2. a. That portion of the taxes each year in
13 excess of such amount shall be allocated to and
14 when collected be paid into a special fund of the
15 municipality to pay the principal of and interest on
16 loans, moneys advanced to, or indebtedness, whether
17 funded, refunded, assumed, or otherwise, including
18 bonds issued under the authority of section 403.9,
19 subsection 1, incurred by the municipality to finance
20 or refinance, in whole or in part, an urban renewal
21 project within the area, and to provide assistance for
22 low and moderate income family housing as provided
23 in section 403.22, ~~except that~~. However, except as
24 provided in paragraph "b", taxes for the instructional
25 support program of a school district imposed pursuant
26 to section 257.19 and taxes for the regular and
27 voter-approved physical plant and equipment levy of a
28 school district imposed pursuant to section 298.2 and
29 taxes for the payment of bonds and interest of each
30 taxing district must be collected against all taxable
31 property within the taxing district without limitation
32 by the provisions of this subsection.
33 b. (1) ~~However, all~~ All or a portion of the taxes
34 for the physical plant and equipment levy shall be

35 paid by the school district to the municipality if
36 the auditor certifies to the school district by July
37 1 the amount of such levy that is necessary to pay
38 the principal and interest on bonds issued by the
39 municipality to finance an urban renewal project, which
40 bonds were issued before July 1, 2001. Indebtedness
41 incurred to refund bonds issued prior to July 1, 2001,
42 shall not be included in the certification. Such
43 school district shall pay over the amount certified
44 by November 1 and May 1 of the fiscal year following
45 certification to the school district.

46 (2) (a) All or a portion of the taxes for the
47 instructional support program levy of a school
48 district shall be paid by the school district to the
49 municipality if the auditor, pursuant to subsection 8,
50 certifies to the school district by July 1 the amount

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1 of such levy that is necessary to pay the principal and
2 interest on bonds issued or other indebtedness incurred
3 by the municipality to finance an urban renewal project
4 that was approved at a public hearing on or before the
5 effective date of this division of this Act, if the
6 urban renewal project or the applicable urban renewal
7 plan has not been amended following such approval
8 and if the bonds issued or indebtedness incurred
9 has not been refinanced by the municipality. Such
10 school district shall pay over the amount certified
11 by November 1 and May 1 of the fiscal year following
12 certification to the school district.

13 (b) In lieu of payment to a municipality under
14 subparagraph division (a), a school district may by
15 resolution of the board of directors of the school
16 district approve at a regular meeting of the board
17 of directors the payment of all or a portion of the
18 instructional support program property tax revenue
19 excluded under paragraph "a", to the municipality for
20 the payment of principal and interest on bonds issued
21 or other indebtedness incurred by the municipality for
22 an urban renewal project approved before, on, or after
23 the effective date of this division of this Act.

24 c. Unless and until the total assessed valuation of
25 the taxable property in an urban renewal area exceeds
26 the total assessed value of the taxable property in
27 such area as shown by the last equalized assessment
28 roll referred to in subsection 1, all of the taxes
29 levied and collected upon the taxable property in
30 the urban renewal area shall be paid into the funds
31 for the respective taxing districts as taxes by or
32 for the taxing districts in the same manner as all
33 other property taxes. When such loans, advances,

34 indebtedness, and bonds, if any, and interest thereon,
35 have been paid, all moneys thereafter received from
36 taxes upon the taxable property in such urban renewal
37 area shall be paid into the funds for the respective
38 taxing districts in the same manner as taxes on all
39 other property.

40 d. In those instances where a school district
41 has entered into an agreement pursuant to section
42 279.64 for sharing of school district taxes levied and
43 collected from valuation described in this subsection
44 and released to the school district, the school
45 district shall transfer the taxes as provided in the
46 agreement.

47 Sec. ____. Section 403.19, Code 2009, is amended by
48 adding the following new subsections:

49 NEW SUBSECTION. 8. For any fiscal year, a
50 municipality may certify to the county auditor for

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1 instructional support program property tax revenue
2 necessary for payment of principal and interest on
3 bonds issued or other indebtedness incurred for an
4 urban renewal project that was approved at a public
5 hearing on or before the effective date of this
6 division of this Act, if the urban renewal project or
7 the applicable urban renewal plan has not been amended
8 following such approval and if the bonds issued or
9 indebtedness incurred has not been refinanced by the
10 municipality. If for any fiscal year a municipality
11 fails to certify to the county auditor by July 1 the
12 amount of instructional support program property tax
13 revenue necessary for payment of principal and interest
14 on such bonds, as provided in subsection 2, the school
15 district is not required to pay over the revenue to the
16 municipality. If a school district and a municipality
17 are unable to agree on the amount of instructional
18 support program property tax revenue certified by the
19 municipality, either party may request that the state
20 appeal board review and finally pass upon the amount
21 that may be certified. Such appeals must be presented
22 in writing to the state appeal board no later than
23 July 31 following certification. The burden shall be
24 on the municipality to prove that the instructional
25 support program property tax revenue is necessary to
26 pay principal and interest on the applicable bonds. A
27 final decision must be issued by the state appeal board
28 no later than the following October 1.

29 NEW SUBSECTION. 9. The county auditor shall
30 prepare an annual report of all urban renewal projects
31 or urban renewal plans within the county that utilized
32 a division of revenue under this section and that were

33 terminated or that expired during the previous fiscal
 34 year. Such report shall be submitted to the department
 35 of management each year on or before October 1.
 36 Sec. ____ EFFECTIVE UPON ENACTMENT AND
 37 APPLICABILITY. This division of this Act, being deemed
 38 of immediate importance, takes effect upon enactment
 39 and applies to property taxes due and payable in fiscal
 40 years beginning on or after July 1, 2010.>
 41 2. By renumbering as necessary.

Shomshor of Pottawattamie rose on a point of order that amendment H-8462 was not germane.

The Speaker ruled the point well taken and amendment H-8462 not germane.

Helland of Polk offered the following amendment H-8486 filed by him and Wagner of Linn and moved its adoption:

H-8486

1 Amend Senate File 2380, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 24, before line 6 by inserting:
 4 <DIVISION _____
 5 REVENUES FOR SCHOOL AID
 6 Sec. ____ NEW SECTION. 421.18 Certification of tax
 7 credit savings – appropriation to property tax equity
 8 relief fund.
 9 1. The department shall annually calculate the
 10 amount of tax credit savings realized from 2010 Iowa
 11 Acts, Senate File 2380, and shall certify that amount
 12 to the treasurer of state. For purposes of this
 13 section, "tax credit savings" means the amount of
 14 revenues actually collected in the most recent fiscal
 15 year minus the amount of tax revenues that would have
 16 been collected without enactment of 2010 Iowa Acts,
 17 Senate File 2380.
 18 2. There is appropriated each fiscal year from the
 19 general fund of the state to the property tax equity
 20 and relief fund created in section 257.16A an amount
 21 equal to the amount certified pursuant to subsection
 22 1.>
 23 2. Title page, line 3, after <programs> by
 24 inserting <, the appropriation of certified tax credit
 25 savings for school aid purposes,>
 26 3. By renumbering as necessary.

Roll call was requested by Helland of Polk and Paulsen of Linn.

On the question "Shall amendment H-8486 be adopted?" (S.F. 2380)

The ayes were, 45:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Huser	Kaufmann	Koester
Kuhn	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rayhons	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

The nays were, 52:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Running-Marquardt	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor	Thede
Thomas	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 3:

Miller, H.	Tjepkes	Wendt
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Amendment H-8486 lost.

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. 2380)

The ayes were, 54:

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	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, 43:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

Absent or not voting, 3:

Miller, H.	Tjepkes	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.

HOUSE FILE 2527 WITHDRAWN

Shomshor of Pottawattamie asked and received unanimous consent to withdraw House File 2527 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 2367 and 2380.**

Unfinished Business Calendar

House File 2417, a bill for an act relating to assignment of visitation of a child to a family member when a parent is serving active duty in the military service of the United States and including effective date provisions, was taken up for consideration.

Gayman of Scott asked and received unanimous consent to withdraw amendment H-8117 filed by her on February 16, 2010.

Gayman of Scott offered the following amendment H-8219 filed by her and moved its adoption:

H-8219

1 Amend House File 2417 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. Section 598.41C, subsection 1, Code
5 2009, is amended to read as follows:
6 1. a. If an application for modification of a
7 decree or a petition for modification of an order
8 regarding child custody or physical care is filed prior
9 to or during the time a parent is serving active duty
10 in the military service of the United States, the court
11 may only enter an order or decree temporarily modifying
12 the existing child custody or physical care order or
13 decree if there is clear and convincing evidence that
14 the modification is in the best interest of the child.
15 b. If the active duty of a parent affects the
16 parent's ability or anticipated ability to appear at a
17 regularly scheduled hearing, the court shall provide
18 for an expedited hearing in matters instituted under
19 this section.
20 c. If the active duty or anticipated active duty of
21 a parent prevents the parent from appearing in person
22 at a hearing, the court shall provide, upon reasonable
23 advance notice, for the parent to present testimony
24 and evidence by electronic means in matters instituted
25 under this section. For the purposes of this
26 paragraph, "electronic means" includes communication by

27 telephone, video teleconference, or the internet.

28 d. Upon the parent's completion of active duty,
29 the court shall reinstate the custody or physical
30 care order or decree that was in effect immediately
31 preceding the period of active duty. If an application
32 for modification of a decree or a petition for
33 modification of an order is filed after a parent
34 completes active duty, the parent's absence due to
35 active duty does not constitute a substantial change
36 in circumstances, and the court shall not consider a
37 parent's absence due to that active duty in making a
38 determination regarding the best interest of the child.

39 Sec. 2. NEW SECTION. 598.41D Assignment of
40 visitation – parent serving active duty – family
41 member.

42 1. Notwithstanding any provision to the contrary, a
43 parent who has been granted court-ordered visitation
44 with the parent's minor child may file an application
45 for modification of a decree or a petition for
46 modification of an order regarding child visitation,
47 prior to or during the time the parent is serving
48 active duty in the military service of the United
49 States, to temporarily assign that parent's visitation
50 rights to a family member of the minor child, as

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1 specified by the parent. The application or petition
2 shall be accompanied by an affidavit from the family
3 member indicating the family member's knowledge of the
4 application or petition and willingness to exercise the
5 parent's visitation rights during the parent's absence.
6 The application or petition shall also request any
7 change in the visitation schedule necessitated by the
8 assignment.

9 2. a. If the active duty of a parent affects the
10 parent's ability or anticipated ability to appear at a
11 regularly scheduled hearing, the court shall provide
12 for an expedited hearing in matters instituted under
13 this section.

14 b. If the active duty or anticipated active duty of
15 a parent prevents the parent from appearing in person
16 at a hearing, the court shall provide, upon reasonable
17 advance notice, for the parent to present testimony
18 and evidence by electronic means in matters instituted
19 under this section. For the purposes of this
20 paragraph, "electronic means" includes communication by
21 telephone, video teleconference or the internet.

22 3. a. The court may grant the parent's request for
23 temporary assignment of visitation and any change in
24 the visitation schedule requested if the court finds
25 that such visitation is in the best interest of the

26 child.

27 b. In determining the best interest of the child,
28 the court shall ensure all of the following:

29 (1) That the specified family member is not a sex
30 offender as defined in section 692A.101.

31 (2) That the specified family member does not have
32 a history of domestic abuse, as defined in section
33 236.2. In determining whether a history of domestic
34 abuse exists, the court's consideration shall include
35 but is not limited to commencement of an action
36 pursuant to section 236.3, the issuance of a protective
37 order against the individual or the issuance of a
38 court order or consent agreement pursuant to section
39 236.5, the issuance of an emergency order pursuant to
40 section 236.6, the holding of an individual in contempt
41 pursuant to section 664A.7, the response of a peace
42 officer to the scene of alleged domestic abuse or the
43 arrest of an individual following response to a report
44 of alleged domestic abuse, or a conviction for domestic
45 abuse assault pursuant to section 708.2A.

46 (3) That the specified family member does not have
47 a record of founded child or dependent adult abuse.

48 (4) That the specified family member has an
49 established relationship with the child.

50 (5) That the specified family member is able to

Page 3

1 personally and financially support the child during
2 visitation.

3 4. An order granting assignment of visitation
4 rights under this section does not create separate
5 rights to visitation for a person other than the
6 parent.

7 5. The parent shall provide a copy of the order
8 granting assignment of visitation to the school and
9 school district of the child to whom the order applies.

10 6. An order granting temporary assignment of
11 visitation rights pursuant to this section shall
12 terminate upon notification of the court by the parent
13 or automatically upon the parent's completion of active
14 duty, whichever occurs first.

15 7. After a parent completes active duty, if an
16 application for modification of a decree or a petition
17 for modification of an order is filed, the parent's
18 absence due to active duty or the assignment of
19 visitation rights does not constitute a substantial
20 change in circumstances, and the court shall not
21 consider a parent's absence due to that active duty
22 or the assignment of visitation rights in making a
23 determination regarding the best interest of the child
24 relative to such an application or petition filed after

25 a parent completes active duty.

26 8. As used in this section, "active duty" means
 27 active military duty pursuant to orders issued under
 28 Tit. X of the United States Code. However, this
 29 section shall not apply to active guard and reserve
 30 duty or similar full-time military duty performed by
 31 a parent when the child remains in actual custody of
 32 the parent.

33 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being
 34 deemed of immediate importance, takes effect upon
 35 enactment.>

36 2. Title page, by striking lines 1 through 4 and
 37 inserting <An Act relating to custody, physical care,
 38 and visitation provisions relating to a child of a
 39 parent who is serving active duty in the military
 40 service of the United States and including effective
 41 date provisions.>

Amendment H-8219 was adopted.

SENATE FILE 2226 SUBSTITUTED FOR HOUSE FILE 2417

Gayman of Scott asked and received unanimous consent to substitute Senate File 2226 for House File 2417.

Senate File 2226, a bill for an act relating to custody, physical care, and visitation provisions relating to a child of a parent who is serving active duty in the military service of the United States and including effective date provisions, was taken up for consideration.

Gayman of Scott asked and received unanimous consent to withdraw amendment H-8223 filed by her on February 24, 2010.

Gayman of Scott offered the following amendment H-8257 filed by her and moved its adoption:

H-8257

1 Amend Senate File 2226, as passed by the Senate, as
 2 follows:

3 1. Page 3, line 14, after <child> by inserting <and
 4 assigning visitation to the specified family member
 5 will provide the child the opportunity to maintain an
 6 ongoing family relationship that is important to the
 7 child>

8 2. Page 3, line 20, after <parent> by inserting
 9 <whose visitation rights are temporarily assigned>

Amendment H-8257 was adopted.

Gayman 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. 2226)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor	Thede	Thomas	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, 3:

Miller, H.	Tjepkes	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.

HOUSE FILE 2417 WITHDRAWN

Heaton of Henry asked and received unanimous consent to withdraw House File 2417 from further consideration by the House.

Tymeson of Madison in the chair at 5:05 p.m.

Senate File 2192, a bill for an act prohibiting the running of a transfer fee covenant with the title to real property and including effective date and applicability provisions, with report of committee recommending passage, was taken up for consideration.

Reichert of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2192)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reichert	Roberts	Running-Marquardt	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Upmeyer	Van Engelenhoven
Wagner	Watts	Wenthe	Wessel-Kroeschell
Whitead	Willms	Winckler	Windschitl
Worthan	Zirkelbach	Tymeson, Presiding	

The nays were, 2:

Dolecheck Reasoner

Absent or not voting, 3:

Miller, H. Tjepkes Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2451, a bill for an act relating to the due process rights of persons to be placed on the child abuse registry or the dependent adult abuse registry, was taken up for consideration.

Hunter of Polk offered the following amendment H-8305 filed by him and moved its adoption:

H-8305

1 Amend House File 2451 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. Section 135B.9, Code 2009, is amended
5 to read as follows:
6 135B.9 Inspections and qualifications for
7 hospital inspectors – protection and advocacy agency
8 investigations.
9 1. The department shall make or cause to be made
10 inspections as it deems necessary in order to determine
11 compliance with applicable rules. Hospital inspectors
12 shall meet the following qualifications:
13 a. Be free of conflicts of interest. A hospital
14 inspector shall not participate in an inspection or
15 complaint investigation of a hospital in which the
16 inspector or a member of the inspector's immediate
17 family works or has worked within the last two years.
18 For purposes of this paragraph, "immediate family
19 member" means a spouse; natural or adoptive parent,
20 child, or sibling; or stepparent, stepchild, or
21 stepsibling.
22 b. Complete a yearly conflict of interest
23 disclosure statement.
24 c. Biennially, complete a minimum of ten hours of
25 continuing education pertaining to hospital operations
26 including but not limited to quality and process
27 improvement standards, trauma system standards, and
28 regulatory requirements.
29 2. In the state resource centers and state mental
30 health institutes operated by the department of human
31 services, the designated protection and advocacy
32 agency as provided in section 135C.2, subsection 4,

33 shall have the authority to investigate all complaints
 34 of abuse and neglect of persons with developmental
 35 disabilities or mental illnesses if the complaints are
 36 reported to the protection and advocacy agency or if
 37 there is probable cause to believe that the abuse has
 38 occurred. Such authority shall include the examination
 39 of all records pertaining to the care provided to the
 40 residents and contact or interview with any resident,
 41 employee, or any other person who might have knowledge
 42 about the operation of the institution.

43 Sec. 2. Section 235E.2, subsection 1, paragraph a,
 44 Code Supplement 2009, is amended to read as follows:

45 a. The department shall receive and evaluate
 46 reports of dependent adult abuse in facilities and
 47 programs. The department shall inform the department
 48 of human services of such evaluations and dispositions
 49 ~~for inclusion in~~ and those individuals who should be
 50 placed on the central registry for dependent adult

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1 ~~abuse information~~ pursuant to section ~~235B.5, 25E.7.~~
 2 If the department believes the situation involves
 3 an immediate danger to the public health, safety,
 4 or welfare requiring immediate agency action to
 5 seek emergency placement on the central registry,
 6 the department may utilize emergency adjudicative
 7 proceedings pursuant to section 17A.18A.

8 Sec. 3. Section 235E.2, subsection 10, Code
 9 Supplement 2009, is amended to read as follows:

10 10. The department shall adopt rules which require
 11 facilities and programs to separate an alleged
 12 dependent adult abuser from a victim following an
 13 allegation of perpetration of dependent adult abuse
 14 and prior to the completion of an investigation of
 15 the allegation. Independent of the department's
 16 investigation, the facility or program employing
 17 the alleged dependent adult abuser shall conduct an
 18 investigation of the alleged dependent adult abuse and
 19 determine, what, if any, employment action should be
 20 taken including but not limited to placing the alleged
 21 dependent adult abuser on administrative leave or
 22 reassigning or terminating the alleged dependent adult
 23 abuser as a result of the department's investigation.
 24 If the facility or program terminates the alleged
 25 dependent adult abuser as a result of the department's
 26 investigation, the alleged dependent adult abuser shall
 27 disclose such termination to any prospective facility
 28 or program employer.

29 Sec. 4. Section 235E.2, subsection 12, Code
 30 Supplement 2009, is amended to read as follows:

31 12. An inspector of the department may enter any

32 facility or program without a warrant and may examine
33 all records pertaining to residents, employees, former
34 employees, and the alleged dependent adult abuser as
35 long as the inspector informs the person in charge
36 of the facility or program, or the person's designee,
37 that the inspector is investigating an alleged case of
38 dependent adult abuse. If upon entry, the inspector
39 has knowledge of or learns during the course of an
40 investigation that alleged dependent adult abuse is
41 suspected or is being investigated, the inspector
42 shall inform the person in charge that the inspector
43 is investigating an alleged case of dependent adult
44 abuse. An inspector of the department may contact or
45 interview any resident, employee, former employee, or
46 any other person who might have knowledge about the
47 alleged dependent adult abuse. Prior to the interview,
48 the department shall provide written notification to
49 the person under investigation for dependent adult
50 abuse that the person is under investigation for

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1 dependent adult abuse, the fact situation and the
2 nature of the abuse being investigated, the possible
3 civil consequences of founded abuse, the requirement
4 that the department forward a report to law enforcement
5 if the department's investigation reveals a potential
6 criminal offense, that the person has the right to
7 retain legal counsel at the person's expense and may
8 choose to have legal counsel, union representation,
9 or any other desired representative employed by
10 the facility present during the interview, and the
11 fact that the person has the right to decline to
12 be interviewed or to terminate an interview at any
13 time. The person under investigation shall inform the
14 department of the representatives desired to be present
15 during the interview and not unreasonably delay the
16 interview to organize their representatives' presence
17 at the interview. An inspector may take or cause to
18 be taken photographs of the dependent adult abuse
19 victim and the vicinity involved. The department shall
20 obtain consent from the dependent adult abuse victim
21 or guardian or other person with a power of attorney
22 over the dependent adult abuse victim prior to taking
23 photographs of the dependent adult abuse victim.
24 Sec. 5. NEW SECTION. 235E.6 Dependent adult abuse
25 finding – notification to employer and employee.
26 Upon a finding of founded dependent adult abuse
27 by a caretaker, the department shall provide written
28 notification of the department's findings to the
29 caretaker and the caretaker's employer. In addition,
30 the written notification shall detail the consequences

31 of the findings and placement on the dependent adult
 32 abuse registry, the caretaker's appeal rights, and
 33 include a separate appeal request form. The written
 34 appeal request form shall clearly set forth that the
 35 caretaker shall not be placed on the dependent adult
 36 abuse registry until final agency action is taken if an
 37 appeal is filed within fifteen days.

38 Sec. 6. NEW SECTION. 235E.7 Appeal process –
 39 dependent adult abuse.

40 1. Upon the department's finding of dependent adult
 41 abuse, the caretaker shall file an appeal request with
 42 the department within fifteen days of receiving the
 43 notification of the finding of abuse. If a request
 44 for an appeal is filed within fifteen days of the
 45 notification of the finding, the department shall not
 46 place the caretaker on the registry until final agency
 47 action is taken. For a request for an appeal filed
 48 within fifteen days of the notification of the finding,
 49 the contested case hearing shall be held within sixty
 50 days of the request. The caretaker may extend the

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1 hearing timeframe by thirty days one time. Additional
 2 requests for an extension must be agreed upon by
 3 all parties or for good cause. The department shall
 4 issue a determination of final agency action within
 5 forty-five days of the contested case hearing. Upon
 6 final agency action, further appeal rights shall be
 7 governed by chapter 17A.

8 2. If a caretaker fails to request an appeal within
 9 fifteen days, the caretaker shall have an additional
 10 forty-five days to file an appeal pursuant to chapter
 11 17A. However, the caretaker's name shall be placed on
 12 the registry pending the outcome of the appeal.

13 3. If the caretaker requests an appeal within
 14 fifteen days, the caretaker may waive the expedited
 15 hearing under subsection 1 to proceed under chapter
 16 17A, but the caretaker's name shall be placed on the
 17 registry pending the outcome of the appeal.

18 Sec. 7. STUDY. The legislative council is
 19 requested to establish an interim study committee to
 20 evaluate due process requirements relating to child
 21 abuse and dependent adult abuse under Code chapters
 22 235A and 235B. The committee shall issue a report of
 23 its recommendations to the general assembly by January
 24 15, 2011.>

25 2. Title page, by striking lines 1 through 3 and
 26 inserting: <An Act relating to health care facilities
 27 and programs, including hospital inspector requirements
 28 and dependent adult abuse.>

Amendment H-8305 was adopted.

SENATE FILE 2333 SUBSTITUTED FOR HOUSE FILE 2451

Hunter of Polk asked and received unanimous consent to substitute Senate File 2333 for House File 2451.

Senate File 2333, a bill for an act relating to health care facilities and programs, including hospital inspector requirements and dependent adult abuse, was taken up for consideration.

Hunter of Polk offered the following amendment H-8403 filed by him and moved its adoption:

H-8403

1 Amend Senate File 2333, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by striking line 27 and inserting <the
4 investigation by the facility or program. If the
5 facility or program>

6 2. Page 2, by striking line 29 and inserting <the
7 investigation by the facility or program or the alleged
8 dependent adult abuser resigns. the alleged dependent
9 adult>

10 3. Page 2, line 30, after <termination> by
11 inserting <or investigation>

12 4. Page 2, line 31, after <employer.> by inserting
13 <An alleged dependent adult abuser who fails to
14 disclose such termination or investigation is guilty
15 of a simple misdemeanor.>

16 5. Page 3, by striking lines 2 through 10 and
17 inserting <the alleged dependent adult abuser. If upon
18 entry, the inspector has knowledge of or learns during
19 the course of an investigation that alleged dependent
20 adult abuse is suspected or is being investigated, the
21 inspector shall inform the facility or program that the
22 inspector is investigating an alleged case of dependent
23 adult abuse. An inspector of the department>

24 6. Page 3, line 16, by striking <the fact>

25 7. Page 3, line 17, by striking <situation and>

26 8. Page 3, line 18, after <civil> by inserting
27 <administrative>

28 9. Page 3, by striking lines 29 and 30 and
29 inserting <and not delay the interview by more than
30 five working days to make arrangements for the person's
31 representatives to be present at the interview. Any
32 employer representative shall be informed of the

33 requirement to maintain strict confidentiality and
 34 of the prohibition against redissemination of such
 35 information pursuant to chapter 235B. At the interview,
 36 the department shall request and the alleged dependent
 37 adult abuser shall provide the alleged dependent adult
 38 abuser's most current contact information to facilitate
 39 provision of the findings to the alleged dependent
 40 adult abuser. An inspector>

41 10. Page 4, by striking line 8 and inserting <the
 42 consequences of placement on the central>

43 11. Page 4, line 9, by striking <adult>

44 12. Page 4, line 12, by striking <dependent adult>
 45 and inserting <central>

46 13. Page 4, by striking lines 17 through 22 and
 47 inserting:

48 <1. If a request for an appeal is filed within
 49 fifteen days of the issuance of the written
 50 notification of a finding of dependent adult abuse, the

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1 department shall not place the caretaker on the central
 2 abuse registry until final>

3 14. Page 4, by striking line 24 and inserting
 4 <within fifteen days of the issuance of the written
 5 notification of the finding, the>

6 15. Page 4, by striking lines 29 and 30 and
 7 inserting <administrative law judge's proposed decision
 8 shall be issued within thirty days of the contested
 9 case hearing. If further review of the decision is
 10 not requested before the proposed decision becomes
 11 final, the proposed decision shall be deemed final
 12 agency action. If further review is requested, the
 13 department's final agency action shall occur within
 14 thirty days of the issuance of the administrative law
 15 judge's proposed decision. Upon>

16 16. Page 4, by striking lines 34 and 35 and
 17 inserting <days, the caretaker shall have sixty days
 18 from the issuance of the written notification of the
 19 abuse findings to file an appeal pursuant to chapter
 20 17A. However, the>

21 17. Page 5, line 6, after <on the> by inserting
 22 <central abuse>

23 18. Title page, line 3, after <abuse> by inserting
 24 <and providing penalties>

25 19. By renumbering as necessary.

Amendment H-8403 was adopted.

Hunter of Polk offered the following amendment H-8420 filed by
 him and moved its adoption:

H-8420

- 1 Amend Senate File 2333, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, line 1, after <on the> by inserting
- 4 <central abuse>

Amendment H-8420 was adopted.

Hunter 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. 2333)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhardt	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor	Thede	Thomas
Upmeyer	Van Engelenhoven	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Tymeson, Presiding

The nays were, none.

Absent or not voting, 4:

Miller, H.	Tjepkes	Wendt	Whitead
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The bill having received a constitutional majority was declared to have passed the House, the title, as amended, was agreed to.

HOUSE FILE 2451 WITHDRAWN

Hunter of Polk asked and received unanimous consent to withdraw House File 2451 from further consideration by the House.

HOUSE FILE 2192 WITHDRAWN

Huser of Polk asked and received unanimous consent to withdraw House File 2192 from further consideration by the House.

SENATE AMENDMENT CONSIDERED

Burt of Black Hawk called up for consideration **House File 674**, a bill for an act relating to reporting the treatment of serious wounds received as the result of a crime to a law enforcement agency and making penalties applicable, amended by the Senate, and moved that the House concur in the following Senate amendment H-8414:

H-8414

1 Amend House File 674, as passed by the House, as
 2 follows:
 3 1. Page 1, line 4, before <Any> by inserting <1.>
 4 2. Page 1, by striking line 5 and inserting <who
 5 shall>
 6 3. Page 1, by striking lines 21 through 24
 7 and inserting <the gunshot or stab wound or other
 8 serious injury. Any provision of law or rule of
 9 evidence relative to confidential communications is
 10 suspended insofar as the provisions of this section are
 11 concerned.>
 12 4. Page 1, after line 24 by inserting:
 13 <2. A person certified under the provisions of
 14 chapter 147A who administers any treatment to any
 15 person suffering a gunshot or stab wound or other
 16 serious injury, as defined in section 702.18, which
 17 appears to have been received in connection with
 18 the commission of a criminal offense, or a motor
 19 vehicle accident or crash, or to whom an application
 20 is made for treatment of any nature because of
 21 any such gunshot or stab wound or other serious
 22 injury, may report that fact to the law enforcement
 23 agency within whose jurisdiction the treatment was
 24 administered or application for treatment was made.

25 or if ascertainable, to the law enforcement agency
 26 in whose jurisdiction the gunshot or stab wound or
 27 other serious injury occurred, stating the name of the
 28 person, the person's residence if ascertainable, and
 29 giving a brief description of the gunshot or stab wound
 30 or other serious injury.
 31 3. Any provision of law or rule of evidence
 32 relating to a confidential communication is suspended
 33 for communications under this section.>

The motion prevailed and the House concurred in the Senate amendment H-8414.

Burt 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. 674)

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
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhart	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor	Thede	Thomas	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Tymeson, Presiding	

The nays were, 1:

Forristall

Absent or not voting, 4:

Miller, H.

Tjepkes

Wendt

Whitead

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Rants of Woodbury on request of Paulsen of Linn.

Senate File 2215, a bill for an act relating to the use of genetic information and samples for genetic testing and providing for civil enforcement, with report of committee recommending amendment and passage, was taken up for consideration.

Running-Marquardt of Linn offered the following amendment H-8344 filed by the committee on state government and moved its adoption:

H-8344

- 1 Amend Senate File 2215, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 23, after <analysis,> by inserting
- 4 <a biopsy, autopsy, or clinical specimen obtained
- 5 solely for the purpose of conducting an immediate
- 6 clinical or diagnostic test to detect an existing
- 7 disease, illness, impairment, or disorder,>

The committee amendment H-8344 was adopted.

Running-Marquardt of Linn offered the following amendment H-8495 filed by her and Soderberg of Plymouth and moved its adoption:

H-8495

- 1 Amend Senate File 2215, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, before line 1 by inserting:
- 4 <Section 1. Section 507B.4, Code 2009, is amended

5 by adding the following new subsection:
6 NEW SUBSECTION. 7A. Release or use of genetic
7 information. Failure of a person to comply with
8 section 729.6, subsection 2B.>
9 2. Page 1, by striking lines 3 through 5 and
10 inserting:
11 <NEW PARAGRAPH. Ob. "Genetic information" means the
12 same as defined in 29 U.S.C. § 1191b(d)(6).>
13 3. Page 1, by striking lines 9 through 24 and
14 inserting:
15 <c. "Genetic testing" means the same as genetic test
16 as defined in 29 U.S.C. § 1191b(d)(7).
17 Sec. ____. Section 729.6, subsection 1, Code 2009,
18 is amended by adding the following new paragraphs:
19 NEW PARAGRAPH. Od. "Health insurance" means
20 a contract, policy, or plan providing for health
21 insurance coverage as defined in section 513B.2.
22 NEW PARAGRAPH. OOd. "Health insurer" means a
23 carrier, as defined in section 513B.2.
24 NEW PARAGRAPH. Of. "Third-party administrator"
25 means the same as defined in section 510.11.>
26 4. Page 2, by striking lines 15 and 16 and
27 inserting:
28 <NEW SUBSECTION. 2B. a. (1) With respect to
29 health insurance, a third-party administrator or health
30 insurer shall not release genetic>
31 5. Page 2, line 32, by striking <An insurer> and
32 inserting <With respect to health insurance, a health
33 insurer>
34 6. Page 3, by striking line 2 and inserting <the
35 terms of the health insurer's plan or coverage. With
36 respect to health insurance, a health insurer>
37 7. Page 3, line 7, by striking <An insurer> and
38 inserting <With respect to health insurance, a health
39 insurer>
40 8. Page 3, after line 9 by inserting:
41 <c. The commissioner of insurance shall adopt rules
42 as necessary for the administration of this subsection.
43 d. A violation of this subsection is an unfair
44 insurance trade practice under section 507B.4.>
45 9. Page 3, line 12, by striking <This> and
46 inserting <This Subsections 2, 2A, 3, 4, and 5 of this>
47 10. Page 3, line 13, after <violates> by inserting
48 <subsection 2, 2A, 3, 4, or 5 of>
49 11. Page 3, line 14, after <of> by inserting
50 <subsection 2, 2A, 3, 4, or 5 of>

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1 12. Page 3, line 15, by striking <insured.>
2 13. Page 3, line 16, by striking <insured.>
3 14. Page 3, line 22, after <of> by inserting

- 4 <subsection 2, 2A, 3, 4, or 5 of>
 5 15. Page 3, line 25, by striking <insured.>
 6 16. Page 3, line 27, by striking <insured.>
 7 17. By striking page 3, line 31, through page 4,
 8 line 3, and inserting <organization, or licensing
 9 agency has ~~required or requested a genetic test in~~
 10 ~~violation of~~ violated subsection 2, 2A, 3, 4, or 5 of
 11 this section shall establish that sufficient evidence
 12 exists upon>
 13 18. Page 4, lines 8 and 9, by striking <insurance
 14 administrator, health plan, health insurer.>
 15 19. Title page, line 2, by striking <enforcement>
 16 and inserting <and administrative enforcement and
 17 providing penalties>
 18 20. By renumbering as necessary.

Amendment H-8495 was adopted, placing the committee amendment H-8344, previously adopted, out of order.

Running-Marquardt 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. 2215)

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	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor	Thede	Thomas	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe

Wessel-Kroeschell	Willems	Winckler	Windschitl
Worthan	Tymeson, Presiding		

The nays were, none.

Absent or not voting, 6:

Miller, H.	Rants	Tjepkes	Wendt
Whitead	Zirkelbach		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 674** and **Senate Files 2192, 2215, 2226** and **2333**.

House File 2512, a bill for an act concerning weight limits for certain commercial motor vehicles on noninterstate highways, with report of committee recommending passage, was taken up for consideration.

S. Olson of Clinton offered the following amendment H-8450 filed by him and moved its adoption:

H-8450

1 Amend House File 2512 as follows:
 2 1. Page 1, before line 1 by inserting:
 3 <Section 1. Section 321.176A, subsection 1, Code
 4 2009, is amended to read as follows:
 5 1. a. A farmer or a person working for a farmer
 6 while operating a commercial motor vehicle controlled
 7 by the farmer within one hundred fifty air miles
 8 of the farmer's farm to transport the farmer's own
 9 agricultural products, farm machinery, or farm supplies
 10 to or from the farm. The exemption provided in this
 11 subsection shall apply to farmers who assist each other
 12 through an exchange of services and shall include
 13 operation of a commercial motor vehicle between the
 14 farms of the farmers who are exchanging services.
 15 b. A person who claims an exemption from commercial
 16 driver's license requirements under this subsection and
 17 who operates a commercial motor vehicle in violation of
 18 the restrictions applicable to the exemption commits a

- 19 simple misdemeanor punishable by a fine of one thousand
 20 eight hundred dollars.>
 21 2. Title page, line 2, after <highways> by
 22 inserting <and containing penalty provisions>
 23 3. By renumbering as necessary.

Amendment H-8450 lost.

Struyk of Pottawattamie offered the following amendment H-8475 filed by him and moved its adoption:

H-8475

- 1 Amend House File 2512 as follows:
 2 1. Page 1, before line 1 by inserting:
 3 <Section 1. Section 321.176A, subsection 1, Code
 4 2009, is amended to read as follows:
 5 1. a. A farmer or a person working for a farmer
 6 while operating a commercial motor vehicle controlled
 7 by the farmer within one hundred fifty air miles
 8 of the farmer's farm to transport the farmer's own
 9 agricultural products, farm machinery, or farm supplies
 10 to or from the farm. The exemption provided in this
 11 subsection shall apply to farmers who assist each other
 12 through an exchange of services and shall include
 13 operation of a commercial motor vehicle between the
 14 farms of the farmers who are exchanging services.
 15 b. In the course of enforcing this section
 16 and rules adopted pursuant to this section, the
 17 department's peace officers are authorized to inspect
 18 and copy records of information reported at the time
 19 a vehicle is weighed relating to the owner of the
 20 vehicle, the weight of the vehicle, the product hauled,
 21 the person on whose behalf the product is hauled, and
 22 the intended point of delivery.>
 23 2. By renumbering as necessary.

Amendment H-8475 lost.

Huser of Polk asked and received unanimous consent to withdraw amendment H-8453 filed by her on March 17, 2010.

Huser of Polk offered the following amendment H-8517 filed by her from the floor:

H-8517

- 1 Amend House File 2512 as follows:
 2 1. Page 1, line 3, after <(1)> by inserting <(a)>

- 3 2. Page 1, line 5, by striking <, provided the>
- 4 3. Page 1, by striking lines 6 through 8 and
- 5 inserting <is as follows:>
- 6 4. Page 1, after line 33 by inserting:
- 7 < (b) Unless section 321.176A applies, a person
- 8 who operates a vehicle with a maximum gross weight
- 9 of not more than ninety-five thousand five hundred
- 10 pounds pursuant to this subparagraph (1) shall have
- 11 a commercial driver's license valid for the vehicle
- 12 operated. Notwithstanding section 321.176A, a
- 13 person who operates a vehicle with a maximum gross
- 14 weight exceeding ninety-five thousand five hundred
- 15 pounds pursuant to this subparagraph (1) shall have
- 16 a commercial driver's license valid for the vehicle
- 17 operated.>
- 18 5. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 27, nays 57.

Amendment H-8517 lost.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment H-8476 filed by him on March 18, 2010.

Schueller of Jackson offered the following amendment H-8438 filed by him and moved its adoption:

H-8438

- 1 Amend House File 2512 as follows:
- 2 1. Page 2, after line 5 by inserting:
- 3 <Sec. _____. Section 321.463, subsection 10,
- 4 paragraph a, Code Supplement 2009, is amended to read
- 5 as follows:
- 6 a. A person who operates a vehicle in violation
- 7 of this section, and an owner, or any other person,
- 8 employing or otherwise directing the operator of
- 9 a vehicle, who requires or knowingly permits the
- 10 operation of a vehicle in violation of this section
- 11 shall be fined according to the following schedule:
- 12 AXLE, TANDEM AXLE,
- 13 AND GROUP OF AXLES
- 14 WEIGHT VIOLATIONS
- 15 Pounds Overloaded Amount of Fine \$YUL
- 16 Up to and including
- 17 1,000 pounds \$12
- 18 \$24
- 19 \$24

20	Over 1,000 pounds up to and	
21	including 2,000 pounds	<u>\$22</u>
22		<u>\$44</u>
23	Over 2,000 pounds up to and	
24	including 3,000 pounds	<u>\$155</u>
25		<u>\$310</u>
26	Over 3,000 pounds up to and	
27	including 4,000 pounds	<u>\$240</u>
28		<u>\$480</u>
29	Over 4,000 pounds up to and	
30	including 5,000 pounds	<u>\$375</u>
31		<u>\$750</u>
32	Over 5,000 pounds up to and	
33	including 6,000 pounds	<u>\$585</u>
34		<u>\$1,170</u>
35	Over 6,000 pounds up to and	
36	including 7,000 pounds	<u>\$850</u>
37		<u>\$1,700</u>
38	Over 7,000 pounds up to and	
39	including 8,000 pounds	<u>\$950</u>
40		<u>\$1,900</u>
41	Over 8,000 pounds up to and	
42	including 9,000 pounds	<u>\$1,050</u>
43		<u>\$2,100</u>
44	Over 9,000 pounds up to and	
45	including 10,000 pounds	<u>\$1,150</u>
46		<u>\$2,300</u>
47	Over 10,000 pounds up to and	
48	including 11,000 pounds	<u>\$1,300</u>
49		<u>\$2,600</u>
50	Over 11,000 pounds up to and	

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1	including 12,000 pounds	<u>\$1,400</u>
2		<u>\$2,800</u>
3	Over 12,000 pounds up to and	
4	including 13,000 pounds	<u>\$1,500</u>
5		<u>\$3,000</u>
6	Over 13,000 pounds up to and	
7	including 14,000 pounds	<u>\$1,600</u>
8		<u>\$3,200</u>
9	Over 14,000 pounds up to and	
10	including 15,000 pounds	<u>\$1,700</u>
11		<u>\$3,400</u>
12	Over 15,000 pounds up to and	
13	including 16,000 pounds	<u>\$1,800</u>
14		<u>\$3,600</u>
15	Over 16,000 pounds up to and	
16	including 17,000 pounds	<u>\$1,900</u>
17		<u>\$3,800</u>
18	Over 17,000 pounds up to and	

19	including 18,000 pounds	\$2,000
20	<u>\$4,000</u>	
21	Over 18,000 pounds up to and	
22	including 19,000 pounds	\$2,100
23	<u>\$4,200</u>	
24	Over 19,000 pounds up to and	
25	including 20,000 pounds	\$2,200
26	<u>\$4,400</u>	
27	Over 20,000 pounds	\$2,200 <u>\$4,400</u>
28	plus ten <u>twenty</u>	
29	cents per pound	
30	in excess of	
31	20,000 pounds>	
32	2. Title page line 2, after <highways> by inserting	
33	<and containing penalty provisions>	
34	3. By renumbering as necessary.	

Amendment H-8438 lost.

Wenthe of Fayette 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. 2512)

The ayes were, 69:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Berry
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Ficken
Ford	Forristall	Frevert	Gayman
Grassley	Hagenow	Hanson	Heaton
Horbach	Huseman	Kaufmann	Kelley
Koester	Kressig	Lukan	Marek
May	McCarthy	Mertz	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Sands	Schulte
Schultz	Shomshor	Soderberg	Sorenson
Swaim	Sweeney	Thede	Thomas
Upmeyer	Van Engelenhoven	Wagner	Watts
Wenthe	Willems	Windschitl	Worthan
Tymeson, Presiding			

The nays were, 24:

Bell	Bukta	Burt	Gaskill
Heddens	Helland	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kuhn
Lensing	Mascher	Olson, R.	Quirk
Raecker	Schueller	Smith	Steckman
Struyk	Taylor	Wessel-Kroeschell	Winckler

Absent or not voting, 7:

Lykam	Miller, H.	Rants	Tjepkes
Wendt	Whitead	Zirkelbach	

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 2512** be immediately messaged to the Senate.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 19th day of March, 2010: House Files 426, 681, 734, 2137, 2144, 2148, 2183, 2273, 2295, 2307, 2402, 2406, 2422, 2452, 2460, 2461 and 2478.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 19, 2010, he approved and transmitted to the Secretary of State the following bills:

House File 2076, an Act relating to economic development by establishing an Iowa innovation council in the department of economic development and by providing for certain reports on innovation and commercialization within certain targeted industries.

House File 2233, an Act relating to expunging the conviction for certain alcohol-related offenses.

House File 2372, an Act relating to an assault causing serious injury.

House File 2374, an Act relating to the definition of serious injury for purposes of criminal offenses.

House File 2392, an Act relating to the abuse of a corpse and providing penalties.

House File 2466, an Act relating to the license or authorization issued to a person who qualifies as a driver education instructor and including effective date and retroactive applicability provisions.

House File 2488, an Act relating to the appointment of young adults to appointive boards, commissions, committees, and councils.

Senate File 205, an Act relating to required testing for infectious diseases of persons under supervision of judicial district departments of correctional services.

Senate File 358, an Act relating to the recognition and enforcement of foreign-country money judgments and providing for the Act's applicability.

Senate File 2067, an Act relating to ethics regulations for the executive branch, legislative branch, and local officials and employees and including effective date provisions.

Senate File 2073, an Act relating to the practice of accounting and to the organization and operation of the licensing boards included within the professional licensure and regulation bureau of the banking division in the department of commerce.

Senate File 2075, an Act requiring reasonable exceptions to insurance rates for consumers whose credit information is influenced by extraordinary life circumstances and providing an applicability date.

Senate File 2095, an Act relating to the authority of a certified law enforcement officer.

Senate File 2157, an Act relating to the recording requirements for certain residential real estate installment sales contracts and including applicability provisions.

Senate File 2190, an Act relating to an exemption for a debtor's personal property from execution by creditors in a bankruptcy action.

Senate File 2218, an Act relating to elections by eliminating double election boards and by requiring the commissioner of elections, upon petition, to use automatic tabulating equipment in certain elections and including effective date provisions.

Senate File 2237, an Act relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

Senate File 2263, an Act relating to the office of the long-term care resident's advocate, and providing penalties.

Senate File 2272, an Act relating to the Iowa life and health insurance guaranty association regarding coverage, benefits, duties, powers, rights, the operation of the Iowa life and health insurance guaranty association, and the coordination of coverage and benefits with those of similar associations of other states, and to the Iowa insurance guaranty association with respect to covered claims, benefits, limitations, duties, and powers of the Iowa insurance guaranty association, and coordination and cooperation by it with similar associations of other states.

Senate File 2289, an Act relating to deaccreditation of a school district by the state board of education and to the disposition of certain former school district funds, and including effective date, validation, and retroactive applicability provisions.

Senate File 2298, an Act relating to the attendance of a child at juvenile court hearings or meetings during the pendency of a child in need of assistance case.

Senate File 2303, an Act relating to detainers lodged against parolees in this state.

Senate File 2325, an Act relating to the practice of mortuary science and to the preneed sale of cemetery and funeral merchandise and funeral services and providing a penalty.

Senate File 2326, an Act modifying disciplinary provisions applicable to real estate brokers and salespersons.

Senate File 2340, an Act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and applicability provisions.

SUBCOMMITTEE ASSIGNMENTS

House File 2445

Appropriations: Wenthe, Chair; Gayman and Heaton.

House File 2528

Public Safety: R. Olson, Chair; Baudler and Lykam.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 739 Ways and Means

Relating to the utilization of energy by authorizing the establishment of an energy finance program to finance certain energy improvements, and providing a penalty.

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 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.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 2010.

RESOLUTIONS FILED

HR 128, by Committee on Ethics, a resolution amending the House Code of Ethics.

Placed on the **calendar**.

HR 129, by Heddens and Wessel-Kroeschell, a resolution congratulating the Ames High School boys basketball team on winning the 2010 Boys' State Basketball Tournament.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8500	H.F.	2229	Helland of Polk
H—8501	H.F.	2229	Helland of Polk
H—8502	H.F.	2229	Helland of Polk
H—8503	S.F.	2375	Shomshor of Pottawattamie
H—8507	H.F.	777	Lensing of Johnson
H—8508	S.F.	2201	Roberts of Carroll Sorenson of Warren
H—8509	S.F.	2356	Roberts of Carroll Sorenson of Warren

H—8510	S.F.	2201	Upmeyer of Hancock
H—8511	S.F.	2201	Schulte of Linn
H—8512	S.F.	2201	Pettengill of Benton
H—8513	S.F.	2324	Quirk of Chickasaw
H—8514	S.F.	2381	Quirk of Chickasaw
H—8515	S.F.	2376	Bailey of Hamilton Chambers of O'Brien
H—8516	S.F.	2376	Bailey of Hamilton
H—8518	S.F.	2376	Ford of Polk
H—8519	H.F.	2229	Helland of Polk
H—8520	H.F.	2438	T. Olson of Linn Heaton of Henry Anderson of Page

On motion by McCarthy of Polk the House adjourned at 7:40 p.m., until 10:30 a.m., Monday, March 22, 2010.

JOURNAL OF THE HOUSE

Seventy-first Calendar Day - Fiftieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 22, 2010

The House met pursuant to adjournment at 10:07 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Todd Zuidema, pastor of Hope 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 John Johnson, House Page from Stratford.

The Journal of Friday, March 19, 2010 was approved.

On motion by Steckman of Cerro Gordo, the House was recessed at 10:49 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 1:55 p.m., Speaker Murphy in the chair.

The House stood at ease at 2:08 p.m., until the fall of the gavel.

The House resumed session at 4:34 p.m., May of Dickinson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Wendt of Woodbury on request of McCarthy of Polk.

CONSIDERATION OF BILLS
Unfinished Business Calendar

House File 2503, a bill for an act creating a natural resources and outdoor recreation trust fund to implement a proposed amendment to the Constitution of the State of Iowa, and providing for contingent implementation, was taken up for consideration.

Bell of Jasper offered the following amendment H-8286 filed by him and moved its adoption:

H-8286

- 1 Amend House File 2503 as follows:
- 2 1. Page 3, by striking lines 2 and 3 and inserting
- 3 <of trust fund moneys distributed to any one account
- 4 established>
- 5 2. Page 3, after line 10 by inserting:
- 6 <1. A description of public hearings and meetings
- 7 required to be conducted pursuant to subchapter
- 8 II, any results that impacted upon departmental
- 9 decision-making, and a plan for conducting public
- 10 hearings and meetings in the following year.>
- 11 3. Page 3, line 11, by striking <1.> and inserting
- 12 <2.>
- 13 4. Page 3, line 16, by striking <2.> and inserting
- 14 <3.>
- 15 5. Page 4, by striking lines 32 through 35 and
- 16 inserting:
- 17 <a. The establishment, restoration, or enhancement
- 18 of state parks, state preserves, wildlife areas,
- 19 wildlife habitats, native prairies, and wetlands.>
- 20 6. By renumbering as necessary.

Amendment H-8286 was adopted.

SENATE FILE 2310 SUBSTITUTED FOR HOUSE FILE 2503

Bell of Jasper asked and received unanimous consent to substitute Senate File 2310 for House File 2503.

Senate File 2310, a bill for an act creating a natural resources and outdoor recreation trust fund to implement a proposed amendment to the Constitution of the State of Iowa, and providing for contingent implementation, was taken up for consideration.

Bell of Jasper offered amendment H-8360 filed by him as follows:

H-8360

1 Amend Senate File 2310, as passed by the Senate, as
2 follows:

3 1. Page 1, line 24, by striking <461.3> and
4 inserting <461.31>

5 2. Page 2, by striking lines 27 through 29.

6 3. Page 2, line 30, by striking <2.> and inserting
7 <1.>

8 4. Page 2, line 34, by striking <3.> and inserting
9 <2.>

10 5. Page 2, line 35, by striking <2> and inserting
11 <1>

12 6. Page 3, by striking line 2 and inserting <of
13 trust fund moneys distributed to the Iowa resources
14 enhancement and protection fund or any one account
15 established>

16 7. Page 3, lines 5 and 6, by striking <together
17 with the treasurer of state and the auditor of state>

18 8. Page 3, by striking lines 10 through 13.

19 9. Page 3, line 14, by striking <2.> and inserting
20 <1.>

21 10. Page 3, line 19, by striking <3.> and inserting
22 <2.>

23 11. Page 3, by striking lines 22 and 23 and
24 inserting <The department of revenue, the department
25 of agriculture and>

26 12. Page 3, after line 27 by inserting:

27 <Sec. ____ NEW SECTION. 461.24 Public listing.

28 The department of natural resources, the department
29 of agriculture and land stewardship, and the department
30 of transportation shall cooperate to publish and
31 maintain a public listing of how moneys contained in
32 the natural resources and outdoor recreation trust
33 fund as created in section 461.31 are distributed and
34 spent during the course of each fiscal year. The
35 departments shall designate one of the departments
36 to be responsible for publishing and maintaining the
37 public listing on the internet site operated by that
38 department.>

39 13. By striking page 4, line 35, through page 5,
40 line 2, and inserting:

41 <a. The establishment, maintenance, restoration,
42 improvement, or enhancement of state parks, state
43 preserves, state forests, wildlife areas, wildlife
44 habitats, native prairies, and wetlands.>

45 14. Page 5, by striking line 13.

46 15. Page 8, by striking lines 10 through 12 and
47 inserting <maintenance, improvement, and expansion of

48 land trails.>

49 16. Page 8, by striking lines 32 through 34 and
50 inserting <to dedicate a portion of state revenue for

Page 2

1 the benefit of the state's natural resources, as passed
2 for>
3 17. By renumbering as necessary.

Bell of Jasper offered the following amendment H-8447, to amendment H-8360, filed by him and moved its adoption:

H-8447

1 Amend the amendment, H-8360, to Senate File 2310, as
2 passed by the Senate, as follows:
3 1. Page 1, by striking lines 39 through 44.
4 2. Page 1, before line 45 by inserting:
5 <__. Page 5, by striking line 1 and inserting
6 <parks, state preserves, state forests, wildlife areas,
7 wildlife habitats,>>
8 3. By renumbering as necessary.

Amendment H-8447 was adopted.

On motion by Bell of Jasper, amendment H-8360, as amended, was adopted, placing out of order amendment H-8287 filed by Bell of Jasper on March 1, 2010.

Bell of Jasper 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. 2310)

The ayes were, 92:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhardt	Jacoby
Kaufmann	Kearns	Kelley	Koester

Kressig	Kuhn	Lukan	Lykam
Marek	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reichert	Roberts
Running-Marquardt	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wenthe	Whitead
Windschitl	Worthan	Zirkelbach	May, Presiding

The nays were, 7:

Lensing	Mascher	McCarthy	Reasoner
Wessel-Kroeschell	Willems	Winckler	

Absent or not voting and 1:

Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2503 WITHDRAWN

Bell of Jasper asked and received unanimous consent to withdraw House File 2503 from further consideration by the House.

SENATE AMENDMENT CONSIDERED

T. Olson of Linn called up for consideration **House File 2438**, a bill for an act relating to the criminal offense of enticing or attempting to entice a minor and providing penalties, amended by the Senate amendment H-8436 as follows:

H-8436

- 1 Amend House File 2438, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 11, by striking <act upon> and
- 4 inserting <sex act upon or sexual exploitation of>
- 5 2. Page 1, after line 26 by inserting:
- 6 <3. A person commits an aggravated misdemeanor
- 7 when, without authority and with the intent to commit

8 an illegal act upon a minor under the age of sixteen,
 9 the person entices or attempts to entice a person
 10 reasonably believed to be under the age of sixteen. A
 11 person convicted under this subsection shall not be
 12 subject to the registration requirements under chapter
 13 692A unless the finder of fact determines that the
 14 illegal act was sexually motivated.>
 15 3. Page 1, line 27, by striking <3.> and inserting
 16 <4.>
 17 4. Page 1, line 30, by striking <5. 4.> and
 18 inserting <5.>

T. Olson of Linn offered the following amendment H-8520, to the Senate amendment H-8436, filed by him, Heaton of Henry and Anderson of Page and moved its adoption:

H-8520

1 Amend the Senate amendment, H-8436, to House File
 2 2438, as passed by the House, as follows:
 3 1. Page 1, line 6, by striking <3.> and inserting
 4 <3. A person commits a class "D" felony when, without
 5 authority and with the intent to commit an illegal
 6 act upon a minor under the age of sixteen, the person
 7 entices a person reasonably believed to be under the
 8 age of sixteen.
 9 4.>
 10 2. Page 1, line 9, by striking <entices or>
 11 3. Page 1, line 16, by striking <4.> and inserting
 12 <5.>
 13 4. Page 1, by striking lines 17 and 18 and
 14 inserting:
 15 <__. Page 1, line 30, by striking <4.> and
 16 inserting <6.>>

Amendment H-8520 was adopted.

On motion by T. Olson of Linn the House concurred in the Senate amendment H-8436, as amended.

T. Olson of Linn moved that the bill, as amended by the Senate further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2438)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	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	May, Presiding		

The nays were, none.

Absent or not voting, 2:

Rants 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 **House File 2438** and **Senate File 2310** be immediately messaged to the Senate.

Appropriations Calendar

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, with report of committee recommending passage, was taken up for consideration.

Speaker Murphy in the chair at 5:01 p.m.

Bailey of Hamilton offered the following amendment H-8516 filed by him and moved its adoption:

H-8516

- 1 Amend Senate File 2376, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 12, after line 23 by inserting:
4 <Sec. ____ LIBRARY SERVICE AREA GEOGRAPHIC REGIONS
5 FOR FY 2010-2011 – OPERATIONS STUDY.
6 1. Notwithstanding section 256.61, for the fiscal
7 year beginning July 1, 2010, and ending June 30, 2011,
8 the library service areas shall serve and represent
9 six geographic regions by combining at least two
10 of seven library service areas existing in fiscal
11 year 2009-2010, including their staff and boards of
12 trustees.
13 2. Moneys appropriated to the department of
14 education for state aid for the library service area
15 system pursuant to section 6, subsection 5, of this
16 Act shall be equally divided and allocated to the six
17 library services areas.
18 3. a. The library services areas and the state
19 library shall work collaboratively to conduct a study
20 of ways to streamline state-funded library operations
21 and services. The study shall, at a minimum, address
22 the following:
23 (1) Library service area service delivery
24 strengths.
25 (2) Best practices for delivering continuing
26 education.
27 (3) The use of social networking tools to provide
28 consulting services.
29 (4) Consolidation of bookkeeping and auditing
30 functions.
31 (5) Locally based creative collaborations among all
32 types of libraries.
33 b. The library service areas shall collaboratively
34 submit their findings and recommendations in a report
35 to the general assembly on or before November 1, 2010.>
36 2. Page 20, after line 5 by inserting:

37 <Sec. ____ Section 256.51, subsection 1, Code 2009,
 38 is amended by adding the following new paragraph:
 39 NEW PARAGRAPH. k. Compile and evaluate the
 40 information contained in the reports submitted to
 41 the division pursuant to section 256.66, subsection
 42 13A. The division shall submit electronically the
 43 summary and its findings and recommendations in
 44 an annual report to the commission, the general
 45 assembly, chairpersons and ranking members of the joint
 46 appropriations subcommittee on education, and the
 47 fiscal services division of the legislative services
 48 agency by January 15.
 49 Sec. ____ Section 256.66, Code 2009, is amended by
 50 adding the following new subsection:

Page 2

1 NEW SUBSECTION. 13A. Shall submit electronically
 2 by December 1 annually a report to the division of
 3 libraries and information services that provides
 4 details regarding the revenues the library service area
 5 receives from all sources, its expenditures, and its
 6 full-time equivalent positions by job title for the
 7 preceding fiscal year.>
 8 3. By renumbering as necessary.

Amendment H-8516 was adopted.

Mascher of Johnson asked and received unanimous consent that amendment H-8524 be deferred.

Zirkelbach of Jones in the chair at 5:29 p.m.

Rants of Woodbury asked and received unanimous consent that amendment H-8527 be deferred.

Wessel-Kroeschell of Story offered the following amendment H-8531 filed by her, Kressig of Black Hawk, Mascher of Johnson, Heddens of Story, Berry of Black Hawk, Lensing of Johnson, Jacoby of Johnson, Kelley of Black Hawk, D. Olson of Boone and Shomshor of Pottawattamie from the floor and moved its adoption:

H-8531

1 Amend Senate File 2376, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 19, after line 17 by inserting:
 4 <Sec. ____ IOWA COMPREHENSIVE PETROLEUM UNDERGROUND

5 STORAGE TANK FUND APPROPRIATIONS – STATE BOARD OF
6 REGENTS.

7 There is appropriated from the Iowa comprehensive
8 petroleum underground storage tank fund created in
9 section 455G.3 to the state board of regents for the
10 fiscal year beginning July 1, 2010, and ending June 30,
11 2011, the following amounts, or so much thereof as may
12 be necessary, to be used for the purposes designated,
13 notwithstanding section 455G.3, subsection 1:

14 1. STATE UNIVERSITY OF IOWA

15 General university

16 For salaries, support, maintenance, equipment, and
17 miscellaneous purposes:

18 \$ 4,086,492

19 2. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

20 General university

21 For salaries, support, maintenance, equipment, and
22 miscellaneous purposes:

23 \$ 3,202,079

24 3. UNIVERSITY OF NORTHERN IOWA

25 General university

26 For salaries, support, maintenance, equipment, and
27 miscellaneous purposes:

28 \$ 1,456,118

29 4. STATE SCHOOL FOR THE DEAF

30 For salaries, support, maintenance, equipment, and
31 miscellaneous purposes:

32 \$ 162,980

33 5. IOWA BRAILLE AND SIGHT SAVING SCHOOL

34 For salaries, support, maintenance, equipment, and
35 miscellaneous purposes:

36 \$ 92,331>

37 2. By renumbering, redesignating, and correcting
38 internal references as necessary.

Roll call was requested by Dolecheck of Ringgold and Windschitl of Harrison.

On the question “Shall amendment H–8531 be adopted?” (S.F. 2376)

The ayes were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	Isenhardt	Jacoby	Kearns
Kelley	Kressig	Kuhn	Lensing
Lykam	Marek	Mascher	McCarthy

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
Winckler	Zirkelbach, Presiding		

The nays were, 45:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Mertz	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rayhons	Roberts	Sands	Schulte
Schultz	Soderberg	Sorenson	Struyk
Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

Absent or not voting, 1:

Wendt

Amendment H-8531 was adopted.

Tymeson of Madison offered the following amendment H-8505 filed by her and moved its adoption:

H-8505

1 Amend Senate File 2376, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 20, after line 5 by inserting:
 4 <Sec. ____ Section 256C.4, subsection 1, paragraph
 5 b, Code 2009, is amended to read as follows:
 6 b. A school district approved to participate in
 7 the preschool program may authorize expenditures
 8 for the district's preschool programming from any of
 9 the revenue sources available to the district from
 10 the sources listed in chapter 298A, provided the
 11 expenditures are within the uses permitted for the
 12 revenue source. In addition, the use of the revenue
 13 source for preschool or prekindergarten programming
 14 must have been approved prior to any expenditure
 15 from the revenue source for the district's approved
 16 local program. Notwithstanding any provision of law

- 17 to the contrary, a school district shall not levy a
 18 tax to raise an amount to restore state preschool
 19 foundation aid funding reduced by a uniform reduction
 20 in accordance with section 8.31.>
 21 2. By renumbering as necessary.

Roll call was requested by Tymeson of Madison and Sweeney of Hardin.

On the question "Shall amendment H-8505 be adopted?" (S.F. 2376)

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

The nays were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevrt	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	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	Quirk	Reasoner	Reichert
Running-Marquardt	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor	Thede
Thomas	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Zirkelbach,	
		Presiding	

Absent or not voting, 1:

Wendt

Amendment H-8505 lost.

Ford of Polk asked and received unanimous consent to withdraw amendment H-8518 filed by him on March 19, 2010.

Dolecheck of Ringgold offered the following amendment H-8523 filed by him from the floor and moved its adoption:

H-8523

- 1 Amend Senate File 2376, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 20, after line 5 by inserting:
- 4 <Sec. ____ Section 256C.5, subsection 1, paragraph
- 5 c, Code 2009, is amended to read as follows:
- 6 c. "Preschool budget enrollment" means the figure
- 7 that is equal to ~~sixty~~ forty percent of the actual
- 8 enrollment of eligible students in the preschool
- 9 programming provided by a school district approved
- 10 to participate in the preschool program on October 1
- 11 of the base year, or the first Monday in October if
- 12 October 1 falls on a Saturday or Sunday.>
- 13 2. By renumbering as necessary.

Roll call was requested by Dolecheck of Ringgold and Windschitl of Harrison.

On the question "Shall amendment H-8523 be adopted?" (S.F. 2376)

The ayes were, 46:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Huser	Kaufmann	Koester
Lukan	May	Mertz	Miller, L.
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rayhons	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Windschitl	Worthan		

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Burt	Cohoon	Ficken
Ford	Frevert	Gaskill	Gayman
Hanson	Heddens	Hunter	Isenhardt

Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Miller, H.	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	Winckler	Zirkelbach, Presiding	

Absent or not voting, 3:

Beard	Quirk	Wendt
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Amendment H-8523 lost.

Tymeson of Madison offered amendment H-8526 filed by her and Kelley of Black Hawk from the floor and moved its adoption:

H-8526

1 Amend Senate File 2376, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 20, after line 5 by inserting:
 4 <Sec. ____ Section 256.9, subsection 60, paragraph
 5 b, Code Supplement 2009, as enacted by 2010 Iowa Acts,
 6 Senate File 2033, section 1, is amended by striking the
 7 paragraph.>
 8 2. Page 31, after line 9 by inserting:
 9 <____. The section of this Act amending section
 10 256.9, subsection 60, being deemed of immediate
 11 importance, takes effect upon enactment.>
 12 3. By renumbering as necessary.

Mascher of Johnson rose on a point of order that amendment H-8526 was not germane.

The Speaker ruled the point not well taken and amendment H-8526 germane.

Tymeson of Madison moved the adoption of amendment H-8526.

A non-record roll call was requested.

The ayes were 51, nays 47.

Amendment H-8526 was adopted.

Huser of Polk offered the following amendment H-8533 filed by her from the floor and moved its adoption:

H-8533

1 Amend Senate File 2376, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 20, after line 5 by inserting:

4 Sec. ____ Section 7C.13, subsections 3 and 5,
5 Code Supplement 2009, are amended by striking the
6 subsections.

7 2. Page 20, after line 5 by inserting:

8 <Sec. ____ Section 21.2, subsection 1, Code
9 Supplement 2009, is amended by adding the following new
10 paragraphs:

11 NEW PARAGRAPH. k. An organization referred
12 to in section 279.38 or 279.38A, or a nonprofit
13 corporation supported in whole or in part with revenues
14 derived from public fees or public deposits, that was
15 established by, or is operated by, a governing board
16 whose membership was or is substantially comprised
17 of state or local elected officials or appointees of
18 governmental bodies.

19 NEW PARAGRAPH. l. The qualified student loan bond
20 issuer referred to in section 7C.13.

21 Sec. ____ Section 21.11, Code 2009, is amended to
22 read as follows:

23 21.11 Applicability to nonprofit corporations.

24 This chapter applies to nonprofit corporations ~~which~~
25 ~~are that meet either of the following conditions:~~

26 1. Are defined as governmental bodies subject to
27 section 21.2, subsection 1, paragraph “f”, only when
28 the meetings conducted by the nonprofit corporations
29 relate to the conduct of pari-mutuel racing and
30 wagering pursuant to chapter 99D.

31 2. Are supported in whole or in part with revenues
32 derived from public fees or public deposits and were
33 established by, or are operated by, a governing board
34 whose membership was or is substantially comprised
35 of state or local elected officials or appointees
36 of governmental bodies, including but not limited
37 to organizations referred to in sections 279.38 and
38 279.38A.

39 Sec. ____ Section 22.1, subsections 1 and 3, Code
40 Supplement 2009, are amended to read as follows:

41 1. The term “government body” means this state,
42 or any county, city, township, school corporation,
43 political subdivision, tax-supported district,
44 nonprofit corporation other than a fair conducting a

45 fair event as provided in chapter 174, whose facilities
 46 or indebtedness are supported in whole or in part
 47 with property tax revenue and which is licensed to
 48 conduct pari-mutuel wagering pursuant to chapter 99D;
 49 the qualified student loan bond issuer referred to in
 50 section 7C.13: a nonprofit corporation supported in

Page 2

1 whole or in part with revenues derived from public
 2 fees or public deposits, that was established by, or
 3 is operated by, a governing board whose membership
 4 was or is substantially comprised of state or local
 5 elected officials or appointees of governmental bodies;
 6 an organization referred to in section 279.38 or
 7 279.38A; the governing body of a drainage or levee
 8 district as provided in chapter 468, including a board
 9 as defined in section 468.3, regardless of how the
 10 district is organized; or other entity of this state,
 11 or any branch, department, board, bureau, commission,
 12 council, committee, official, or officer of any of the
 13 foregoing or any employee delegated the responsibility
 14 for implementing the requirements of this chapter.
 15 3. As used in this chapter, "public records"
 16 includes all records, documents, tape, or other
 17 information, stored or preserved in any medium, of or
 18 belonging to this state or any county, city, township,
 19 school corporation, political subdivision, nonprofit
 20 corporation other than a fair conducting a fair
 21 event as provided in chapter 174, whose facilities or
 22 indebtedness are supported in whole or in part with
 23 property tax revenue and which is licensed to conduct
 24 pari-mutuel wagering pursuant to chapter 99D, nonprofit
 25 corporation supported in whole or in part with revenues
 26 derived from public fees or public deposits and
 27 established by, or operated by, a governing board
 28 whose membership was or is substantially comprised
 29 of state or local elected officials or appointees of
 30 governmental bodies, an organization referred to in
 31 section 279.38 or 279.38A, or tax-supported district
 32 in this state, or any branch, department, board,
 33 bureau, commission, council, or committee of any of the
 34 foregoing.>

35 3. Page 20, after line 5 by inserting:
 36 <Sec. ____ Section 99D.9, Code 2009, is amended by
 37 adding the following new subsection:
 38 NEW SUBSECTION. 9. The governing body of the
 39 licensee shall be a governmental body for purposes of
 40 chapters 21 and 22.>

41 4. Title page, line 5, after <atters> by inserting
 42 <including changes to the open meetings and public

43 records laws>

44 5. By renumbering as necessary.

Roll call was requested by Paulsen of Linn and Dolecheck of Ringgold.

On the question "Shall amendment H-8533 be adopted?" (S.F. 2376)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Worthan	Zirkelbach, Presiding		

The nays were, none.

Absent or not voting, 2:

Wendt Whitead

Amendment H-8533 was adopted.

Dolecheck of Ringgold offered the following amendment H-8522 filed by him from the floor and moved its adoption:

H-8522

- 1 Amend Senate File 2376, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 21, by striking lines 4 through 24.
 4 2. Page 21, by striking lines 25 through 30.
 5 3. By striking page 26, line 26, through page 27,
 6 line 19.
 7 4. Page 27, by striking lines 20 through 26.
 8 5. Page 31, by striking lines 10 through 18.
 9 6. Page 31, by striking lines 19 through 21.
 10 7. Page 31, by striking lines 25 through 27.
 11 8. Page 31, by striking lines 28 through 32.
 12 9. Title page, lines 5 and 6, by striking <and
 13 applicability>
 14 10. By renumbering as necessary.

Schueller of Jackson in the chair at 7:09 p.m.

Zirkelbach of Jones in the chair at 7:50 p.m.

Roll call was requested by Dolecheck of Ringgold and Paulsen of Linn.

On the question "Shall amendment H-8522 be adopted?" (S.F. 2376)

The ayes were, 49:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Huser	Kaufmann	Kelley
Koester	Lukan	Marek	May
Miller, L.	Olson, S.	Paulsen	Petersen
Pettengill	Raecker	Rants	Rayhons
Reasoner	Roberts	Sands	Schulte
Schultz	Soderberg	Sorenson	Struyk
Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

The nays were, 50:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter

Isenhart	Jacoby	Kearns	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Quirk	Reichert	Running-Marquardt
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor	Thede	Thomas
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Zirkelbach, Presiding		

Absent or not voting, 1:

Wendt

Amendment H-8522 lost.

Forristall of Pottawattamie offered the following amendment H-8521 filed by him and Dolecheck of Ringgold from the floor and moved its adoption:

H-8521

1 Amend Senate File 2376, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 24, by striking lines 7 and 8 and inserting
 4 ~~<investigative A complaint, and any amendment to a~~
 5 ~~complaint, shall be provided to the respondent>~~
 6 2. Page 24, line 11, after ~~<investigation.>~~ by
 7 inserting ~~<However, the complainant's name and other~~
 8 ~~identifying information shall not be disclosed in the~~
 9 ~~complaint, or any amendment to the complaint, to the~~
 10 ~~respondent until disciplinary proceedings have been~~
 11 ~~commenced.>~~

Speaker Murphy in the chair at 8:04 p.m.

Roll call was requested by Forristall of Pottawattamie and Dolecheck of Ringgold.

On the question "Shall amendment H-8521 be adopted?" (S.F. 2376)

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley

Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

The nays were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	Isenhardt	Jacoby	Kearns
Kelley	Kressig	Kuhn	Lensing
Lykam	Marek	Mascher	McCarthy
Mertz	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Running-Marquardt
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor	Thede	Thomas
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 1:

Wendt

Amendment H-8521 lost.

Bailey of Hamilton asked and received unanimous consent to withdraw amendment H-8515 filed by him and Chambers of O'Brien on March 19, 2010.

Rants of Woodbury asked and received unanimous consent to withdraw amendment H-8525 filed by him from the floor.

Bailey of Hamilton offered amendment H-8530 filed by him and Chambers of O'Brien from the floor as follows:

H-8530

- 1 Amend Senate File 2376, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 29, after line 12 by inserting:
- 4 <Sec. ____. Section 298.3, subsection 1A, paragraph

5 a, subparagraph (2), Code Supplement 2009, if enacted
6 by 2010 Iowa Acts, House File 2462, section 1, is
7 amended to read as follows:

8 (2) The funding of technical support services
9 provided by third-party contractual agreement and
10 technical support training of school district personnel
11 necessary for purchases, leases, or lease-purchases
12 made under paragraph "a" or under subsection 1,
13 paragraph "c". For purposes of this subparagraph,
14 "technical support" means a range of services providing
15 assistance with technology products.

16 Sec. __. Section 298.3, subsection 4, Code
17 Supplement 2009, is amended to read as follows:

18 4. Revenue from the regular and voter-approved
19 physical plant and equipment levies shall not be
20 expended for school district or area education
21 agency employee salaries or travel expenses,
22 supplies, printing costs or media services, or for
23 any other purpose not expressly authorized in ~~this~~
24 ~~section~~ subsection 1 or subsection 1A, if enacted by
25 2010 Iowa Acts, House File 2462, or its successor.>

26 2. Page 31, after line 32 by inserting:

27 <__. The sections of this Act amending section
28 298.3, subsection 1A, paragraph a, subparagraph (2),
29 if enacted by 2010 Iowa Acts, House File 2462, and
30 section 298.3, subsection 4, being deemed of immediate
31 importance, take effect upon enactment.>

32 3. By renumbering as necessary.

Rants of Woodbury rose on a point of order that amendment H-8530 was not germane.

The Speaker ruled the point not well taken and amendment H-8530 germane.

Bailey of Hamilton moved the adoption of amendment H-8530.

A non-record roll call was requested.

The ayes were 35, nays 50.

Amendment H-8530 lost.

Heddens of Story offered the following amendment H-8536 filed by her from the floor and moved its adoption:

H-8536

1 Amend Senate File 2376, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 31, line 5, after <review> by inserting
4 <how area education agency administrative services
5 are funded and the percentages of state, federal, and
6 local moneys used to pay for administrative services
7 and salaries, the services provided by area education
8 agencies, the number of students served by each area
9 education agency, and the>

Amendment H-8536 was adopted.

Mascher of Johnson offered the following amendment H-8524 previously deferred, filed by her from the floor and moved its adoption:

H-8524

1 Amend Senate File 2376, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 12, line 24, through page 13,
4 line 15.
5 2. Page 18, line 14, before <From> by inserting
6 <(1)>
7 3. Page 18, after line 21 by inserting:
8 <(2) The university of northern Iowa shall
9 work with the community colleges to develop STEM
10 professional development programs for community college
11 instructors and STEM curriculum development.>
12 4. By renumbering as necessary.

Roll call was requested by Steckman of Cerro Gordo and Abdul-Samad of Polk.

On the question "Shall amendment H-8524 be adopted?" (S.F. 2376)

The ayes were, 54:

Abdul-Samad	Beard	Bell	Berry
Bukta	Burt	Cphoon	Dolecheck
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter

Huser	Isenhardt	Jacoby	Kearns
Kelley	Kressig	Kuhn	Lensing
Lykam	Marek	Mascher	McCarthy
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, 45:

Alons	Anderson	Arnold	Bailey
Baudler	Chambers	Cownie	De Boef
Deyoe	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Mertz	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rayhons	Roberts	Sands	Schulte
Schultz	Soderberg	Sorenson	Struyk
Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

Absent or not voting, 1:

Wendt

Amendment H-8524 was adopted.

Rants of Woodbury offered the following amendment H-8527, previously deferred, filed by him from the floor and moved its adoption:

H-8527

1 Amend Senate File 2376, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 15, after line 1 by inserting <If, during
 4 the legislative interim, the United States department
 5 of education finds that the state is in noncompliance
 6 with the requirements of section 14005(d)(1) of the
 7 American Recovery and Reinvestment Act of 2009, Pub.
 8 L. No. 111-5, relating to state support for public
 9 institutions of higher education, the governor shall
 10 convene the general assembly by proclamation in the
 11 interim to address the state's noncompliance.>

12 2. Page 17, after line 4 by inserting <If, during
 13 the legislative interim, the United States department
 14 of education finds that the state is in noncompliance
 15 with the requirements of section 14005(d)(1) of the
 16 American Recovery and Reinvestment Act of 2009, Pub.
 17 L. No. 111-5, relating to state support for public
 18 institutions of higher education, the governor shall
 19 convene the general assembly by proclamation in the
 20 interim to address the state's noncompliance.>
 21 3. Page 17, after line 35 by inserting <If, during
 22 the legislative interim, the United States department
 23 of education finds that the state is in noncompliance
 24 with the requirements of section 14005(d)(1) of the
 25 American Recovery and Reinvestment Act of 2009, Pub.
 26 L. No. 111-5, relating to state support for public
 27 institutions of higher education, the governor shall
 28 convene the general assembly by proclamation in the
 29 interim to address the state's noncompliance.>

Roll call was requested by Rants of Woodbury and Raecker of Polk.

On the question "Shall amendment H-8527 be adopted?" (S.F. 2376)

The ayes were, 46:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Huser	Kaufmann	Koester
Lukan	May	Mertz	Miller, L.
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rayhons	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Windschitl	Worthan		

The nays were, 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	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner

Reichert	Running-Marquardt	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor
Thede	Thomas	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Zirkelbach
Mr. Speaker Murphy			

Absent or not voting, 1:

Wendt

Amendment H-8527 lost.

Winckler 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. 2376)

The ayes were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	Isenhardt	Jacoby	Kearns
Kelley	Kressig	Kuhn	Lensing
Lykam	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, 44:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

Absent or not voting, 1:

Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

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 22, 2010, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on March 22, 2010, amended and passed the following bill in which the concurrence of the House is asked:

House File 2525, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and including effective date provisions.

Also: That the Senate has on March 22, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2226, a bill for an act relating to custody, physical care, and visitation provisions relating to a child of a parent who is serving active duty in the military service of the United States and including effective date provisions.

Also: That the Senate has on March 22, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2333, a bill for an act relating to health care facilities and programs, including hospital inspector requirements and dependent adult abuse.

Also: That the Senate has on March 22, 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 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.

Also: That the Senate has on March 22, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2380, a bill for an act relating to taxation, including the administration and review of certain economic development programs and certain tax incentive programs and the reenactment of the estate tax and including effective date and retroactive and other applicability provisions.

Also: That the Senate has on March 22, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2382, a bill for an act relating to fuel, including standards for biodiesel blended fuel, and excise taxes imposed upon special fuel, including biodiesel fuel and diesel fuel used in the production of biodiesel blended fuel.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 2376** be immediately messaged to the Senate.

On motion by McCarthy of Polk, the House was recessed at 9:07 p.m., until completion of the committees on appropriations and ways and means.

EVENING SESSION

The House reconvened at 10:09 p.m., Palmer of Mahaska in the chair.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 22nd day of March, 2010: House Files 2321 and 2384.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 22, 2010, he approved and transmitted to the Secretary of State the following bills:

House File 426, an Act relating to reporting requirements for traffic accidents involving the operation of motor vehicles by reserve peace officers.

House File 681, an Act requiring employers to provide notice of business closings and mass layoffs and providing penalties.

House File 734, an Act relating to the uniform adult guardianship and protective proceedings Act relating to the establishment, transfer, and recognition of guardianships and conservatorships in multistate cases, and including effective date and applicability provisions.

House File 2137, an Act relating to the military division of the department of public defense concerning state military service and the Iowa code of military justice.

House File 2144, an Act relating to health-related activities and regulation by the department of public health, and making penalties applicable.

House File 2148, an Act relating to eligible lenders for the home ownership assistance program for military members.

House File 2183, an Act relating to the organization and duties of the state board of health.

House File 2273, an Act relating to drainage districts, by modifying the amount of a bid security required to be submitted by bidders proposing to make improvements and modifying the threshold amount requiring the letting of bids to construct an improvement, and including effective date provisions.

House File 2295, an Act establishing a task force to review the present mission, structure, governance, and funding of the area education agencies.

House File 2307, an Act providing for restitution for Medicaid expenditures.

House File 2402, an Act relating to the development of a plan for a stroke triage system and registry.

House File 2406, an Act requiring the department of veterans affairs to promote and support the preservation of the U.S.S. Iowa as a naval museum.

House File 2422, an Act relating to disaster recovery case management.

House File 2452, an Act relating to driver's license sanctions, including the issuance of temporary restricted licenses and certain requirements relating to ignition interlock devices, and providing penalties.

House File 2460, an Act relating to small business and disadvantaged business enterprise contracts with the department of transportation.

House File 2461, an Act relating to school business official training and authorization.

House File 2478, an Act relating to business organizations, including limited liability companies and business corporations, and providing for fees.

Senate File 2178, an Act relating to textbooks and laptop computers or other personal portable computing devices adopted for use by school districts and provided to public and accredited nonpublic school students.

Senate File 2197, an Act relating to the enforcement of criminal law provisions including providing false identification information and public indecent exposure and providing penalties.

Senate File 2202, an Act relating to rights of persons with disabilities.

Senate File 2224, an Act relating to boards of administration for horizontal property.

Senate File 2234, an Act relating to the regulation of motor vehicle franchises.

Senate File 2299, an Act relating to grain transactions by regulating grain dealers and warehouse operators, providing for fees, and making penalties applicable.

Senate File 2357, an Act relating to prohibiting a person who is the subject of a no-contact order or a protective order or who has been convicted of a misdemeanor crime of domestic violence from possessing, transferring, or selling firearms and ammunition or offensive weapons and providing penalties.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 739

Ways and Means: Isenhart, Chair; Helland and D. Olson.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 740 Administration and Rules

A concurrent resolution to approve and confirm the appointment of the Citizens' Aide.

H.S.B. 741 Appropriations

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.

RESOLUTION FILED

HR 130, by Soderberg, Thomas, Grassley, Sweeney, Wagner, Chambers, Alons, De Boef, Sorenson, Roberts, May, Koester, Heaton, Cownie, Anderson, Watts, Tjepkes, Drake, Tymeson, Schulte, Raecker, Hagenow, Rayhons, Deyoe, Lukan, Paulsen, Dolecheck, Forristall, L. Miller, Worthan, Baudler, Van Engelenhoven, Arnold, Huseman, Schultz, Windschitl, Sands, Pettengill, Struyk, Kaufmann, Upmeyer, S. Olson, Horbach, Marek, Ficken, Palmer, Wenthe, Huser, Abdul-Samad, Hunter, Wessel-Kroeschell, Lensing, Winckler, Steckman, Kuhn, Jacoby, Whitead, Kearns, Beard, Reasoner, T. Olson, Swaim, Isenhardt, Burt, Schueller, Bailey, Frevert, Thede, Lykam, Smith, H. Miller, Berry, Kressig, Heddens, Mertz, Murphy, Bukta, Reichert, Gaskill, Zirkelbach, Hanson, Gayman, Bell, Mascher and Helland, a resolution honoring the Iowa Area Development Group for the 25 years of economic development success on behalf of the Iowa Rural Electric Cooperatives and municipal and other economic development members.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8528	S.F.	2201	Soderberg of Plymouth
H—8529	H.F.	2459	Sands of Louisa
H—8532	S.F.	2270	Upmeyer of Hancock
H—8534	S.F.	2378	Senate Amendment
H—8535	S.F.	2270	Willems of Linn
H—8537	S.F.	2270	De Boef of Keokuk
H—8538	H.F.	2459	Mertz of Kossuth
H—8539	H.F.	2525	Senate Amendment
H—8540	H.F.	2522	Senate Amendment

H—8541	S.F.	2370	R. Olson of Polk Horbach of Tama
H—8542	S.F.	2370	Rayhons of Hancock

On motion by Jacoby of Johnson the House adjourned at 10:12 p.m., until 9:00 a.m., Tuesday, March 23, 2010.

JOURNAL OF THE HOUSE

Seventy-second Calendar Day - Fifty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 23, 2010

The House met pursuant to adjournment at 9:12 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Jerry Helms, pastor of Christian Cornerstone Church, Quad Cities. He was the guest of Representative Phyllis Thede of Scott County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Sam Jurgena, House Page from Davenport.

The Journal of Monday, March 22, 2010 was approved.

INTRODUCTION OF BILL

House File 2531, by committee on appropriations, 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.

Read first time and referred to committee on **ways and means**.

SENATE MESSAGE CONSIDERED

Senate File 2382, by committee on ways and means, a bill for an act relating to fuel, including standards for biodiesel blended fuel, and excise taxes imposed upon special fuel, including biodiesel fuel and diesel fuel used in the production of biodiesel blended fuel.

Read first time and referred to committee on **ways and means**.

ADOPTION OF HOUSE RESOLUTION 120

Bell of Jasper called up for consideration **House Resolution 120**, a resolution supporting the Republic of China on Taiwan as a part of the global community, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by McCarthy of Polk, the House was recessed at 9:47 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 1:41 p.m., Speaker pro tempore Bukta in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Roberts of Carroll on request of Kaufmann of Cedar; Wendt of Woodbury on request of McCarthy of Polk.

SPECIAL PRESENTATION

Dolecheck of Ringgold introduced to the House, the Honorable Jim Meyer, former state representative from Sac County.

The House rose and expressed its welcome.

The House stood at ease at 1:43 p.m., until the fall of the gavel.

The House resumed session at 3:32 p.m., Speaker Murphy in the chair.

CONFERENCE COMMITTEE REPORT RECEIVED (House File 2456)

A conference committee report signed by the following Senate and House members was filed March 22, 2010, on House File 2456, a bill for an act prohibiting a person from writing or sending a text message while driving a motor vehicle and providing penalties.

On the part of the Senate:
 Danielson, Chair
 Heckroth
 Rielly

On the part of the House:
 Hanson, Chair
 Hagenow
 Lykam
 R. Olson
 Tjepkes

ADOPTION OF THE REPORT OF THE
 CONFERENCE COMMITTEE
 (House File 2456)

Hanson of Jefferson and Tjepkes of Webster called up for consideration the report of the conference committee on House File 2456 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
 ON HOUSE FILE 2456

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2456, a bill for an Act concerning the use of electronic communication devices while driving, including prohibiting a person from writing or sending a text message while driving a motor vehicle and providing penalties, respectfully make the following report

1. That the House recedes from its amendment, S-5200.
2. That the Senate recedes from its amendment, H-8251.

3. That House File 2456, as amended, passed, and reprinted by the House, is amended to read as follows:

1. By striking everything after the enacting clause and inserting:

"Section 1. Section 321.178, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. (1) A person between sixteen and eighteen years of age who has completed an approved driver's education course and is not in attendance at school and has not met the requirements described in section 299.2, subsection 1, may be issued a restricted license only for travel to and from work or to transport dependents to and from temporary care facilities, if necessary for the person to maintain the person's present employment. The restricted license shall be issued by the department only upon confirmation of the person's employment and need for a restricted license to travel to and from work or to transport dependents to and from temporary care facilities if necessary to maintain the person's employment. The employer shall notify the department if the employment of the person is terminated before the person attains the age of eighteen.

(2) (a) A person issued a restricted license under this section shall not use an electronic communication device or an electronic entertainment device while driving a

motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway. This subparagraph division does not apply to the use of electronic equipment which is permanently installed in the motor vehicle or to a portable device which is operated through permanently installed equipment. A violation of this subparagraph division shall not be considered a moving violation except for purposes of section 321.193.

(b) For the period beginning July 1, 2010, through June 30, 2011, peace officers shall issue only warning citations for violations of subparagraph division (a). The department in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of subparagraph division (a).

Sec. 2. Section 321.180B, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. a. A person issued an instruction permit or intermediate driver's license under this section shall not use an electronic communication device or an electronic entertainment device while driving a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway. This paragraph does not apply to the use of electronic equipment which is permanently installed in the motor vehicle or to a portable device which is operated through permanently installed equipment. A violation of this paragraph shall not be considered a moving violation except for purposes of section 321.193.

b. For the period beginning July 1, 2010, through June 30, 2011, peace officers shall issue only warning citations for violations of paragraph "a". The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of paragraph "a".

Sec.3. Section 321.194, subsection 1, Code Supplement 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. (1) A person issued a driver's license under this section shall not use an electronic communication device or an electronic entertainment device while driving a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway. This subparagraph does not apply to the use of electronic equipment which is permanently installed in the motor vehicle or to a portable device which is operated through permanently installed equipment. A violation of this subparagraph shall not be considered a moving violation except for purposes of section 321.193.

(2) For the period beginning July 1, 2010, through June 30, 2011, peace officers shall issue only warning citations for violations of subparagraph (1). The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of subparagraph (1). Sec. 4. Section 321.210, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Violations of section 321.276.

Sec. 5. NEW SECTION. 321.238 Use of electronic devices while driving – preemption of local legislation The provisions of this chapter restricting the use of electronic communication devices and electronic entertainment devices by motor vehicle operators shall be implemented uniformly throughout the state. Such provisions shall preempt any county or municipal ordinance regarding the use of an electronic communication device or electronic entertainment device by a motor vehicle operator. In addition, a county or municipality shall not adopt or continue in effect an ordinance regarding the use of an electronic communication device or electronic entertainment device by a motor vehicle operator.

Sec. 6. NEW SECTION. 321.276 Use of electronic communication device while driving – text-messaging.

1. For purposes of this section:

a. "Engage in a call" means talking or listening on a mobile telephone or other portable electronic communication device.

b. "Hand-held electronic communication device" means a mobile telephone or other portable electronic communication device capable of being used to write, send, or read a text message. "Hand-held electronic communication device" does not include a voice-operated or hands-free device which allows the user to write, send, or read a text message without the use of either hand except to activate or deactivate a feature or function. "Hand-held electronic communication device" does not include a wireless communication device used to transmit or receive data as part of a digital dispatch system. "Hand-held electronic communication device" includes a device which is temporarily mounted inside the motor vehicle, unless the device is a voice-operated or hands-free device.

c. "Text message" includes a text-based message, an instant message, and electronic mail.

d. The terms "write", "send", and "read", with respect to a text message, mean the manual entry, transmission, and retrieval of a text message, respectively, to communicate with any other person or device.

2. A person shall not use a hand-held electronic communication device to write, send, or read a text message while driving a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway. a. A person does not violate this section by using a global positioning system or navigation system or when, for the purpose of engaging in a call, the person selects or enters a telephone number or name in a hand-held mobile telephone or activates, deactivates, or initiates a function of a hand-held mobile telephone.

b. The provisions of this subsection relating to reading a text message do not apply to the following persons:

(1) A member of a public safety agency, as defined in section 34.1, performing official duties.

(2) A health care professional in the course of an emergency situation.

(3) A person receiving safety-related information including emergency, traffic, or weather alerts.

3. Nothing in this section shall be construed to authorize a peace officer to confiscate a portable electronic communication device from the driver or occupant of a motor vehicle.

4. a. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph "k".

b. A violation of this section shall not be considered a moving violation for purposes of this chapter or rules adopted pursuant to this chapter.

5. a. A peace officer shall not stop or detain a person solely for a suspected violation of this section. This section is enforceable by a peace officer only as a secondary action when the driver of a motor vehicle has been stopped or detained for a suspected violation of another provision of this chapter, a local ordinance equivalent to a provision of this chapter, or other law.

b. For the period beginning July 1, 2010, through June 30, 2011, peace officers shall issue only warning citations for violations of this section. The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of this section. Sec. 7. Section 321.482A, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Notwithstanding section 321.482, a person who is convicted of operating a motor vehicle in violation of section 321.178, subsection 2, paragraph "a", subparagraph (2), section 321.180B, subsection 6A, section 321.194, subsection 1, paragraph "c", section 321.275, subsection 4, section 321.276, 321.297, 321.298, 321.299, 321.302, 321.303, 321.304, 321.305, 321.306, 321.307, 321.308, section 321.309, subsection 2, or section 321.311, 321.319, 321.320, 321.321, 321.322, 321.323, 321.323A, 321.324, 321.324A, 321.327, 321.329, or 321.333 causing serious injury to or the death of another person may be subject to the following penalties in addition to the penalty provided for a scheduled violation in section 805.8A or any other penalty provided by law:

Sec. 8. Section 321.555, subsection 2, Code 2009, is amended to read as follows:

2. Six or more of any separate and distinct offenses within a two-year period in the operation of a motor vehicle, which are required to be reported to the department by section 321.491 or chapter 321C, except equipment violations, parking violations as defined in section 321.210, violations of registration laws, violations of sections 321.445 and 321.446, violations of section 321.276, operating a vehicle with an expired license or permit, failure to appear, weights and measures violations and speeding violations of less than fifteen miles per hour over the legal speed limit.

3. Sec. 9. Section 805.8A, subsection 4, paragraph a, Code Supplement 2009, is amended to read as follows:

4. a. For violations under ~~sections~~ section 321.174A, section 321.178, subsection 2, paragraph "a", subparagraph (2),

sections 321.180, 321.180B, 321.193, and 321.194, the scheduled fine is thirty dollars.

Sec. 10. Section 805.8A, subsection 14, Code Supplement 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. k. Text-messaging while driving violations. For violations under section 321.276, the scheduled fine is thirty dollars."

2.Title page, by striking lines 2 and 3 and inserting <while driving, and >

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

CURT HANSON, Chairperson

JEFF DANIELSON, Chairperson

CHRIS HAGENOW

WILLIAM HECKROTH

JIM LYKAM

THOMAS RIELLY

RICK OLSON

DAVID TJEPKES

The motion prevailed and the conference committee report was adopted.

Hanson of Jefferson and Tjepkes of Webster 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. 2456)

The ayes were, 66:

Abdul-Samad	Anderson	Arnold	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Cphoon	Cownie
Drake	Ficken	Ford	Frevert
Gaskill	Gayman	Grassley	Hanson
Heaton	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lykam	Marek	Mascher
May	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Rayhons	Reichert
Running-Marquardt	Schulte	Shomshor	Smith
Steckman	Swaim	Taylor	Thede
Thomas	Tjepkes	Van Engelenhoven	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, 33:

Alons	Chambers	De Boef	Deyoe
Dolecheck	Forristall	Hagenow	Helland
Horbach	Huseman	Lukan	McCarthy
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Reasoner	Roberts
Sands	Schueller	Schultz	Soderberg
Sorenson	Struyk	Sweeney	Tymeson
Upmeyer	Wagner	Watts	Windschitl
Worthan			

Absent or not voting, 1:

Wendt

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

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 APPROPRIATIONS

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.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 2010.

CONSIDERATION OF BILLS
Appropriations Calendar

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, with report of committee recommending passage, was taken up for consideration.

Quirk of Chickasaw offered the following amendment H-8514 filed by him and moved its adoption:

H-8514

1 Amend Senate File 2381, as passed by the Senate, as
2 follows:

3 1. Page 5, before line 1 by inserting:

4 <Sec. ____ Section 321.1, subsection 4, Code

5 Supplement 2009, is amended to read as follows:

6 4. "All-terrain vehicle" means a motor vehicle
7 designed to travel on three or more wheels and designed
8 primarily for off-road recreational use ~~but not~~
9 including. "All-terrain vehicle" includes off-road
10 utility vehicles as defined in section 321I.1, but does
11 not include farm tractors or equipment, construction
12 equipment, forestry vehicles, or lawn and grounds
13 maintenance vehicles.>

14 2. Page 5, after line 8 by inserting:

15 <Sec. ____ Section 321.234A, subsection 1, Code

16 2009, is amended by adding the following new paragraph:

17 NEW PARAGRAPH. f. The all-terrain vehicle is
18 operated on a county roadway in accordance with section
19 321I.10, subsection 2, or a city street in accordance
20 with section 321I.10, subsection 3.>

21 3. Page 7, after line 7 by inserting:

22 <Sec. ____ Section 321I.10, subsections 1, 2,

23 and 3, Code Supplement 2009, are amended to read as
24 follows:

25 1. A person shall not operate an all-terrain
26 vehicle or off-road utility vehicle upon roadways or
27 highways except as provided in section 321.234A and
28 this section.

29 2. A registered all-terrain vehicle or off-road
30 utility vehicle may be operated on the roadways of
31 that portion of county highways designated by the
32 county board of supervisors for such use during a
33 specified period. The county board of supervisors
34 shall evaluate the traffic conditions on all county
35 highways and designate roadways on which all-terrain
36 vehicles or off-road utility vehicles may be operated
37 for the specified period without unduly interfering
38 with or constituting an undue hazard to conventional
39 motor vehicle traffic. In designating such roadways,
40 the board may authorize all-terrain vehicles and
41 off-road utility vehicles to stop at service stations
42 or convenience stores along a designated roadway.
43 Counties authorizing the use of roadways by all-terrain
44 vehicles or off-road utility vehicles shall be exempt
45 from liability for such use causing injury or damage to
46 persons or property.

47 3. Cities may designate streets under the
48 jurisdiction of cities within their respective
49 corporate limits which may be used for the ~~sport~~
50 of driving operation of registered all-terrain

Page 2

1 vehicles or registered off-road utility vehicles.
2 In designating such streets, the city may authorize
3 all-terrain vehicles and off-road utility vehicles to
4 stop at service stations or convenience stores along
5 a designated street. Cities authorizing the use of
6 streets by all-terrain vehicles or off-road utility
7 vehicles shall be exempt from liability for such use
8 causing injury or damage to persons or property.

9 Sec. ____ Section 322D.1, subsection 1, Code 2009,
10 is amended to read as follows:

11 1. "All-terrain vehicle" means ~~the same as defined~~
12 in section 321.1, a motor vehicle designed to travel
13 on three or more wheels and designed primarily for
14 off-road recreational use but not including farm
15 tractors or equipment, construction equipment, forestry
16 vehicles, or lawn and grounds maintenance vehicles.>

17 4. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 49, nays 42.

Amendment H-8514 was adopted.

McCarthy of Polk asked and received unanimous consent that Senate File 2381 be deferred and that the bill retain its place on the calendar.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 23, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2310, a bill for an act relating to raising or releasing pen-reared pheasants originating from a hatchery approved by the department of natural resources.

Also: That the Senate has on March 23, 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 2438, a bill for an act relating to the criminal offense of enticing or attempting to entice a minor and providing penalties.

Also: That the Senate has on March 23, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2310, a bill for an act creating a natural resources and outdoor recreation trust fund to implement a proposed amendment to the Constitution of the State of Iowa, and providing for contingent implementation.

MICHAEL E. MARSHALL, Secretary

Roberts of Carroll in the chair at 4:23 p.m.

SENATE AMENDMENT CONSIDERED

Huser of Polk called up for consideration **Senate File 2345**, a bill for an act relating to judicial branch administration, child custody and visitation matters, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-8411 to the House amendment:

H-8411

1 Amend the House amendment, S-5163, to Senate File

2 2345, as passed by the Senate, as follows:
3 1. Page 1, after line 42 by inserting:
4 <__. Page 4, after line 9 by inserting:
5 Sec. __. Section 901.4, Code 2009, is amended to
6 read as follows:
7 901.4 Presentence investigation report confidential –
8 access.
9 The presentence investigation report is confidential
10 and the court shall provide safeguards to ensure its
11 confidentiality, including but not limited to sealing
12 the report, which may be opened only by further court
13 order. The defendant's attorney and the attorney
14 for the state shall have access to the presentence
15 investigation report at least three days prior to the
16 date set for sentencing. The defendant's appellate
17 attorney and the appellate attorney for the state shall
18 have access to the presentence investigation report
19 upon request and without the necessity of a court
20 order. The report shall remain confidential except
21 upon court order. However, the court may conceal
22 the identity of the person who provided confidential
23 information. The report of a medical examination
24 or psychological or psychiatric evaluation shall be
25 made available to the attorney for the state and to
26 the defendant upon request. The reports are part of
27 the record but shall be sealed and opened only on
28 order of the court. If the defendant is committed
29 to the custody of the Iowa department of corrections
30 and is not a class "A" felon, the department and the
31 board of parole shall have access to the presentence
32 investigation report. Pursuant to section 904.602, the
33 presentence investigation report may also be released
34 by ordinary or electronic mail by the department
35 of corrections or a judicial district department
36 of correctional services to another jurisdiction
37 for the purpose of providing interstate probation
38 and parole compact or interstate compact for adult
39 offender supervision services or evaluations, or to a
40 substance abuse or mental health services provider when
41 referring a defendant for services. The defendant or
42 the defendant's attorney may file with the presentence
43 investigation report, a denial or refutation of the
44 allegations, or both, contained in the report. The
45 denial or refutation shall be included in the report. >>
46 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8411, to the House amendment.

Huser of Polk 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.

On the question "Shall the bill pass?" (S.F. 2345)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Running-Marquardt	Sands	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	Roberts,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED

T. Olson of Linn called up for consideration **House File 726**, a bill

for an act providing for unincorporated nonprofit associations, and providing for fees and penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H-8412:

H-8412

- 1 Amend House File 726, as passed by the House, as
- 2 follows:
- 3 1. Page 19, line 17, after <Code> by inserting
- 4 <Supplement>
- 5 2. Page 19, line 29, after <Code> by inserting
- 6 <Supplement>
- 7 3. Page 20, line 1, after <Code> by inserting
- 8 <Supplement>
- 9 4. Page 22, line 12, before <unincorporated> by
- 10 inserting <authorized>
- 11 5. Page 22, line 20, before <unincorporated> by
- 12 inserting <authorized>
- 13 6. Page 22, line 24, before <unincorporated> by
- 14 inserting <authorized>
- 15 7. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8412.

T. Olson 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. 726)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	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	Raecker	Rants
Rayhons	Reasoner	Reichert	Running-Marquardt
Sands	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	Roberts, Presiding		

The nays were, none.

Absent or not voting, 2:

Hunter Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED

Swaim of Davis called up for consideration **Senate File 2200**, a bill for an act relating to transfer of guardianship for a child in need of assistance to the probate court, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-8444 to the House amendment:

H-8444

- 1 Amend the House amendment, S-5222, to Senate File
- 2 2200, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, after line 2 by inserting:
- 5 <___. Page 1, by striking lines 20 through 22
- 6 and inserting <probate court. The court shall inform
- 7 the proposed guardian of the guardian's reporting
- 8 duties under section 633.669 and other duties under
- 9 the probate code. Upon transferring jurisdiction, the
- 10 court shall direct the probate clerk, once the proposed
- 11 guardian has filed an oath of office and identification
- 12 in accordance with section 602.6111, to issue letters
- 13 of appointment for guardianship and docket the case in
- 14 probate. Records contained in the probate case file
- 15 that were copied or transferred from the juvenile court
- 16 file concerning the case shall be subject to section
- 17 232.147 and other confidentiality provisions of this
- 18 chapter for cases not involving juvenile delinquency.>>
- 19 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8444, to the House amendment.

Swaim of Davis 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.

On the question "Shall the bill pass?" (S.F. 2200)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Running-Marquardt
Sands	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	Roberts,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Mertz 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 Files 726, 2456** and **Senate Files 2200** and **2345**.

SENATE AMENDMENT CONSIDERED

Gayman of Scott called up for consideration **Senate File 2274**, a bill for an act relating to certain national security and military education benefits and programs, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-8457 to the House amendment:

H-8457

- 1 Amend the House amendment, S-5236, to Senate File
- 2 2274, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 5 and
- 5 inserting:
- 6 <___. Page 1, by striking line 17 and inserting:
- 7 <(ii) Is domiciled in this state, or has resided in
- 8 this state for at least one>
- 9 ___. Page 3, by striking line 2 and inserting:
- 10 <(ii) Is domiciled in this state, or has resided in
- 11 this state for at least one >>
- 12 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8457, to the House amendment.

Gayman of Scott 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.

On the question "Shall the bill pass?" (S.F. 2274)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman

Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Running-Marquardt	Sands	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	Roberts,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED

Reasoner of Union called up for consideration **House File 2229**, a bill for an act prohibiting the imposition by a dental plan of fee schedules for the provision of dental services that are not covered by the plan, amended by the Senate amendment H-8409:

H-8409

- 1 Amend House File 2229 as follows:
- 2 1. Page 1, by striking lines 10 through 14 and
- 3 inserting <network to a dental plan that sets fees for
- 4 dental services that are not covered services.>
- 5 2. Page 1, after line 21 by inserting:
- 6 <4. Nothing in this section shall be construed as
- 7 limiting the ability of an insurer or a third-party
- 8 administrator to restrict any of the following as they
- 9 relate to covered services:
- 10 a. Balance billing.

- 11 b. Waiting periods.
- 12 c. Frequency limitations.
- 13 d. Deductibles.
- 14 e. Maximum annual benefits.>

Quirk of Chickasaw asked and received unanimous consent to withdraw amendment H-8490, to amendment H-8409, filed by him on March 18, 2010.

Helland of Polk asked and received unanimous consent to withdraw amendment H-8500, to amendment H-8409, filed by him on March 19, 2010.

Helland of Polk offered the following amendment H-8501, to the Senate amendment H-8409, filed by him and moved its adoption:

H-8501

- 1 Amend the Senate amendment, H-8409, to House File
- 2 2229, as passed by the House, as follows:
- 3 1. Page 1, by striking line 15 and inserting:
- 4 <e. Maximum annual benefits.
- 5 5. A dentist providing dental services to an
- 6 individual covered under a dental plan shall, upon the
- 7 request of the covered individual, provide a list of
- 8 the charges for all dental services offered by the
- 9 dentist that are not covered services. >>
- 10 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 27, nays 55.

Amendment H-8501 lost.

Helland of Polk asked and received unanimous consent to withdraw amendment H-8502, to amendment H-8409, filed by him on March 19, 2010.

Helland of Polk asked and received unanimous consent to withdraw amendment H-8519, to amendment H-8409, filed by him on March 19, 2010.

On motion by Reasoner of Union the House concurred in the Senate amendment H-8409.

Reasoner of Union 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. 2229)

The ayes were, 98:

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	Horbach	Hunter	Huseman
Huser	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	Raecker	Rants
Rayhons	Reasoner	Reichert	Running-Marquardt
Sands	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	Roberts, Presiding		

The nays were, 1:

Helland

Absent or not voting, 1:

Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED

Palmer of Mahaska called up for consideration **House File 2473**, a bill for an act relating to criminal offense definitions, penalties, and the forfeiture of an unsecured appearance bond in a criminal proceeding, amended by the Senate, and moved that the House concur in the following Senate amendment H-8445:

H-8445

- 1 Amend House File 2473, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 9, by striking <marker> and
- 4 inserting <monument, as defined in section 355.1.>
- 5 2. Page 1, line 12, by striking <marker> and
- 6 inserting <monument>
- 7 3. Page 1, line 19, by striking <marker> and
- 8 inserting <monument>
- 9 4. Page 1, line 20, by striking <marker> and
- 10 inserting <monument>

The motion prevailed and the House concurred in the Senate amendment H-8445.

Palmer of Mahaska 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. 2473)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevrt	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan

Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Running-Marquardt	Sands	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	Roberts,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

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 23, 2010, amended and passed the following bill in which the concurrence of the House is asked:

House File 2432, a bill for an act relating to a study of the opportunities for recruiting racial and ethnic minority teachers from outside the state.

Also: That the Senate has on March 23, 2010, amended and passed the following bill in which the concurrence of the House is asked:

House File 2496, a bill for an act relating to recycling initiatives.

Also: That the Senate has on March 23, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2242, a bill for an act relating to the Iowa comprehensive petroleum underground storage tank fund.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2229 and 2473** and **Senate File 2274**.

Unfinished Business Calendar

Senate File 2297, a bill for an act concerning veterans and military service, including waivers and refunds of certain fees, use of state facilities, public utility disconnection of service, and declarations for disposition of remains, with report of committee recommending passage, was taken up for consideration.

Alons of Sioux offered the following amendment H-8336 filed by him and moved its adoption:

H-8336

1 Amend Senate File 2297, as passed by the Senate, as
2 follows:

3 1. Page 2, after line 10 by inserting:

4 <Sec. ____ Section 724.7, Code 2009, is amended to
5 read as follows:

6 724.7 Nonprofessional permit to carry weapons.

7 1. Any person who can reasonably justify going
8 armed may be issued a nonprofessional permit to carry
9 weapons. Such permits shall be on a form prescribed
10 and published by the commissioner of public safety,
11 which shall be readily distinguishable from the
12 professional permit, and shall identify the holder
13 thereof, and state the reason for the issuance of the
14 permit, and the limits of the authority granted by such
15 permit. All permits so issued shall be for a definite
16 period as established by the issuing officer, but in no
17 event shall exceed a period of twelve months, except
18 as provided in subsection 2.

19 2. The commissioner of public safety shall
20 develop a process to allow service members deployed
21 for military service to submit a renewal of a
22 nonprofessional permit to carry weapons early and by
23 mail. In addition, a permit issued to a service member
24 who is deployed for military service, as defined in
25 section 29A.90, that would otherwise expire during the
26 period of deployment shall remain valid for ninety days
27 after the end of the service member's deployment.>

28 2. Title page line 3, after <service,> by
29 inserting <weapons permit renewals,>

30 3. By renumbering as necessary.

Amendment H-8336 was adopted.

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. 2297)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	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	Raecker	Rants
Rayhons	Reasoner	Reichert	Running-Marquardt
Sands	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	Roberts, Presiding		

The nays were, none.

Absent or not voting, 2:

Huser 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 2354, a bill for an act relating to campaign finance, including political campaign activities and independent expenditures by corporations, making penalties applicable, and including effective date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Cohon of Des Moines asked and received unanimous consent to withdraw the committee amendment H-8347 filed by the committee on state government on March 4, 2010, placing out of order amendment H-8425 filed by Cohoon of Des Moines on March 15, 2010.

Cohon of Des Moines offered the following amendment H-8494 filed by him and moved its adoption:

H-8494

1 Amend Senate File 2354, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, line 22, by striking <publicly traded>

4 2. Page 4, line 1, by striking <one hundred> and
5 inserting <~~one hundred~~ seven hundred fifty>

6 3. Page 4, by striking lines 17 through 21 and
7 inserting <statement.>

8 4. Page 4, line 32, after <certification> by
9 inserting <by an officer of the corporation>

10 5. Page 5, line 7, after <retained> by inserting
11 <within the prior six months>

12 6. By striking page 5, line 31, through page 6,
13 line 1, and inserting:

14 <b. (1) Except as set out in subsection 2,
15 published material designed to expressly advocate the
16 nomination, election, or defeat of a candidate for
17 public office or the passage or defeat of a ballot
18 issue shall include on the published material an
19 attribution statement disclosing who is responsible for
20 the published material.

21 (2) The person who is responsible for the published
22 material has the sole responsibility and liability for
23 the attribution statement required by this section.>

24 7. Page 6, by striking lines 29 and 30 and
25 inserting:

26 <a. The editorials or news articles of a
27 newspaper, ~~or~~ magazine, television station, or other
28 print or electronic media that are not paid political
29 advertisements.>

30 8. Page 7, line 31, after <officers,> by inserting
31 <professional employees,>

32 9. Page 8, by striking lines 20 through 30 and
33 inserting:
34 <__. a. The prohibitions in subsections 1 and 2
35 shall not apply to media organizations when discussing
36 candidates, nominations, public officers, or public
37 questions.
38 b. Notwithstanding paragraph "a", the board shall
39 adopt rules requiring the owner, publisher, or editor
40 of a sham newspaper that promotes in any way the
41 candidacy of a person for any public office to comply
42 with this section and section 68A.404. As used in
43 this subsection, "sham newspaper" means a newspaper
44 publication that is published for the primary purpose
45 of evading the requirements of this section or section
46 68A.404, and "owner" means a person having an ownership
47 interest exceeding ten percent of the equity or profits
48 of the publication.>
49 10. Page 9, by striking lines 4 through 8.
50 11. By renumbering and correcting internal

Page 2

1 references as necessary.

Amendment H-8494 was adopted, placing out of order amendment H-8424 filed by Cohoon of Des Moines on March 15, 2010.

Isenhart of Dubuque asked and received unanimous consent to withdraw amendment H-8348 filed by him on March 4, 2010, placing out of order amendment H-8395 filed by Rants of Woodbury on March 9, 2010 and amendment H-8418 filed by Isenhart of Dubuque on March 15, 2010.

Isenhart of Dubuque asked and received unanimous consent to withdraw amendment H-8349 filed by him on March 4, 2010, placing out of order amendment H-8394 filed by Rants of Woodbury on March 9, 2010 and amendment H-8417 filed by Isenhart of Dubuque on March 15, 2010.

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. 2354)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	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.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Running-Marquardt
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wenthe	Wessel-Kroeschell	Whitehead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Roberts, Presiding		

The nays were, none.

Absent or not voting, 2:

Olson, T. Wendt

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 message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 23, 2010, adopted the conference committee report and passed House File 2456, a bill for an act prohibiting a person from writing or sending a text message while driving a motor vehicle and providing penalties.

Also: That the Senate has on March 23, 2010, adopted the following resolution in which the concurrence of the House is asked:

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.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2297 and 2354.**

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 23, 2010, he approved and transmitted to the Secretary of State the following bills:

House File 2321, an Act relating to providing veteran services to inmates incarcerated in a jail or municipal holding facility.

House File 2384, an Act requiring the Iowa department of veterans affairs to advise deploying service members regarding certain issues related to taxation.

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

Committee Bill (Formerly House Study Bill 740), a concurrent resolution to approve and confirm the appointment of the Citizens' Aide.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 2010.

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House File 2445), relating to the nursing workforce and providing for an Iowa needs nurses now initiative.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 22, 2010.

Committee Bill (Formerly House Study Bill 741), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 22, 2010.

COMMITTEE ON WAYS AND MEANS

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.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 2010.

Senate File 2364, a bill for an act relating to the income tax checkoff for the child abuse prevention program fund and including retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 2010.

Senate File 2369, a bill for an act relating to the reporting of statewide school infrastructure funding expenditures to the general assembly.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 2010.

Senate File 2371, a bill for an act relating to royalty fees for removal of sand and gravel from state-owned lands and waters located on the Cedar river in certain counties and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 2010.

Committee Bill (Formerly House File 2138), exempting from the computation of the state individual income tax certain amounts received from the veterans trust fund and including a retroactive applicability provision.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 2010.

RESOLUTION FILED

HCR 108, by Committee on Administration and Rules, a concurrent resolution to approve and confirm the appointment of the Citizens' Aide.

Placed on the **calendar**.

AMENDMENTS FILED

H—8543	H.F.	2531	Watts of Dallas
H—8544	S.F.	2324	Sands of Louisa
H—8545	H.F.	2531	R. Olson of Polk
H—8546	H.F.	2531	R. Olson of Polk
H—8547	S.F.	2201	Soderberg of Plymouth
H—8548	S.F.	2331	Pettengill of Benton
H—8549	H.F.	2531	Cownie of Polk
H—8550	H.F.	2531	Soderberg of Plymouth
H—8551	H.F.	2531	Schueller of Jackson
H—8552	H.F.	2531	Rants of Woodbury
			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
			Horbach of Tama
			Helland of Polk
			Kaufmann of Cedar
			Huseman of Cherokee
			Lukan of Dubuque
			Koester of Polk
			L. Miller of Scott
			May of Dickinson
			Paulsen of Linn
			S. Olson of Clinton

Pettengill of Benton			Raecker of Polk
Rayhons of Hancock			Roberts of Carroll
Sands of Louisa			Schulte of Linn
Schultz of Crawford			Soderberg of Plymouth
Sorenson of Warren			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
Worthan of Buena Vista			
H—8553	H.F.	2531	R. Olson of Polk
H—8554	H.F.	2531	Sands of Louisa
			Pettengill of Benton
H—8555	S.F.	2331	Pettengill of Benton
H—8556	H.F.	2531	Schueller of Jackson
			Berry of Black Hawk
			Running-Marquardt of Linn
H—8557	H.F.	2531	Mascher of Johnson
			Struyk of Pottawattamie
H—8558	H.F.	2525	Sweeney of Hardin
Chambers of O'Brien			May of Dickinson
Grassley of Butler			Sands of Louisa
S. Olson of Clinton			Struyk of Pottawattamie
H—8559	S.F.	2356	Smith of Marshall
			Upmeyer of Hancock
			Hunter of Polk
H—8560	H.F.	2432	Senate Amendment
H—8561	H.F.	2496	Senate Amendment
H—8562	S.F.	2356	Ford of Polk
Smith of Marshall			Koester of Polk
Cownie of Polk			Raecker of Polk
Hagenow of Polk			Helland of Polk
H—8563	S.F.	2381	Schultz of Crawford
H—8564	H.F.	2531	Swaim of Davis
Palmer of Mahaska			R. Olson of Polk
Smith of Marshall			Willems of Linn
Bailey of Hamilton			H. Miller of Webster
Gaskill of Wapello			

On motion by McCarthy of Polk the House adjourned at 5:34 p.m., until 9:00 a.m., Wednesday, March 24, 2010.

JOURNAL OF THE HOUSE

Seventy-third Calendar Day - Fifty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 24, 2010

The House met pursuant to adjournment at 9:07 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Dennis Martin, pastor of St. Joseph's Catholic Church, West Liberty. He was the guest of Representative Nathan Reichert of Muscatine County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by "Dream Catchers of West Liberty" a group of students from West Liberty. They were the guests of Representative Nathan Reichert of Muscatine County.

The Journal of Tuesday, March 23, 2010 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Wendt of Woodbury on request of McCarthy of Polk.

INTRODUCTION OF BILLS

House File 2532, by committee on ways and means, a bill for an act exempting from the computation of the state individual income tax certain amounts received from the veterans trust fund and including a retroactive applicability provision.

Read first time and placed on the **ways and means calendar**.

House File 2533, by committee on appropriations, a bill for an act relating to the nursing workforce and providing for an Iowa needs nurses now initiative.

Read first time and placed on the **appropriations calendar**.

SENATE MESSAGES CONSIDERED

Senate Joint Resolution 2009, By Gronstal and McKinley, a joint resolution to nullify administrative rules of the department of public safety concerning automatic residential fire sprinkler systems and providing an effective date.

Read first time and referred to committee on **public safety**.

Senate File 2242, by committee on environment & energy independence, a bill for an act relating to the Iowa comprehensive petroleum underground storage tank fund and including effective date and retroactive applicability provisions.

Read first time and **passed on file**.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 23, 2010, amended and passed the following bill in which the concurrence of the House is asked:

House File 2526, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions.

MICHAEL E. MARSHALL, Secretary

ADOPTION OF HOUSE RESOLUTION 126

Smith of Marshall and Raecker of Polk called up for consideration **House Resolution 126**, a resolution recognizing the Uncommon Public Service Award, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Kaufmann of Cedar introduced to the House the Honorable Lance Horbach, state representative from Tama County, the winner of the 2010 Uncommon Public Service Award

The House rose and expressed its congratulations.

CONSIDERATION OF BILLS
Unfinished Business Calendar

The House resumed consideration of **Senate File 2381**, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, providing for properly related matters, and making penalties applicable, previously deferred and found on pages 1162-1164 of the House Journal.

Schultz of Crawford offered the following amendment H-8563 filed by him and moved its adoption:

H-8563

- 1 Amend Senate File 2381, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by striking lines 17 through 19.
- 4 2. By renumbering as necessary.

Amendment H-8563 lost.

Tjepkes of Webster offered the following amendment H-8566 filed by him and Abdul-Samad from the floor and moved its adoption:

H-8566

- 1 Amend Senate File 2381, as passed by the Senate, as
- 2 follows:
- 3 1. Page 6, after line 15 by inserting:
- 4 <Sec. ____ Section 321.445, subsection 3, Code
- 5 2009, is amended to read as follows:
- 6 3. The driver and front seat passengers may be
- 7 each charged separately for improperly used or nonused
- 8 equipment under subsection 2. However, the driver
- 9 shall not be charged for a violation committed by a
- 10 passenger who is fourteen years of age or older unless
- 11 the passenger is unable to properly fasten a seat belt
- 12 due to a temporary or permanent disability. The owner
- 13 of the motor vehicle may be charged for equipment
- 14 violations under subsection 1.>
- 15 2. Page 7, after line 7 by inserting:
- 16 <Sec. ____ Section 321.446, subsection 4, Code
- 17 2009, is amended by striking the subsection and
- 18 inserting in lieu thereof the following:
- 19 4. A person who violates this section is guilty

20 of a simple misdemeanor punishable as a scheduled
21 violation under section 805.8A, subsection 14,
22 paragraph "c". Violations shall be charged as follows:
23 a. An operator who transports a passenger under
24 fourteen years of age in violation of subsection 1 or 2
25 may be charged with a violation of this section.
26 b. If a passenger fourteen years of age or older is
27 unable to properly fasten a seatbelt due to a temporary
28 or permanent disability, an operator who transports
29 such a person in violation of subsection 2 may be
30 charged with a violation of this section. Otherwise, a
31 passenger fourteen years of age or older who violates
32 subsection 2 shall be charged in lieu of the operator.
33 c. If a child under fourteen years of age, or a
34 child fourteen years of age or older who is unable
35 to fasten a seatbelt due to a temporary or permanent
36 disability, is being transported in a taxicab in a
37 manner that is not in compliance with subsection 1 or
38 2, the parent, legal guardian, or other responsible
39 adult traveling with the child shall be served with a
40 citation for a violation of this section in lieu of
41 the taxicab operator. Otherwise, if a passenger being
42 transported in the taxicab is fourteen years of age or
43 older, the citation shall be served on the passenger in
44 lieu of the taxicab operator.>
45 3. By renumbering as necessary.

Amendment H-8566 was adopted.

MOTION TO RECONSIDER PREVAILED

Quirk of Chickasaw asked and received unanimous consent to reconsider the vote by which amendment H-8514 passed the House on March 23, 2010.

Palmer of Mahaska offered the following amendment H-8567, to amendment H-8514, filed by him from the floor and moved its adoption:

H-8567

1 Amend the amendment, H-8514, to Senate File 2381, as
2 passed by the Senate, as follows:
3 1. Page 1, by striking lines 43 through 46.
4 2. Page 2, by striking lines 5 through 8 and
5 inserting <a designated street.>
6 3. By renumbering as necessary.

Amendment H-8567 was adopted.

On motion by Quirk of Chickasaw amendment H-8514, as amended, was adopted.

Cohoon of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2381)

The ayes were, 53:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gayman
Hanson	Heddens	Hunter	Huser
Isenhart	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Running-Marquardt	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor
Thede	Thomas	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, 46:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Gaskill
Grassley	Hagenow	Heaton	Helland
Horbach	Huseman	Kaufmann	Koester
Lukan	May	Miller, L.	Olson, R.
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rayhons	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Windschitl	Worthan		

Absent or not voting, 1:

Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 2381** be immediately messaged to the Senate.

The House stood at ease at 10:10 a.m., until the fall of the gavel.

The House resumed session at 10:59 a.m., Speaker Murphy in the chair.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House File 2531.

Appropriations Calendar

House File 2531, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by increasing the maximum allowable local hotel and motel tax rates, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective date and retroactive applicability provisions, was taken up for consideration.

Oldson of Polk offered the following amendment H-8565 filed by her from the floor and moved its adoption:

H-8565

- 1 Amend House File 2531 as follows:
- 2 1. Page 3, line 32, after <257.37A.> by inserting
- 3 <The department of management may adjust the amount
- 4 allocated pursuant to this subsection in order to
- 5 reflect any differences resulting from the budget
- 6 certification process.>
- 7 2. Page 4, by striking lines 4 through 6 and
- 8 inserting <section 257.16, subsection 4.>
- 9 3. Page 16, after line 28 by inserting:
- 10 <Sec. __. Section 46.3, subsection 3, Code 2009,
- 11 as amended by 2010 Iowa Acts, Senate File 2343, section
- 12 1, if enacted, is amended to read as follows:
- 13 3. ~~A~~ **No more than** a simple majority of the
- 14 commissioners appointed shall be of the same gender.>
- 15 4. Page 21, after line 26 by inserting:

16 <Sec. ____ Section 476.53, subsection 2, paragraph
17 a, Code 2009, as amended by 2010 Iowa Acts, House File
18 2399, section 2, if enacted, is amended to read as
19 follows:
20 a. The general assembly's intent with regard to
21 the development of electric power generating and
22 transmission facilities, or the significant alteration
23 of an existing generating facility, as provided in
24 subsection 1, shall be implemented in a manner that is
25 cost-effective and compatible with the environmental
26 policies of the state, as expressed in Title XI.>
27 5. By renumbering as necessary.

Amendment H-8565 was adopted.

Swaim of Davis asked and received unanimous consent to withdraw amendment H-8564 filed by Swaim of Davis, et al., on March 23, 2010.

Raecker of Polk asked and received unanimous consent that amendment H-8575 be deferred.

Cownie of Polk asked and received unanimous consent that amendment H-8549 be deferred.

Schueller of Jackson asked and received unanimous consent that amendment H-8551 be deferred.

Watts of Dallas asked and received unanimous consent that amendment H-8543 be deferred.

R. Olson of Polk asked and received unanimous consent to withdraw amendment H-8545 filed by him on March 23, 2010.

R. Olson of Polk asked and received unanimous consent to withdraw amendment H-8553 filed by him on March 23, 2010.

Sands of Louisa asked and received unanimous consent that amendment H-8554 be deferred.

Schueller of Jackson asked and received unanimous consent that H-8556 be deferred.

Upmeyer of Hancock asked and received unanimous consent that

amendment H-8576 be deferred.

Running-Marquardt of Linn asked and received unanimous consent to withdraw amendment H-8579 filed by her from the floor.

Mascher of Johnson offered amendment H-8557 filed by her and Struyk of Pottawattamie as follows:

H-8557

1 Amend House File 2531 as follows:

2 1. Page 37, after line 19 by inserting:

3 <DIVISION _____

4 DOG RACETRACKS – STUDY

5 Sec. ____ RACING AND GAMING COMMISSION – DOG
6 RACETRACKS STUDY. The racing and gaming commission
7 shall study and issue a report on the viability of
8 pari-mutuel dog racetracks in this state to include
9 what, if any, economic impact greyhound racing has
10 on the economy of the state and whether greyhound
11 racing has fulfilled the purpose of facilitating the
12 development and promotion of greyhound racing in the
13 state. The report shall include the number of Iowa
14 employees, payroll wages, and employment benefits, if
15 any, of registered Iowa owners, breeders, and kennels,
16 as verified by state payroll tax filings. The report
17 shall include current and past numbers of registered
18 owners, registered kennels, registered greyhounds,
19 and the disbursement of purse supplement moneys to
20 Iowa-registered owners and kennels as compared to
21 out-of-state owners and kennels, and the status of
22 greyhound racing in the United States to include the
23 number of track closures. The report shall also detail
24 the current generation of revenue to the state from
25 live greyhound racing as compared to the cost incurred
26 by licensees of dog racetracks for conducting live
27 greyhound racing. The commission is authorized to hire
28 a consultant to assist in the development of the study
29 and preparation of the report. On or before January
30 1, 2011, the commission shall file a report which
31 contains the results of the study with the governor and
32 the general assembly. The cost of the report shall be
33 assessed on a proportionate basis to the dog racetracks
34 located in Dubuque and Pottawattamie counties.>

35 2. By renumbering as necessary.

R. Olson of Polk offered the following amendment H-8582, to amendment H-8557, filed by him from the floor and moved its adoption:

H-8582

- 1 Amend the amendment, H-8557, to House File 2531 as
- 2 follows:
- 3 1. Page 1, by striking lines 32 through 34 and
- 4 inserting <the general assembly.>>

A non-record roll call was requested.

The ayes were 50, nays 32.

Amendment H-8582 was adopted.

Mascher of Johnson asked and received unanimous consent that amendment H-8557, as amended, be deferred.

R. Olson of Polk asked and received unanimous consent to withdraw amendment H-8546 filed by him on March 23, 2010.

Soderberg of Plymouth asked and received unanimous consent that amendment H-8550 be deferred.

Rants of Woodbury offered the following amendment H-8552 filed by Rants, et al., and moved its adoption:

H-8552

- 1 Amend House File 2531 as follows:
- 2 1. Page 38, after line 1 by inserting:
- 3 <DIVISION _____
- 4 STATE EXPENDITURE LIMITATIONS
- 5 Sec. ____ Section 8.22A, Code 2009, is amended to
- 6 read as follows:
- 7 8.22A Revenue estimating conference.
- 8 1. The state revenue estimating conference is
- 9 created consisting of the governor or the governor's
- 10 designee, the director of the legislative services
- 11 agency or the director's designee, and a third member
- 12 agreed to by the other two.
- 13 2. The conference shall meet as often as deemed
- 14 necessary, but shall meet at least quarterly. The
- 15 conference may use sources of information deemed
- 16 appropriate. At each meeting, the conference shall
- 17 agree to estimates for both the current and succeeding
- 18 fiscal years for the general fund of the state, lottery
- 19 revenues to be available for disbursement, and from
- 20 gambling revenues and from interest earned on the cash

21 reserve fund and the economic emergency fund to be
22 deposited in the rebuild Iowa infrastructure fund.
23 3. ~~By~~ For purposes of the state general fund
24 expenditure limitation and other expenditure
25 limitations under section 8.54, by December 15 of each
26 fiscal year the conference shall agree to ~~a revenue~~
27 estimate revenue estimates for the amounts of moneys
28 subject to an expenditure limitation under section
29 8.54 for the fiscal year beginning the following July
30 1. ~~That~~ The estimate amounts shall be used by the
31 governor in the preparation of the budget message
32 under section 8.22 and by the general assembly in
33 the budget process. If the conference agrees to a
34 different estimate at a later meeting which projects
35 a greater amount of revenue than the initial estimate
36 amount agreed to by December 15, the governor and the
37 general assembly shall continue to use the initial
38 estimate amount in the budget process for that fiscal
39 year. However, if the conference agrees to a different
40 estimate at a later meeting which projects a lesser
41 amount of revenue than the initial estimate amount,
42 the governor and the general assembly shall use the
43 lesser amount in the budget process for that fiscal
44 year. As used in this subsection, "later meeting"
45 means only those later meetings which are held prior
46 to the conclusion of the regular session of the
47 general assembly and, if the general assembly holds
48 an extraordinary session prior to the commencement of
49 the fiscal year to which the estimate applies, those
50 later meetings which are held before or during the

Page 2

1 extraordinary session.

2 4. At the meeting in which the conference agrees
3 to the revenue estimate for the general fund of the
4 state for the following fiscal year in accordance with
5 the provisions of subsection 3, the conference shall
6 agree to an estimate for tax refunds payable from that
7 estimated revenue. The estimates required by this
8 subsection shall be used in determining the adjusted
9 revenue estimate under section 8.54.

10 5. At the meeting in which the conference agrees
11 to the revenue estimate for the general fund of the
12 state for the succeeding fiscal year in accordance
13 with the provisions of subsection 3, the conference
14 shall also agree to the following estimates which shall
15 be used by the governor in preparation of the budget
16 message under section 8.22 and the general assembly in
17 the budget process for the succeeding fiscal year:

18 a. The amount of lottery revenues that will be
19 deposited in the general fund for the following fiscal

20 year ~~to be available for disbursement~~ following the
 21 deductions made pursuant to section 99G.39, subsection
 22 1. This estimate shall be included in the conference's
 23 estimate of general fund revenues and shall be
 24 calculated as the sum of the following, divided by
 25 seven, as agreed to by the conference:

26 (1) The conference's estimate of the amount of
 27 lottery revenues to be deposited in the general fund
 28 for the succeeding fiscal year.

29 (2) The conference's estimate of the amount of
 30 lottery revenues to be deposited in the general fund
 31 for the current fiscal year.

32 (3) The actual amount of the lottery revenues
 33 deposited in the general fund for the five most
 34 recently completed fiscal years, adjusted for inflation
 35 through the close of the most recently completed fiscal
 36 year.

37 b. The amount of revenue for the following fiscal
 38 year from gambling revenues and from interest earned on
 39 the cash reserve fund and the economic emergency fund
 40 to be deposited in the rebuild Iowa infrastructure fund
 41 under section 8.57, subsection 6, paragraph "e".

42 c. The amount of accruals of those revenues
 43 collected by or due from entities other than the
 44 state on or before June 30 of the fiscal year but not
 45 remitted to the state until after June 30.

46 d. The amount of accrued lottery revenues collected
 47 on or before June 30 of the fiscal year but not
 48 transferred to the general fund of the state until
 49 after June 30.

50 6. At the meeting in which the conference agrees to

Page 3

1 the revenue estimates for the succeeding fiscal year
 2 in accordance with subsection 3, the conference shall
 3 agree to the amount available in the cash reserve fund
 4 as of the close of the previous fiscal year that may be
 5 appropriated for nonrecurring emergency expenditures as
 6 provided in section 8.56, subsection 5.

7 Sec. ____ Section 8.54, Code 2009, is amended to
 8 read as follows:

9 8.54 General fund expenditure limitation and other
 10 expenditure limitations.

11 1. For the purposes of section 8.22A, this section,
 12 and sections 8.55 through 8.57:

13 a. "Adjusted revenue estimate" means the appropriate
 14 revenue estimate for the general fund for the following
 15 fiscal year as determined by the revenue estimating
 16 conference under section 8.22A, subsection 3, adjusted
 17 by subtracting estimated tax refunds payable from
 18 that estimated revenue, adding accruals determined in

19 accordance with section 8.22A, subsection 5, and as
20 determined by the conference, adding any new revenues
21 which may be considered to be eligible for deposit in
22 the general fund.

23 b. "Inflation" means the percentage change in the
24 consumer price index for all urban consumers, midwest
25 region, published by the United States department of
26 labor, bureau of labor statistics.

27 c. "New revenues" means moneys which are received
28 by the general fund of the state due to increased
29 tax rates and fees or newly created taxes and fees
30 over and above those moneys which are received due to
31 state taxes and fees which are in effect as of January
32 1 following the December state revenue estimating
33 conference. "New revenues" also includes moneys
34 received by the general fund of the state due to new
35 transfers over and above those moneys received by the
36 general fund of the state due to transfers which are
37 in effect as of January 1 following the December state
38 revenue estimating conference. The department of
39 management shall obtain concurrence from the revenue
40 estimating conference on the eligibility of transfers
41 to the general fund of the state which are to be
42 considered as new revenue in determining the state
43 general fund expenditure limitation.

44 2. a. There is created a state general fund
45 expenditure limitation for each fiscal year calculated
46 as provided in this section.

47 b. There is created a gambling revenue expenditure
48 limitation calculated as provided in this section. The
49 limitation applies to revenues received by the state
50 that are attributable to gambling and available for

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1 appropriation but are not credited to the general fund
2 of state. The gambling revenue expenditure limitation
3 does not include lottery revenue.

4 c. An expenditure limitation shall be used for the
5 portion of the budget process commencing on the date
6 the revenue estimating conference agrees to a revenue
7 estimate for the following fiscal year in accordance
8 with section 8.22A, subsection 3, and ending with
9 the governor's final approval or disapproval of the
10 appropriations bills applicable to that fiscal year
11 that were passed prior to July 1 of that fiscal year in
12 a regular or extraordinary legislative session.

13 3. Except as otherwise provided in this section,
14 the state general fund expenditure limitation for
15 a fiscal year shall be ninety-nine percent of the
16 ~~adjusted revenue estimate~~ of the general fund average.
17 as agreed to by the revenue estimating conference. The

18 general fund average for a fiscal year is the sum of
 19 the following, divided by seven:
 20 a. The adjusted revenue estimate for the succeeding
 21 fiscal year.
 22 b. The revenue estimate for the current fiscal
 23 year, adjusted by subtracting estimated tax refunds
 24 payable from that estimated revenue and as determined
 25 by the conference, adding any new revenues which may be
 26 considered to be eligible for deposit in the general
 27 fund.
 28 c. The net revenue for the general fund of the
 29 state for the five most recently completed fiscal
 30 years, adjusted by subtracting tax refunds paid from
 31 the revenue and adjusted for inflation through the
 32 close of the most recently completed fiscal year.
 33 4. The gambling revenue expenditure limitation
 34 for a fiscal year shall be the sum of the following,
 35 divided by seven, as agreed to by the revenue
 36 estimating conference:
 37 a. The gambling revenues estimate for the
 38 succeeding fiscal year.
 39 b. The gambling revenues estimate for the current
 40 fiscal year.
 41 c. The net gambling revenues for the five most
 42 recently completed fiscal years, adjusted for inflation
 43 through the close of the most recently completed fiscal
 44 year.
 45 4. 5. The state general fund expenditure
 46 limitation amount and the gambling revenue expenditure
 47 limitation amount provided for in this section shall
 48 be used by the governor in the preparation of the
 49 budget under section 8.22 and approval of the budget
 50 and by the general assembly in the budget process.

Page 5

1 If a source for new revenues is proposed, the budget
 2 revenue projection used for that new revenue source
 3 for the period beginning on the effective date of the
 4 new revenue source and ending in the fiscal year in
 5 which the source is included in the revenue base shall
 6 be an amount determined by subtracting estimated tax
 7 refunds payable from the projected revenue from that
 8 new revenue source, multiplied by ninety-five percent.
 9 If a new revenue source is established and implemented
 10 that would affect an expenditure limitation amount,
 11 the original state general fund expenditure limitation
 12 amount provided for in subsection 3 shall be readjusted
 13 to include ninety-five percent of the estimated revenue
 14 from the new revenue source.
 15 5. For fiscal years in which section 8.55,
 16 subsection 2, results in moneys being transferred

17 ~~to the general fund, the original state general~~
 18 ~~fund expenditure limitation amount provided for in~~
 19 ~~subsection 3 shall be readjusted to include the moneys~~
 20 ~~which are so transferred.~~

21 6. The scope of the expenditure
 22 limitation limitations
 23 ~~under subsection 3~~ this section shall not encompass
 24 federal funds, donations, constitutionally dedicated
 25 moneys, moneys appropriated from the cash reserve
 26 fund or Iowa economic emergency fund, and moneys in
 27 expenditures from state retirement system moneys.

28 7. The governor shall transmit to the general
 29 assembly, in accordance with section 8.21, a
 30 budget which does not exceed the ~~state general fund~~
 31 ~~expenditure limitation~~ expenditure limitations under
 32 this section. The general assembly shall pass a
 33 budget which does not exceed the ~~state general fund~~
 34 ~~expenditure limitation~~ expenditure limitations. The
 35 governor shall not transmit a budget with recommended
 36 appropriations in excess of the ~~state general fund~~
 37 ~~expenditure limitation~~ expenditure limitations and
 38 the general assembly shall not pass a budget with
 39 appropriations in excess of the ~~state general fund~~
 40 ~~expenditure limitation~~ expenditure limitations. The
 41 governor shall not approve or disapprove appropriation
 42 bills or items of appropriation bills passed by the
 43 general assembly in a manner that would cause the
 44 final budget approved by the governor to exceed the
 45 ~~state general fund expenditure limitation~~ expenditure
 46 limitations. In complying with the requirements
 47 of this subsection, the governor and the general
 48 assembly shall not rely on any anticipated reversion
 49 of appropriations in order to meet ~~the state general~~
 50 ~~fund~~ any expenditure limitation.

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1 Sec. ____ Section 8.55, subsection 2, paragraph a,
 2 Code 2009, is amended to read as follows:

3 a. The maximum balance of the fund is the amount
 4 equal to ~~two five~~ and one-half percent of the adjusted
 5 revenue estimate for the fiscal year. If the amount of
 6 moneys in the Iowa economic emergency fund is equal to
 7 the maximum balance, moneys in excess of this amount
 8 shall be transferred to the ~~general fund~~ property tax
 9 equity and relief fund created in section 257.16A.

10 Sec. ____ Section 8.56, subsections 2 and 3, Code
 11 2009, are amended to read as follows:

12 2. a. Moneys shall be credited to the cash reserve
 13 fund from all of the following:
 14 (1) Appropriations made to the fund pursuant to
 15 section 8.57.

16 (2) The state's share of the proceeds under chapter
 17 809A.

18 (3) Moneys collected in the settlement or
 19 prosecution of a claim by the state that are not
 20 otherwise specifically allocated in accordance with law
 21 to another fund.

22 (4) Other moneys designated by law or by the
 23 executive council as one-time revenues and which are
 24 not otherwise specifically allocated by law to another
 25 fund.

26 b. The maximum balance of the cash reserve fund is
 27 the amount equal to the cash reserve goal percentage,
 28 as defined in section 8.57, multiplied by the adjusted
 29 revenue estimate for the general fund of the state for
 30 the current fiscal year.

31 3. The moneys in the cash reserve fund shall only
 32 be used pursuant to an appropriation made by the
 33 general assembly. ~~An~~ Except as provided in subsection
 34 5, an appropriation shall be made in accordance with
 35 subsection 4 from the cash reserve fund only for the
 36 fiscal year in which the appropriation is made. The
 37 moneys shall only be appropriated by the general
 38 assembly for nonrecurring emergency expenditures and
 39 shall not be appropriated for payment of any collective
 40 bargaining agreement or arbitrator's decision
 41 negotiated or awarded under chapter 20. Except as
 42 provided in section 8.58, the cash reserve fund shall
 43 be considered a special account for the purposes of
 44 section 8.53 in determining the cash position of the
 45 general fund of the state for the payment of state
 46 obligations.

47 Sec. ____ Section 8.56, Code 2009, is amended by
 48 adding the following new subsection:

49 NEW SUBSECTION. 5. If the adjusted revenue
 50 estimate for the succeeding fiscal year is less than

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1 ninety-eight percent of the general fund average for
 2 that fiscal year under section 8.54, subsection 3, an
 3 appropriation for nonrecurring emergency expenditures
 4 from the cash reserve fund may be made to provide
 5 additional funding for the succeeding fiscal year.
 6 However, the amount of such appropriation shall not
 7 exceed the difference of ninety-eight percent of
 8 such general fund average minus the adjusted revenue
 9 estimate for the succeeding fiscal year. The amount of
 10 such appropriation shall not exceed twenty-five percent
 11 of the ending balance in the cash reserve fund in the
 12 most recently completed fiscal year.

13 Sec. ____ Section 284.3A, Code Supplement 2009, is
 14 amended by adding the following new subsection:

15 NEW SUBSECTION. 4. The teacher salary supplement
 16 district cost as calculated under section 257.10,
 17 subsection 9, and the area education agency teacher
 18 salary supplement district cost as calculated under
 19 section 257.37A, subsection 1, are not subject to a
 20 uniform reduction in accordance with section 8.31.
 21 Notwithstanding any provision of law to the contrary,
 22 if the governor orders budget reductions in accordance
 23 with section 8.31, a collective bargaining agreement
 24 negotiated under chapter 20 and in effect on the date
 25 the budget reduction was ordered shall be reopened
 26 and renegotiated by the boards of directors of school
 27 districts and area education agencies and the employee
 28 organizations representing the employees of the school
 29 districts and area education agencies.

30 Sec. __. Section 809A.17, subsection 3, Code 2009,
 31 is amended to read as follows:

32 3. The state share of the cash proceeds from
 33 forfeited property shall be credited to the cash
 34 reserve fund. Forfeited property that is not cash
 35 or sold may be used by the department of justice in
 36 the enforcement of the criminal law. The department
 37 may give, sell, or trade forfeited property that is
 38 not cash or sold to any other state agency or to any
 39 other law enforcement agency within the state if, in
 40 the opinion of the attorney general, ~~the~~ the forfeited
 41 property will enhance law enforcement within the state.

42 Sec. __. APPLICABILITY. This division of this Act
 43 applies beginning July 1, 2010, for the budget process
 44 for the succeeding fiscal year.>

45 2. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Raecker of Polk.

On the question "Shall amendment H-8552 be adopted?" (H.F. 2531)

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

The nays were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	Isenhart	Jacoby	Kearns
Kelley	Kressig	Kuhn	Lensing
Lykam	Marek	Mascher	McCarthy
Mertz	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Running-Marquardt
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor	Thede	Thomas
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 1:

Wendt

Amendment H-8552 lost.

Taylor of Linn asked and received unanimous consent that amendment H-8574 be deferred.

McCarthy of Polk asked and received unanimous consent that House File 2531 be deferred and that the bill retain its place on the calendar.

On motion by McCarthy of Polk, the House was recessed at 11:54 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 1:42, Zirkelbach of Jones in the chair.

ADOPTION OF HOUSE RESOLUTION 124

Heddens of Story, Deyoe of Story, D. Olson of Boone and Wessel-Kroeschell of Story called up for consideration **House Resolution 124**, a resolution congratulating the Iowa State University football team for its victory at the Insight Bowl, and moved its adoption.

The motion prevailed and the resolution was adopted.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 24, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2215, a bill for an act relating to the use of genetic information and samples for genetic testing and providing for civil enforcement.

Also: That the Senate has on March 24, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2297, a bill for an act concerning veterans and military service, including waivers and refunds of certain fees, use of state facilities, public utility disconnection of service, and declarations for disposition of remains.

Also: That the Senate has on March 24, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2354, a bill for an act relating to campaign finance, including political campaign activities and independent expenditures by corporations, making penalties applicable, and including effective date provisions.

MICHAEL E. MARSHALL, Secretary

The House resumed consideration of **House File 2531**, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by increasing the maximum allowable local hotel and motel tax rates, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective date and retroactive applicability provision, previously deferred.

Schultz of Crawford asked and received unanimous consent that amendment H-8583 be deferred.

Reichert of Muscatine offered the following amendment H-8577 filed by him from the floor and moved its adoption:

H-8577

- 1 Amend House File 2531 as follows:
- 2 1. By striking page 38, line 2, through page 42,

- 3 line 29.
 4 2. Title page, lines 2 through 4, by striking <by
 5 increasing the maximum allowable local hotel and motel
 6 tax rates,>
 7 3. By renumbering as necessary.

Speaker Murphy in the chair at 1:59 p.m.

Roll call was requested by Dolecheck of Ringgold and Struyk of Pottawattamie.

On the question "Shall amendment H-8577 be adopted?" (H.F. 2531)

The ayes were, 74:

Alons	Anderson	Arnold	Bailey
Baudler	Beard	Berry	Burt
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Ficken
Forristall	Gaskill	Grassley	Hagenow
Hanson	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Kaufmann
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Miller, L.
Olson, S.	Palmer	Paulsen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Sands
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Sweeney	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wenthe	Wessel-Kroeschell	Winckler
Windschitl	Worthan		

The nays were, 25:

Abdul-Samad	Bell	Bukta	Ford
Frevert	Gayman	Huser	Isenhart
Jacoby	Kearns	Mertz	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Petersen	Running-Marquardt	Schueller	Swaim
Taylor	Whitead	Willems	Zirkelbach
Mr. Speaker			
Murphy			

Absent or not voting, 1:

Wendt

Amendment H-8577 was adopted.

Zirkelbach of Jones in the chair at 2:15 p.m.

Windschitl of Harrison asked and received unanimous consent that amendment H-8589 be deferred.

Swaim of Davis offered the following amendment H-8581 filed by him and Jacoby of Johnson from the floor and moved its adoption:

H-8581

- 1 Amend House File 2531 as follows:
- 2 1. Page 31, line 5, by striking <not held liable>
- 3 and inserting <receive the limitation on liability
- 4 contained in section 670.4, subsection 8,>

Amendment H-8581 was adopted.

Pettengill of Benton offered the following amendment H-8575, previously deferred, filed by her from the floor and moved its adoption:

H-8575

- 1 Amend House File 2531 as follows:
- 2 1. Page 31, by striking lines 31 and 32 and
- 3 inserting:
- 4 <3. By January 15, 2011, the state board of regents
- 5 shall submit a report of the study to the general
- 6 assembly. If the report recommends that residential
- 7 services should not be provided on the campus of the
- 8 Iowa braille and sight saving school, such services
- 9 shall not be eliminated until requirements of section
- 10 270.10 have been met.>

Roll call was requested by Pettengill of Benton and Struyk of Pottawattamie.

On the question "Shall amendment H-8575 be adopted?" (H.F. 2531)

The ayes were, 49:

Alons	Anderson	Arnold	Bailey
Baudler	Chambers	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall

Grassley	Hagenow	Heaton	Helland
Horbach	Huseman	Huser	Kaufmann
Kelley	Koester	Lukan	May
Mertz	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Shomshor	Soderberg	Sorenson	Struyk
Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

The nays were, 49:

Abdul-Samad	Beard	Bell	Berry
Bukta	Burt	Cohoon	Ficken
Ford	Frevert	Gaskill	Gayman
Hanson	Heddens	Hunter	Isenhart
Jacoby	Kearns	Kressig	Kuhn
Lensing	Lykam	Marek	Mascher
McCarthy	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Reasoner	Reichert	Running-Marquardt
Schueller	Smith	Steckman	Swaim
Taylor	Thede	Thomas	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Zirkelbach, Presiding			

Absent or not voting, 2:

Quirk	Wendt
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Amendment H-8575 lost.

Cownie of Polk asked and received unanimous consent to withdraw amendment H-8549, previously deferred, filed by him on March 23, 2010.

Schueller of Jackson offered amendment H-8551, previously deferred, filed by him as follows:

H-8551

- 1 Amend House File 2531 as follows:
- 2 1. Page 33, after line 18 by inserting:
- 3 <Sec. ____ NEW SECTION. 16.188 Workforce housing
- 4 assistance grant fund.
- 5 1. A workforce housing assistance grant fund
- 6 is created under the authority of the Iowa finance

7 authority. The fund shall consist of appropriations
8 made to the fund. The fund shall be separate from the
9 general fund of the state and the balance in the fund
10 shall not be considered part of the balance of the
11 general fund of the state. However, the fund shall
12 be considered a special account for the purposes of
13 section 8.53, relating to generally accepted accounting
14 principles.

15 2. Notwithstanding section 12C.7, subsection 2,
16 interest or earnings on moneys in the fund shall be
17 credited to the fund.

18 3. a. Moneys in the fund in a fiscal year are
19 appropriated to the Iowa finance authority to be
20 used for grants for projects that create workforce
21 housing or for projects that include adaptive reuse
22 of buildings for workforce housing. For purposes of
23 this section, "workforce housing" means housing that is
24 affordable for a household whose income does not exceed
25 one hundred twenty percent of the median income for the
26 area.

27 b. Priority shall be given to the following types
28 of projects:

29 (1) Projects that are eligible for historic
30 preservation and cultural and entertainment district
31 tax credits under section 404A.1.

32 (2) Projects for the construction of new
33 single-family dwellings that incorporate one or more
34 energy-efficient measures. The authority shall by
35 rule identify the types of energy-efficient measures
36 that will qualify a project for priority under this
37 subparagraph.

38 (3) Projects that utilize new markets tax credits,
39 established under the federal Community Renewal
40 Tax Relief Act of 2000, Pub. L. No. 106-554, 114
41 Stat. 2763A, and undertaken by a qualified community
42 development entity, as defined in the federal Act.

43 (4) Projects that are located in an area where
44 other state funding has been used to support the
45 creation of new jobs.

46 4. Annually, on or before January 15 of each year,
47 the authority shall report to the legislative services
48 agency and the department of management the status of
49 all projects that received moneys from the workforce
50 housing assistance grant fund. The report shall

Page 2

1 include a description of each project, the progress
2 of work completed, the total estimated cost of each
3 project, a list of all revenue sources being used to
4 fund each project, the amount of funds expended, the
5 amount of funds obligated, and the date each project

- 6 was completed or an estimated completion date of each
 7 project, where applicable.
 8 5. Payment of moneys from appropriations from the
 9 fund shall be made in a manner that does not adversely
 10 affect the tax exempt status of any outstanding bonds
 11 issued by the treasurer of state pursuant to section
 12 12.87.
 13 6. The authority shall adopt rules pursuant to
 14 chapter 17A to administer this section.>
 15 2. By renumbering as necessary.

Forristall of Pottawattamie offered the following amendment H-8571, to amendment H-8551, filed by him from the floor and moved its adoption:

H-8571

- 1 Amend the amendment, H-8551, to House File 2531 as
 2 follows:
 3 1. Page 1, line 8, after <to the fund.> by
 4 inserting <The fund shall not, however, consist of or
 5 receive an appropriation from the net proceeds from
 6 bonds issued pursuant to sections 12.87 through 12.90.>
 7 2. Page 2, by striking lines 8 through 12.
 8 3. Page 2, line 13, by striking <6.> and inserting
 9 <5.>

Speaker Murphy in the chair at 3:03 p.m.

Roll call was requested by Raecker of Polk and Koester of Polk.

On the question "Shall amendment H-8571 to amendment H-8551 be adopted?" (H.F. 2531)

The ayes were, 45:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Huser	Kaufmann	Koester
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rayhons	Roberts	Sands	Schulte
Schultz	Soderberg	Sorenson	Struyk
Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

The nays were, 52:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Running-Marquardt	Schueller	Shomshor
Smith	Steckman	Taylor	Thede
Thomas	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 3:

Kuhn	Swaim	Wendt
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Amendment H-8571 lost.

Horbach of Tama offered the following amendment H-8569, to amendment H-8551, filed by him from the floor and moved its adoption:

H-8569

1 Amend the amendment, H-8551, to House File 2531 as
 2 follows:
 3 1. Page 1, after line 45 by inserting:
 4 c. In any fiscal year, an area shall not receive
 5 grants totaling more than twenty-five percent of the
 6 moneys expended from the fund in that fiscal year. For
 7 purposes of this paragraph, "area" means the same area
 8 used to determine the median income under paragraph
 9 "a".

Amendment H-8569 was adopted.

On motion by Schueller of Jackson, amendment H-8551, as amended, was adopted.

Watts of Dallas offered the following amendment H-8543, previously deferred, filed by him and moved its adoption:

H-8543

- 1 Amend House File 2531 as follows:
- 2 1. By striking page 33, line 19, through page 35,
- 3 line 7.
- 4 2. By renumbering as necessary.

Roll call was requested by Watts of Dallas and Horbach of Tama.

Rule 75 was invoked.

On the question "Shall amendment H-8543 be adopted?" (H.F. 2531)

The ayes were, 48:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
Marek	May	Mertz	Miller, L.
Olson, S.	Palmer	Paulsen	Pettengill
Quirk	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

The nays were, 51:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	Isenhardt	Jacoby	Kearns
Kelley	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Petersen	Reasoner	Reichert	Running-Marquardt
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor	Thede	Thomas
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 1:

Wendt

Amendment H-8543 lost.

Sands of Louisa offered the following amendment H-8554, previously deferred, filed by him and Pettengill of Benton and moved its adoption:

H-8554

1 Amend House File 2531 as follows:

2 1. Page 36, after line 7 by inserting:

3 <Sec. ____ NEW SECTION. 103.1A Term "commercial"
4 applied.

5 1. Whenever the term "commercial" is used in
6 this chapter, it shall refer to a use, installation,
7 structure, or premises associated with a place of
8 business where goods, wares, services, or merchandise
9 is stored or offered for sale on a wholesale or retail
10 basis.

11 2. The term "commercial" refers to a residence only
12 if the residence is also used as place of business as
13 provided in subsection 1.

14 3. The term "commercial" does not refer to a use,
15 installation, structure, or premises associated with
16 any of the following:

17 a. A farm.

18 b. An industrial installation.

19 Sec. ____ Section 103.22, subsection 7, Code
20 Supplement 2009, is amended to read as follows:

21 7. Prohibit an owner of property from performing
22 work on the owner's principal residence, if such
23 residence is an existing dwelling rather than new
24 construction and is not an apartment that is attached
25 to any other apartment or building, as those terms are
26 defined in section 499B.2, and is not larger than a
27 single-family dwelling, ~~or farm property, excluding~~
28 ~~commercial or industrial installations or installations~~
29 ~~in public use buildings or facilities,~~ or require
30 such owner to be licensed under this chapter. In
31 order to qualify for inapplicability pursuant to this
32 subsection, a residence shall qualify for the homestead
33 tax exemption.

34 Sec. ____ Section 103.22, Code Supplement 2009, is
35 amended by adding the following new subsection:

36 NEW SUBSECTION. 15. Apply to a person performing
37 any installation on a farm, if the person is associated
38 with the farm as a holder of a legal or equitable
39 interest, a relative or employee of the holder, or
40 an operator or manager of the farm. The provisions
41 of this chapter do not require such person to be
42 licensed. In addition, a permit is not required for
43 an installation on a farm, and an installation on a

44 farm is not required to be inspected. In order for
 45 a farm building to qualify under this subsection, it
 46 cannot regularly be open to the public as a place of
 47 business for the retail sale of goods, wares, services,
 48 or merchandise.>

Bailey of Hamilton offered the following amendment H-8600, to amendment H-8554, filed by him from the floor and moved its adoption:

H-8600

1 Amend the amendment, H-8554, to House File 2531 as
 2 follows:
 3 1. Page 1, after line 1 by inserting:
 4 <__. Page 29, after line 27 by inserting:
 5 <Sec. ____. There is appropriated from the general
 6 fund of the state to the electrical examining board
 7 established in section 103.2 for the fiscal year
 8 beginning July 1, 2010, and ending June 30, 2011, the
 9 following amount, or so much thereof as is necessary
 10 for the purpose of conducting inspections pursuant to
 11 section 103.23:
 12 \$ 5,000 >>

A non-record roll call was requested.

The ayes were 22, nays 49.

Amendment H-8600 lost.

Oldson of Polk rose on a point of order that amendment H-8554 was not germane.

The Speaker ruled the point well taken and amendment H-8554 not germane.

Sands of Louisa asked for unanimous consent to suspend the rules to consider amendment H-8554.

Objection was raised.

Sands of Louisa moved to suspend the rules to consider amendment H-8554.

Roll call was requested by Paulsen of Linn and Struyk of Pottawattamie.

On the question "Shall the rules be suspended to consider amendment H-8554?" (H.F. 2531)

The ayes were, 45:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Mertz	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rayhons	Roberts	Sands	Schulte
Schultz	Soderberg	Sorenson	Struyk
Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

The nays were, 52:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Miller, H.
Oldson	Olson, D.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Running-Marquardt	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor	Thede
Thomas	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 3:

Huser	Olson, R.	Wendt
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The motion to suspend the rules lost.

McCarthy of Polk asked and received unanimous consent to withdraw amendment H-8587 filed by R. Olson of Polk from the floor, placing out of order amendment H-8601 filed by Palmer of Mahaska from the floor.

Struyk of Pottawattamie asked and received unanimous consent that amendment H-8586 be deferred.

Schueller of Jackson offered amendment H-8556, previously deferred, filed by him, Berry of Black Hawk and Running-Marquardt of Linn as follows:

H-8556

1 Amend House File 2531 as follows:

2 1. Page 37, after line 14 by inserting:

3 <Sec. ____ Section 466B.4, subsection 2, Code
4 Supplement 2009, is amended to read as follows:

5 2. Marketing campaign. The water resources
6 coordinating council shall develop a marketing campaign
7 to educate Iowans about the need to take personal
8 responsibility for the quality and quantity of water in
9 their local watersheds. The emphasis of the campaign
10 shall be that not only is everyone responsible for
11 clean water, but that everyone benefits from it as
12 well, and that everyone is responsible for and benefits
13 from reducing the risk for flooding and mitigating
14 possible future flood damage. The goals of the
15 campaign shall be to convince Iowans to take personal
16 responsibility for clean water and reducing the risk of
17 flooding and to equip them with the tools necessary to
18 effect change through local water quality improvement
19 projects and better flood plain management and flood
20 risk programs.

21 Sec. ____ NEW SECTION. 466B.12 Flood plain
22 managers.

23 The council shall encourage and support the
24 formation of a chapter of the association of state
25 flood plain managers in Iowa that would provide a
26 vehicle for local flood plain managers and flood plain
27 planners to further pursue professional educational
28 opportunities.

29 Sec. ____ NEW SECTION. 466B.13 Flood education.

30 The Iowa state university agricultural extension
31 service, the council, and agency members of the council
32 shall work with flood plain and hydrology experts to
33 educate the general public about flood plains, flood
34 risks, and basic flood plain management principles.
35 This educational effort shall include developing
36 educational materials and programs in consultation with
37 flood plain experts.>

38 2. By renumbering as necessary.

Schueller of Jackson offered the following amendment H-8570, to amendment H-8556, filed by him from the floor and moved its adoption:

H-8570

- 1 Amend the amendment, H-8556, to House File 2531 as
- 2 follows:
- 3 1. Page 1, line 32, after <shall> by inserting <,
- 4 to the extent feasible,>

Amendment H-8570 was adopted.

Raecker of Polk rose on a point of order that amendment H-8556, as amended, was not germane.

The Speaker ruled the point not well taken and amendment H-8556, as amended germane.

Schueller of Jackson moved the adoption of amendment H-8556, as amended.

Amendment H-8556, as amended, was adopted.

Upmeyer of Hancock offered amendment H-8576, previously deferred, filed by her from the floor as follows:

H-8576

- 1 Amend House File 2531 as follows:
- 2 1. Page 37, after line 14 by inserting:
- 3 <Sec. ____ Section 256.7, subsection 29, Code
- 4 Supplement 2009, is amended to read as follows:
- 5 29. Adopt rules establishing nutritional content
- 6 standards for foods and beverages sold or provided on
- 7 the school grounds of any school district or accredited
- 8 nonpublic school during the school day exclusive of the
- 9 food provided by any federal school food program or
- 10 pursuant to an agreement with any agency of the federal
- 11 government in accordance with the provisions of chapter
- 12 283A, and exclusive of foods sold for fundraising
- 13 purposes and foods and beverages sold at concession
- 14 stands. The standards shall be consistent with the
- 15 dietary guidelines for Americans issued by the United
- 16 States department of agriculture food and nutrition
- 17 service. Nothing in this subsection shall prohibit a
- 18 local school district from adopting their own standards
- 19 for food and beverages sold or provided on the school
- 20 grounds during the school day, provided such standards
- 21 are not more restrictive than those implemented by the
- 22 department.>
- 23 2. By renumbering as necessary.

Oldson of Polk rose on a point of order that amendment H-8576 was not germane.

The Speaker ruled the point not well taken and amendment H-8576 germane.

Upmeyer of Hancock moved the adoption of amendment H-8576.

Roll call was requested by Upmeyer of Hancock and L. Miller of Scott.

On the question "Shall amendment H-8576 be adopted?" (H.F. 2531)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	Schueller	Schulte	Schultz
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Mr. Speaker
			Murphy

The nays were, none.

Absent or not voting, 4:

Olson, R.	Shomshor	Watts	Wendt
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Amendment H-8576 was adopted.

Running-Marquardt of Linn offered the following amendment H-8580 filed by her from the floor and moved its adoption:

H-8580

- 1 Amend House File 2531 as follows:
- 2 1. Page 37, after line 14 by inserting:
- 3 <Sec. ____ Section 729.6, subsection 1, Code 2009,
- 4 is amended by adding the following new paragraph:
- 5 NEW PARAGRAPH. OOb. "Genetic services" means the
- 6 same as defined in 29 U.S.C. § 1191b(d)(8).
- 7 Sec. ____ Section 729.6, subsection 1, paragraph c,
- 8 Code 2009, as amended by 2010 Iowa Acts, Senate File
- 9 2215, if enacted, is amended to read as follows:
- 10 c. "Genetic testing" means the same as genetic
- 11 test as defined in 29 U.S.C. § 1191b(d)(7). "Genetic
- 12 testing" does not mean routine physical measurement, a
- 13 routine chemical, blood, or urine analysis, a biopsy,
- 14 an autopsy, or clinical specimen obtained solely for
- 15 the purpose of conducting an immediate clinical or
- 16 diagnostic test to detect an existing disease, illness,
- 17 impairment, or disorder, or a test for drugs or for
- 18 human immunodeficiency virus infections.>
- 19 2. By renumbering as necessary.

Amendment H-8580 was adopted.

L. Miller of Scott offered the following amendment H-8585 filed by her and Heaton of Henry from the floor and moved its adoption:

H-8585

- 1 Amend House File 2531 as follows:
- 2 1. Page 37, after line 14 by inserting:
- 3 <Sec. ____ Section 232.188, subsection 5, paragraph
- 4 b, unnumbered paragraph 1, Code 2009, is amended to
- 5 read as follows:
- 6 Notwithstanding section 8.33, moneys designated for
- 7 a project's decategorization services funding pool that
- 8 remain unencumbered or unobligated at the close of the
- 9 fiscal year shall not revert but shall remain available
- 10 for expenditure as directed by the project's governance
- 11 board for child welfare and juvenile justice systems
- 12 enhancements and other purposes of the project ~~until~~
- 13 ~~the close of the succeeding fiscal year and for the~~
- 14 ~~next two succeeding fiscal years.~~ Such moneys shall
- 15 be known as "carryover funding". Moneys may be made

16 available to a funding pool from one or more of the
 17 following sources:>
 18 2. By renumbering as necessary.

Roll call was requested by L. Miller of Scott and Sands of Louisa.

On the question "Shall amendment H-8585 be adopted?" (H.F. 2531)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Beard	Bell	Berry
Bukta	Burt	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor	Thede
Thomas	Tjepkes	Tymeson	Van Engelenhoven
Wagner	Watts	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Windschitl
Worthan	Mr. Speaker		
	Murphy		

The nays were, none.

Absent or not voting, 6:

Bailey	Olson, D.	Olson, R.	Upmeyer
Wendt	Zirkelbach		

Amendment H-8585 was adopted.

McCarthy of Polk asked and received unanimous consent that House File 2531 be deferred and that the bill retain its place on the calendar.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 24, 2010, amended and passed the following bill in which the concurrence of the House is asked:

House File 2193, a bill for an act relating to emergency medical care providers, emergency medical care service programs and emergency medical care services training programs, and providing penalties.

Also: That the Senate has on March 24, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2384, a bill for an act relating to the nursing workforce including the establishment of an Iowa needs nurses now initiative.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

Senate File 2384, by committee on appropriations, a bill for an act relating to the nursing workforce including the establishment of an Iowa needs nurses now initiative.

Read first time and referred to committee on **appropriations**.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 24, 2010, he approved and transmitted to the Secretary of State the following bill:

Senate File 2352, an Act relating to the emergency hospitalization of a person with a serious mental impairment, and providing penalties.

SUBCOMMITTEE ASSIGNMENT

Senate Joint Resolution 2009

Public Safety: Burt, Chair; Hagenow and Reichert.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON ADMINISTRATION AND RULES

Committee Bill (Formerly LSB 6281HC), amending the permanent rules of the House of Representatives relating to voting by members.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2010.

RESOLUTIONS FILED

HR 131, by Kressig, a resolution to recognize the work of the members of student safety patrols in protecting the safety of Iowa's school children and to recognize April 6, 2010, as "Student Safety Patrol Appreciation Day".

Laid over under **Rule 25**.

HR 132, by committee on administration and rules, a resolution amending the permanent rules of the House of Representatives relating to voting by members.

Placed on the **calendar**.

AMENDMENTS FILED

H—8568	H.F.	2526	Senate Amendment
H—8572	S.F.	2265	D. Olson of Boone
H—8573	H.F.	2525	Swaim of Davis
H—8574	H.F.	2531	Taylor of Linn
H—8578	S.F.	2201	Petersen of Polk
H—8583	H.F.	2531	Paulsen of Linn
H—8584	H.F.	2525	Sweeney of Hardin
H—8586	H.F.	2531	Huser of Polk

H—8588	H.F.	2531	Mascher of Johnson
H—8589	H.F.	2531	Paulsen of Linn
H—8590	S.F.	2270	Tymeson of Madison
H—8591	H.F.	2459	Sands of Louisa D. Olson of Boone
H—8592	S.F.	2201	Schulte of Linn
H—8593	S.F.	2270	Mascher of Johnson
H—8594	H.F.	2531	Taylor of Linn
H—8595	S.F.	2270	Tymeson of Madison
H—8596	S.F.	2201	Upmeyer of Hancock
H—8597	S.F.	2201	Pettengill of Benton
H—8598	H.F.	2531	Windschitl of Harrison
H—8599	S.F.	2201	Soderberg of Plymouth
H—8602	S.F.	2270	Tymeson of Madison
H—8603	H.F.	2193	Senate Amendment
H—8604	H.F.	2531	Huser of Polk
H—8605	S.F.	2270	Tymeson of Madison
H—8606	S.F.	2201	Petersen of Polk

On motion by McCarthy of Polk the House adjourned at 4:14 p.m., until 8:00 a.m., Thursday, March 25, 2010.

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.

Thede 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.

Page 2

- 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

Page 3

- 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

Page 3

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	Frevrt	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.	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
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	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
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House 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
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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
Isenhardt	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(v).
- 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

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 "c", 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 ~~1.~~ 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 ~~2.~~ 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	Isenhardt	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 Louisa 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	Isenhart	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
Worthan

Willems
Zirkelbach

Winckler
Mr. Speaker
Murphy

Windschitl

The nays were, none.

Absent or not voting, 9:

Ford
Huser
Wendt

Gayman
Raecker

Heddens
Sands

Horbach
Struyk

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
Alex Conner
Mackenzie Ditch
Ryan Fisher
Robert Grau
Caytlin Hentzel
John Johnson
Sam Jurgena
Sam Kavalier
Chelsea Nicoletto

Daxton Oberreuter
Samantha Pearson
Tessa Reynolds
Taylor Schipper
Brent Smith
Kent Sorenson
Patrick Stall
Emily Steinke
James Taylor

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.

Sorenson of Warren in the chair at 7:20 p.m.

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:

Page 2

- 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.

Page 3

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	Cphoon
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	Cphoon
Ficken	Frevert	Gaskill	Gayman
Hanson	Heddens	Isenhardt	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 ~~"e"~~, 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

Page 3

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.

Speaker Murphy in the chair at 8:51 p.m.

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
Isenhardt	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
Whitehead	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
Isenhardt	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.>

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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
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
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
Isenhardt	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
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 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
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, 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
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
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
Wendt

Huser

Raecker

Sands

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
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
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
Isenhardt	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
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	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 committees 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
			L. Miller of Scott
			Upmeyer of Hancock
			Anderson of Page
			Baudler of Adair
			Cownie of Polk
			Deyoe of Story
			Drake of Cass
			Grassley of Butler
			Heaton of Henry
			Rayhons of Hancock
			Alons of Sioux
			Arnold of Lucas
			Chambers of O'Brien
			De Boef of Keokuk
			Dolecheck of Ringgold
			Forristall of Pottawattamie

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.

JOURNAL OF THE HOUSE

Seventy-fifth Calendar Day - Fifty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 26, 2010

The House met pursuant to adjournment at 8:10 a.m., Speaker Murphy in the chair.

Prayer was offered by the Honorable Linda Upmeyer, state representative from Hancock County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Tessa Reynolds, House Page from Anamosa.

The Journal of Thursday, March 25, 2010 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Horbach of Tama and Raecker of Polk on request of Paulsen of Linn; Sands of Louisa and Schulte of Linn, until their arrival on request of Paulsen of Linn.

The House stood at ease at 8:12 a.m., until the fall of the gavel.

The House resumed session at 11:23 a.m., Speaker Murphy in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 23, 2010, amended 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 2367, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENT CONSIDERED

Hunter of Polk called up for consideration **Senate File 2367**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date and retroactive applicability provisions, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-8633 to the House amendment, filed from the floor:

H-8633

- 1 Amend the House amendment, S-5291, to Senate File
- 2 2367, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 and 4.
- 5 2. Page 1, by striking lines 6 through 10 and
- 6 inserting:
- 7 <___. Page 8, by striking line 34 and inserting:
- 8 <..... \$2,064,471>
- 9 ___ . Page 9, by striking line 12 and inserting:
- 10 <..... \$127,167>
- 11 ___ . Page 9, by striking line 17 and inserting:
- 12 <..... \$70,783 >>
- 13 3. Page 1, by striking lines 12 and 13 and
- 14 inserting:
- 15 <___. Page 16, by striking line 20 and inserting
- 16 <..... \$4,997,742 >>
- 17 4. Page 1, by striking lines 16 and 17 and
- 18 inserting:
- 19 <___. Page 22, by striking lines 25 and 26 and
- 20 inserting <information technology under ~~a~~ an existing
- 21 competitively procured contract let by another ~~agency~~>
- 22 ___ . Page 22, line 27, by striking <or other> and
- 23 inserting ~~<or other>~~
- 24 ___ . Page 22, line 29, after <entity.> by inserting
- 25 <The department, on its own behalf or on the behalf of
- 26 another participating agency or governmental entity,
- 27 may also procure information technology by leveraging
- 28 an existing competitively procured contract, or other
- 29 than a contract associated with the state board of
- 30 regents or an institution under the control of the
- 31 state board of regents.>>

- 32 5. By striking page 1, line 19, through page 6,
 33 line 22, and inserting <line 10.>
 34 6. Page 7, line 26, by striking <1.>
 35 7. Page 7, line 32, by striking <a.> and inserting
 36 <1.>
 37 8. Page 7, line 37, by striking <b.> and inserting
 38 <2.>
 39 9. Page 7, line 42, by striking <c.> and inserting
 40 <3.>
 41 10. Page 7, line 45, by striking <d.> and inserting
 42 <4.>
 43 11. Page 7, line 49, by striking <e.> and inserting
 44 <5.>
 45 12. Page 8, by striking lines 1 through 34.
 46 13. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8633, to the House amendment.

Hunter of Polk 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.

On the question "Shall the bill pass?" (S.F. 2367)

The ayes were, 53:

Abdul-Samad	Bailey	Beard	Bell
Berry	Burt	Cphoon	Ficken
Ford	Frevert	Gaskill	Hanson
Heddens	Hunter	Huser	Isenhart
Jacoby	Kearns	Kressig	Kuhn
Lensing	Lykam	Marek	Mascher
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Rayhons	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, 39:

Alons	Anderson	Arnold	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Helland	Huseman	Kaufmann	Kelley

Koester	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Rants
Roberts	Schulte	Schultz	Soderberg
Sorenson	Struyk	Sweeney	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

Absent or not voting, 8:

Baudler	Bukta	Gayman	Heaton
Horbach	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

Winckler of Scott called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-8621 to the House amendment:

H-8621

1 Amend House amendment, S-5309, to Senate File 2376,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. By striking page 2, line 29, through page 4,
 5 line 16.
 6 2. Page 4, by striking lines 17 through 21.
 7 3. Page 4, after line 43 by inserting:
 8 <___. Page 20, after line 15 by inserting:
 9 <Sec. ___. Section 256I.7, subsection 1, paragraph
 10 a, as enacted by 2010 Iowa Acts, Senate File 2088,
 11 section 284, is amended to read as follows:
 12 a. The early childhood Iowa functions for an area
 13 shall be performed under the authority of an early
 14 childhood Iowa area board. The members of an area
 15 board shall be elected officials or members of the
 16 public who are not employed by a provider of services
 17 to or for the area board. In addition, the membership
 18 of an area board shall include representation from
 19 early care, education, health, human services,
 20 business, and faith interests, and at least one parent,

21 grandparent, or guardian of a child from zero through
 22 age five. ~~The education, health, and human services~~
 23 ~~agencies represented on an area board may receive~~
 24 ~~funding from the area board.~~

25 Sec. __. Section 256I.11, subsection 4, paragraph
 26 d, as enacted by 2010 Iowa Acts, Senate File 2088,
 27 section 288, is amended to read as follows:

28 d. The moneys distributed from the early childhood
 29 programs grant account shall be used by early childhood
 30 Iowa areas for the purposes of enhancing quality
 31 child care capacity in support of parent capability
 32 to obtain or retain employment. The moneys shall be
 33 used with a primary emphasis on low-income families
 34 and children from zero to age five. Moneys shall be
 35 provided in a flexible manner and shall be used to
 36 implement strategies identified by the early childhood
 37 Iowa area to achieve such purposes. The department
 38 of ~~management~~ human services may use a portion of the
 39 funding appropriated to the department under this
 40 subsection for provision of technical assistance
 41 and other support to the early childhood Iowa areas
 42 developing and implementing strategies with grant
 43 moneys distributed from the account. >>

44 4. Page 4, after line 43 by inserting:

45 <__. Page 22, after line 29 by inserting:

46 <Sec. __. Section 261.25, Code Supplement 2009, is
 47 amended by adding the following new subsection:

48 NEW SUBSECTION. 6. In the case of a qualified
 49 student who was enrolled in an accredited private
 50 institution that was exempt from taxation under section

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1 501(c) of the Internal Revenue Code and that was
 2 purchased by a for-profit institution effective January
 3 8, 2010, and such qualified student continues to be
 4 enrolled in the eligible institution in succeeding
 5 years, the student shall continue to be eligible to
 6 receive funds under subsection 1 without a change in
 7 the student's qualification status. >>

8 5. Page 4, after line 43 by inserting:

9 <__. Page 29, after line 12 by inserting:

10 <Sec. __. Section 284A.2, subsection 2, Code
 11 Supplement 2009, is amended to read as follows:

12 2. "Beginning administrator" means an individual
 13 serving under an ~~initial~~ administrator license, issued
 14 by the board of educational examiners under chapter
 15 272, who is assuming a position as a school district
 16 ~~administrator~~ principal or superintendent for the first
 17 time.

18 Sec. __. Section 284A.5, subsections 3 and 5, Code
 19 2009, are amended to read as follows:

20 3. Each school board shall establish an
21 administrator mentoring program for all beginning
22 administrators. The school board may adopt the
23 model program developed by the department pursuant
24 to subsection 2. Each school board's beginning
25 administrator mentoring and induction program shall,
26 at a minimum, provide for one year of programming to
27 support the Iowa standards for school administrators
28 adopted pursuant to section 256.7, subsection 27, and
29 beginning administrators' professional and personal
30 needs. Each school board shall develop ~~an initial and~~
31 implement a beginning administrator mentoring and
32 induction plan. The plan shall describe the mentor
33 selection process, describe supports for beginning
34 administrators, describe program organizational and
35 collaborative structures, provide a budget, provide
36 for sustainability of the program, and provide for
37 program evaluation. The school board employing an
38 administrator shall determine the conditions and
39 requirements of an administrator participating in a
40 program established pursuant to this section. A school
41 board shall include its plan in the school district's
42 comprehensive school improvement plan submitted
43 pursuant to section 256.7, subsection 21.
44 5. By the end of a beginning administrator's
45 first year of employment, the beginning administrator
46 may be comprehensively evaluated to determine if
47 the administrator meets expectations to move to a
48 ~~standard professional~~ administrator license, where
49 appropriate. The school district or area education
50 agency that employs a beginning administrator

Page 3

1 shall recommend the beginning administrator for a
2 ~~standard professional administrator~~ license, where
3 appropriate, if the beginning administrator is
4 determined through a comprehensive evaluation to
5 demonstrate competence in the Iowa standards for school
6 administrators adopted pursuant to section 256.7,
7 subsection 27. A school district or area education
8 agency may allow a beginning administrator a second
9 year to demonstrate competence in the Iowa standards
10 for school administrators if, after conducting a
11 comprehensive evaluation, the school district or area
12 education agency determines that the administrator
13 is likely to successfully demonstrate competence in
14 the Iowa standards for school administrators by the
15 end of the second year. Upon notification by the
16 school district or area education agency, the board
17 of educational examiners shall grant a beginning
18 administrator who has been allowed a second year

19 to demonstrate competence a one-year extension of
20 the beginning administrator's initial license. An
21 administrator granted a second year to demonstrate
22 competence shall undergo a comprehensive evaluation at
23 the end of the second year.

24 Sec. ____ Section 284A.6, subsection 2, Code 2009,
25 is amended to read as follows:

26 2. In cooperation with the administrator's
27 evaluator, the administrator who has a ~~standard~~
28 ~~administrator's~~ professional administrator license
29 issued by the board of educational examiners pursuant
30 to chapter 272 and is employed by a school district
31 or area education agency in a school district
32 administrative position, shall develop an individual
33 administrator professional development plan. The
34 purpose of the plan is to promote individual and group
35 professional development. The individual plan shall be
36 based, at a minimum, on the needs of the administrator,
37 the Iowa standards for school administrators adopted
38 pursuant to section 256.7, subsection 27, and the
39 student achievement goals of the attendance center and
40 the school district as outlined in the comprehensive
41 school improvement plan.

42 Sec. ____ Section 284A.7, Code 2009, is amended to
43 read as follows:

44 284A.7 Evaluation requirements for administrators.
45 A school district shall conduct an evaluation of
46 an administrator who holds a ~~standard~~ professional
47 administrator license issued under chapter 272 at
48 least once every three years for purposes of assisting
49 the administrator in making continuous improvement,
50 documenting continued competence in the Iowa standards

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1 for school administrators adopted pursuant to section
2 256.7, subsection 27, or to determine whether the
3 administrator's practice meets school district
4 expectations. The review shall include, at a minimum,
5 an assessment of the administrator's competence in
6 meeting the Iowa standards for school administrators
7 and the goals of the administrator's individual
8 professional development plan, including supporting
9 documentation or artifacts aligned to the Iowa
10 standards for school administrators and the individual
11 administrator's professional development plan.

12 Sec. ____ Section 284A.8, Code Supplement 2009, is
13 amended to read as follows:

14 284A.8 Beginning administrator mentoring and
15 induction program – program funds.

16 1. To the extent moneys are available, a school
17 district shall receive one thousand five hundred

18 dollars per beginning administrator participating in
 19 the program. ~~If the funds appropriated for the program
 20 are insufficient to pay mentors and school districts as
 21 provided in this section, the department shall prorate
 22 the amount distributed to school districts based upon
 23 the amount appropriated.~~ Moneys received by a school
 24 district pursuant to this section shall be expended
 25 to provide each mentor with an award of five hundred
 26 dollars per semester, at a minimum, for participation
 27 in the school district's beginning administrator
 28 mentoring and induction program; to implement the plan;
 29 and to pay any applicable costs of the employer's share
 30 of contributions to federal social security and the
 31 Iowa public employees' retirement system or a pension
 32 and annuity retirement system established under chapter
 33 294, for such amounts paid by the district.

34 2. If the funds appropriated for the program are
 35 insufficient to pay mentors and school districts as
 36 provided in this section, the department shall prorate
 37 the amount distributed to school districts based upon
 38 the amount appropriated. A school district shall give
 39 priority to fully funding the obligation to principal
 40 mentors. Remaining moneys, if any, shall first be
 41 used to fund superintendent mentors and then to fund
 42 other program costs and applicable costs described in
 43 subsection 1. >>

44 6. Page 4, after line 50 by inserting:

45 <__. Page 31, after line 8 by inserting:

46 <Sec. __. NONPROFIT ORGANIZATIONS – OPEN
 47 MEETINGS AND OPEN RECORDS INTERIM STUDY COMMITTEE. The
 48 legislative council is requested to establish an
 49 interim study committee to study the inclusion under
 50 the open meetings and open records laws of nonprofit

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1 organizations that are supported in whole or in part
 2 with public funds or revenues derived from public fees,
 3 that were established by, or are operated by, governing
 4 boards whose memberships were or are substantially
 5 comprised of state or local elected officials or
 6 appointees of governmental bodies. The interim study
 7 committee shall report its findings and recommendations
 8 to the general assembly not later than December 15,
 9 2010. >>

10 7. Page 5, by striking lines 1 through 4.

11 8. Page 5, before line 5 by inserting:

12 <__. Page 31, after line 21 by inserting:

13 <__. The section of this Act enacting section
 14 261.25, subsection 6, being deemed of immediate
 15 importance, takes effect upon enactment. >>

16 9. Page 5, line 6, by striking <changes to> and

17 inserting <a study of>

18 10. By renumbering as necessary.

Roll call was requested by L. Miller of Scott and Forristall of Pottawattamie.

On the question "Shall amendment H-8621 be adopted?" (S.F. 2376)

The ayes were, 49:

Abdul-Samad	Beard	Bell	Berry
Bukta	Burt	Cphoon	Ficken
Ford	Frevert	Gaskill	Gayman
Hanson	Heddens	Hunter	Isenhart
Jacoby	Kearns	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Miller, H.	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	Winckler	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, 47:

Alons	Anderson	Arnold	Bailey
Baudler	Chambers	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Grassley	Hagenow	Heaton	Helland
Huseman	Huser	Kaufmann	Kelley
Koester	Lukan	Marek	May
Mertz	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	

Absent or not voting, 4:

Horbach	Raecker	Sands	Wendt
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The motion prevailed and the House concurred in the Senate amendment H-8621, to the House amendment.

Winckler of Scott 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.

On the question "Shall the bill pass?" (S.F. 2376)

The ayes were, 52:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Isenhart	Jacoby	Kearns	Kressig
Kuhn	Lensing	Lykam	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, 44:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Huseman
Huser	Kaufmann	Kelley	Koester
Lukan	Marek	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, 4:

Horbach	Raecker	Sands	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.

On motion by McCarthy of Polk, the House was recessed at 12:21 p.m., until 1:30 p.m.

The House resumed session at 1:36 p.m., Speaker Murphy in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-eight members present, twelve absent.

SENATE AMENDMENT CONSIDERED

The de of Scott called up for consideration **House File 2284**, a bill for an act relating to various activities regulated and programs administered by the department of public health, including fetal death certification, and optometry, cosmetology, and barbering licensure, and including effective date provisions, amended by the following Senate amendment H-8380:

H-8380

- 1 Amend House File 2284 as follows:
- 2 1. By striking page 1, line 25, through page 4,
- 3 line 22, and inserting:
- 4 <Sec. ____ Section 154.1, Code 2009, is amended by
- 5 adding the following new subsection:
- 6 NEW SUBSECTION. 5. Beginning July 1, 2012,
- 7 all licensed optometrists shall meet requirements
- 8 established by the board by rule to employ diagnostic
- 9 and therapeutic pharmaceutical agents for the practice
- 10 of optometry. All licensees practicing optometry in
- 11 this state shall have demonstrated qualifications
- 12 and obtained certification to use diagnostic and
- 13 therapeutic pharmaceutical agents as a condition of
- 14 license renewal.>
- 15 2. Page 4, by striking lines 23 through 30.
- 16 3. Page 5, by striking lines 8 through 21 and
- 17 inserting:
- 18 <Sec. ____ Section 157.8, subsection 2, paragraph
- 19 a, Code 2009, is amended to read as follows:>
- 20 4. By striking page 5, line 34, through page 6,
- 21 line 1.>
- 22 5. Page 6, by striking lines 12 and 13.
- 23 6. Title page, by striking lines 4 and 5 and
- 24 inserting <and barbering licensure.>

The de of Scott asked and received unanimous consent to withdraw amendment H-8397, to the Senate amendment H-8380, filed by her

on March 10, 2010.

The de of Scott offered the following amendment H-8432, to the Senate amendment H-8380, filed by her and moved its adoption:

H-8432

1 Amend the Senate amendment, H-8380, to House File
2 2284, as passed by the House, as follows:

3 1. Page 1, by striking lines 16 through 21 and
4 inserting:

5 <___. By striking page 5, line 8, through page 6,
6 line 1, and inserting:

7 <Sec. ___. Section 157.8, subsection 2, Code 2009,
8 is amended to read as follows:

9 2. a. The number of instructors for each school
10 shall be based upon total enrollment, with a minimum
11 of two licensed instructors employed on a full-time
12 basis for up to thirty students and an additional
13 licensed instructor for each fifteen additional
14 students. A student instructor shall not be used to
15 meet licensed instructor-to-student ratios. However,
16 a A school operated by an area community college prior
17 to September 1, 1982, with only one instructor per
18 fifteen students is not subject to this paragraph
19 and may continue to operate with the ratio of one
20 licensed instructor to fifteen students. A student
21 instructor may not be used to meet this requirement.

22 b. A school with less than thirty students
23 enrolled may have one licensed instructor on site in
24 the school if offering only clinic services or only
25 theory instruction in a single classroom and less than
26 fifteen students are present. If a school is offering
27 clinic services and theory instruction simultaneously
28 to less than fifteen students, at least two licensed
29 instructors must be on site. Schools with more than
30 thirty students enrolled shall meet the licensed
31 instructor-to-student ratio as provided in paragraph
32 "a".

33 a. c. A person employed as an instructor in
34 the cosmetology arts and sciences by a licensed
35 school shall be licensed in the practice and shall
36 possess a separate instructor's license which shall
37 be renewed biennially. An instructor shall file an
38 application with the department on forms prescribed
39 by the board. ~~Prior to licensure, an applicant for~~
40 ~~an instructor's license shall have been actively~~
41 ~~engaged in the practice for a period of two years and~~
42 ~~complete a course of study required by the board or~~
43 ~~an instructor's course at a school for cosmetology~~
44 ~~arts and sciences, and meet any other requirement~~

45 ~~established by the board.~~ Requirements for licensure
 46 as an instructor shall be determined by the board by
 47 rule.
 48 ~~b. d.~~ The application for an instructor's license
 49 shall be accompanied by the biennial fee determined
 50 pursuant to section 147.80. >>

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1 2. By renumbering as necessary.

Amendment H-8432 was adopted.

On motion by Thede of Scott the House concurred in the Senate amendment H-8380, as amended.

Thede of Scott moved that the bill, as amended by the Senate further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2284)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Hunter	Huseman
Huser	Isenhart	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, 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	Winckler
Windschitl	Worthan	Zirkelbach	Mr. Speaker
			Murphy

The nays were, none.

Absent or not voting, 4:

Horbach	Raecker	Sands	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.

PRESENTATION TO RETIRING MEMBERS AND LEADERS

Speaker Murphy, Majority Leader McCarthy and Minority Leader Paulsen invited to the well of the House, for a special recognition, members of the House who will be retiring or are a candidate for the Iowa Senate. Plaques were presented to the following:

Polly Bukta, District 26	1997 – 2010
Marcella Frevert, District 7	1997 – 2010
Wayne Ford, District 65	1997 – 2010
Elesha Gayman, District 84	2007 – 2010
Mark Kuhn, District 14	1999 – 2010
Mike May, District 6	2005 – 2010
Dolores Mertz, District 8	1989 – 2010
Christopher Rants, District 54	1993 – 2010
Rod Roberts, District 51	2001 – 2010
Kent Sorenson, District 74	2009 – 2010
Doug Struyk, District 99	2003 – 2010
Jodi Tymeson, District 73	2001 – 2010
Roger Wendt, District 2	2003 – 2010
Wes Whitead, District 1	1997 – 2000 and 2003 – 2010

The House rose and expressed its appreciation.

House Speaker Pat Murphy, Majority Leader Kevin McCarthy and Minority Leader Kraig Paulsen were invited to the Speaker's station for a special presentation.

Speaker pro tempore Bukta, on behalf of the House, presented plaques to each leader in appreciation of his service and dedication to the Iowa House of Representatives during the Eighty-third General Assembly.

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 26, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2458, a bill for an act relating to restrictions on mowing within the right-of-way of interstates, primary highways, and secondary roads.

MICHAEL E. MARSHALL, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Roberts of Carroll on request of Paulsen of Linn.

SENATE AMENDMENT CONSIDERED

Reichert of Muscatine called up for consideration **House File 2525**, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and including effective date provisions, amended by the Senate amendment H-8539 as follows:

H-8539

1 Amend House File 2525, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, after line 24 by inserting:
 4 <__. Of the amount appropriated in this section,
 5 \$238,000 is transferred to Iowa state university of
 6 science and technology, to be used for the university's
 7 midwest grape and wine industry institute.>
 8 2. Page 4, after line 17 by inserting:
 9 <__. a. It is the intent of the general assembly
 10 that the appropriations bill for the fiscal year
 11 beginning July 1, 2011, and ending June 30, 2012, to
 12 be originally sponsored by the joint appropriations
 13 subcommittee on agriculture and natural resources
 14 during the 2011 session of the Eighty-fourth General
 15 Assembly include line item provisions for the
 16 state fish and game protection fund. The line item
 17 provisions shall include all of the following:
 18 (1) The allocation of moneys and authorization of
 19 full-time equivalent positions dedicated to support law
 20 enforcement, fisheries and related fishing activities,

21 and wildlife.

22 (2) The allocation of moneys in lieu of the
23 expenditure authorization provided in section 455A.10
24 to support capital projects and contingencies.

25 (3) The retention of the unexpended balance of
26 moneys to remain in the fund available for use during
27 the fiscal year beginning July 1, 2012, and ending June
28 30, 2013.

29 b. The department of natural resources, in
30 compiling its comprehensive program budget for the
31 fiscal year beginning July 1, 2011, and ending June 30,
32 2012, shall provide for all proposed allocations from
33 and the retention of the balance of moneys to remain in
34 the state fish and game protection fund as described in
35 paragraph "a".>

36 3. Page 8, after line 3 by inserting:

37 <__. Notwithstanding any other provision in
38 law, the department may provide state resources from
39 this appropriation, in combination with appropriate
40 environment first fund appropriations, for cost sharing
41 to match United States department of agriculture,
42 natural resources conservation service, wetlands
43 reserve enhancement program (WREP) funding available
44 to Iowa.>

45 4. Page 12, by striking lines 25 through 30.

46 5. Page 14, after line 9 by inserting:

47 <DIVISION _____
48 LOCAL FOOD AND FARM PLAN
49 <Sec. ____. LOCAL FOOD AND FARM PLAN. To the
50 extent feasible, the Leopold center for sustainable

Page 2

1 agriculture established pursuant to section 266.39
2 shall prepare a local food and farm plan containing
3 policy and funding recommendations for supporting and
4 expanding local food systems and for assessing and
5 overcoming obstacles necessary to increase locally
6 grown food production. The Leopold center for
7 sustainable agriculture shall submit the plan to the
8 general assembly by January 10, 2011. The plan shall
9 include recommendations for short-term and long-term
10 solutions, including but not limited to the enactment
11 of legislation.

12 Sec. ____. REPEAL. This division of this Act is
13 repealed on January 10, 2011.

14 Sec. ____. EFFECTIVE DATE. This division of this
15 Act, being deemed of immediate importance, takes effect
16 upon enactment.>

17 6. Page 14, after line 9 by inserting:

18 <DIVISION _____
19 BEAUTIFICATION GRANTS

20 Sec. ____ Section 455E.11, subsection 2, paragraph
 21 a, subparagraph (1), Code Supplement 2009, is amended
 22 by adding the following new subparagraph division:
 23 NEW SUBPARAGRAPH DIVISION. (Oa) (i) Each fiscal
 24 year for the fiscal period beginning July 1, 2010,
 25 and ending June 30, 2014, not more than two hundred
 26 thousand dollars to the department for purposes of
 27 awarding a beautification grant each year to one
 28 organization that does all of the following:
 29 (A) Assists communities and organizations in
 30 cleanup and beautification projects.
 31 (B) Conducts research to assist in the
 32 understanding of reasons for littering and illegal
 33 dumping.
 34 (C) Administers antilittering and beautification
 35 education programs.
 36 (D) Increases public awareness of the costs of
 37 littering.
 38 (ii) The grant recipient shall do all of the
 39 following:
 40 (A) Expend not more than twenty-five percent of the
 41 moneys for a public education and awareness initiative
 42 designed to reduce litter and illegal dumping.
 43 (B) Expend not more than twenty-five percent of the
 44 moneys for all of the following:
 45 (I) An educational initiative designed to
 46 discourage littering and illegal dumping for persons
 47 attending school in kindergarten through grade twelve.
 48 (II) A litter-free schools initiative.
 49 (III) A neighborhood beautification initiative.
 50 (C) Expend not more than twenty-five percent of the

Page 3

1 moneys for an illegal dumping surveillance program.
 2 (D) Expend not more than twenty-five percent of the
 3 moneys for a community partnership program designed to
 4 support community beautification projects.
 5 (iii) As a condition of the grant award each year,
 6 the department shall require the grant recipient to
 7 submit a written report to the department by the end
 8 of the fiscal year for which the grant is awarded.
 9 In addition to any other information required by the
 10 department, the report shall include information
 11 detailing the expenditure of all moneys received by
 12 the organization and the results achieved through the
 13 expenditure of the money.
 14 DIVISION _____
 15 COMMERCIAL ESTABLISHMENT FUND
 16 Sec. ____ NEW SECTION. 162.2C Commercial
 17 establishment fund.
 18 A commercial establishment fund is created in the

19 state treasury under the management and control of the
20 department.

21 1. The fund shall include moneys collected by the
22 department in fees as provided in section 162.2B and
23 moneys appropriated by the general assembly. The fund
24 may include other moneys available to and obtained
25 or accepted by the department, including moneys from
26 public or private sources.

27 2. Moneys in the fund are appropriated to the
28 department and shall be used exclusively to carry
29 out the provisions of this chapter as determined and
30 directed by the department, and shall not require
31 further special authorization by the general assembly.

32 3. a. Notwithstanding section 12C.7, interest or
33 earnings on moneys in the fund shall be credited to the
34 fund.

35 b. Notwithstanding section 8.33, moneys credited
36 to the fund that remain unexpended or unobligated at
37 the end of a fiscal year shall not revert to any other
38 fund.

39 Sec. __. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
40 APPLICABILITY.

41 1. This division of this Act applies retroactively
42 to March 9, 2010.

43 2. This division of this Act, being deemed of
44 immediate importance, takes effect upon enactment.>

45 7. By renumbering as necessary.

Reichert of Muscatine offered the following amendment H-8635, to the Senate amendment H-8539, filed by him from the floor and moved its adoption:

H-8635

1 Amend the Senate amendment, H-8539, to House File
2 2525, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by striking lines 15 through 35 and
5 inserting <Assembly include a line item provision for
6 the state fish and game protection fund that accounts
7 for full-time equivalent positions supported by the
8 fund.

9 __. The department of natural resources shall
10 prepare a report to the governor and the general
11 assembly providing a detailed accounting of revenue
12 and expenditures involving the state fish and game
13 protection fund. Prior to November 15, 2010, the
14 department shall submit the report to the governor
15 and general assembly, including the chairpersons and
16 ranking members of the standing committees of the
17 senate and house of representatives having jurisdiction

18 over natural resources and the joint appropriations
 19 subcommittee on agriculture and natural resources. The
 20 report shall include all of the following:

21 a. Information regarding the following four
 22 operational units: management, the law enforcement
 23 bureau, the fisheries bureau, and the wildlife bureau.

24 The information shall include all of the following:

25 (1) The allocation of full-time equivalent
 26 positions in each operational unit.

27 (2) The title and description of each position in
 28 each operational unit.

29 (3) A line item accounting of expenditures for each
 30 operational unit.

31 b. A line item accounting of the balance in the
 32 fund to be carried forward on June 30, 2010.

33 c. A line item accounting for sources of income
 34 deposited into the fund.

35 d. A line item accounting of capital projects,
 36 including but not limited to land owned by the
 37 department, projected land purchases by the department,
 38 revenue generated from land owned by the department
 39 and its classified use, and income or losses from land
 40 leased by the department. The line item shall account
 41 for such land regardless of whether the land was
 42 acquired in whole or in part from moneys originating
 43 from the fund. The report shall also include a
 44 justification for each capital project.

45 e. A description of all programs supported by the
 46 fund and a justification for each of the programs as a
 47 constitutionally allowable expenditure. >>

48 2. Page 3, after line 44 by inserting:

49 <__. Title page, line 3, after <effective> by
 50 inserting <and applicability>>

Page 2

1 3. By renumbering as necessary.

Amendment H-8635 was adopted.

Sweeney of Hardin asked and received unanimous consent that
 amendment H-8584 be deferred.

Bailey of Hamilton offered the following amendment H-8618, to
 the Senate amendment H-8539, filed by him and moved its adoption:

H-8618

1 Amend the Senate amendment, H-8539, to House File
 2 2525, as amended, passed, and reprinted by the House,

3 as follows:

- 4 1. Page 2, line 1, after <266.39> by inserting <
5 in consultation with the Iowa cooperative extension
6 service in agriculture and home economics as provided
7 in chapter 266, at Iowa state university of science and
8 technology>
- 9 2. Page 2, line 7, after <agriculture> by inserting
10 <, in consultation with the Iowa cooperative extension
11 service in agriculture and home economics,>
- 12 3. By renumbering as necessary.

Amendment H-8618 was adopted.

Sweeney of Hardin asked and received unanimous consent to withdraw amendment H-8558, to the Senate amendment H-8539, filed by Sweeney, et al., on March 23, 2010.

Swaim of Davis offered the following amendment H-8573, to the Senate amendment H-8539, filed by him and moved its adoption:

H-8573

- 1 Amend the Senate amendment, H-8539, to House File
2 2525, as amended, passed, and reprinted by the House,
3 as follows:
 - 4 1. Page 2, line 40, by striking <twenty-five> and
5 inserting <fifty>
 - 6 2. By striking page 2, line 43, through page 3,
7 line 1.
 - 8 3. Page 3, line 2, by striking <(D)> and inserting
9 <(B)>
 - 10 4. Page 3, line 2, by striking <twenty-five> and
11 inserting <fifty>
 - 12 5. Page 3, line 4, after <projects> by inserting
13 <including the deconstruction, renovation, or removal
14 of derelict buildings. Eligible communities are
15 limited to cities of five thousand or fewer in
16 population. Eligible costs shall include but are not
17 limited to asbestos abatement and removal, the recovery
18 and processing of recyclable or reusable material from
19 derelict buildings and reimbursement for purchased
20 recycled content materials used in the renovation
21 of buildings. Special consideration may be given to
22 communities that hire the unemployed to deconstruct
23 structures, clean up the properties and, if there is no
24 immediate buyer for the properties, turn the properties
25 into green spaces. Any business entity or individual
26 engaged in the removal or abatement of asbestos must
27 have obtained a valid license or permit as required in

28 chapter 88B>

29 6. By renumbering as necessary.

Amendment H-8573 was adopted.

De Boef of Keokuk offered the following amendment H-8610, to the Senate amendment H-8539, filed by her and moved its adoption:

H-8610

- 1 Amend the Senate amendment, H-8539, to House File
- 2 2525, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. By striking page 2, line 18, through page 3,
- 5 line 13.
- 6 2. By renumbering as necessary.

Amendment H-8610 lost.

Sweeney of Hardin asked and received unanimous consent to withdraw amendment H-8584, previously deferred, to the Senate amendment H-8539, filed by her on March 24, 2010.

On motion by Reichert of Muscatine the House concurred in the Senate amendment H-8539, as amended.

Reichert of Muscatine moved that the bill, as amended by the Senate further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2525)

The ayes were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	Isenhardt	Jacoby	Kearns
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Running-Marquardt	Schueller
Shomshor	Smith	Steckman	Swaim

Taylor	Thede	Thomas	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Zirkelbach	Mr. Speaker Murphy		

The nays were, 41:

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	Schulte
Schultz	Soderberg	Sorenson	Struyk
Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

Absent or not voting, 5:

Horbach	Raecker	Roberts	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

Berry of Black Hawk called up for consideration **House File 2294**, a bill for an act relating to the distribution of moneys from the disaster aid individual assistance grant fund, amended by the Senate, and moved that the House concur in the following Senate amendment H-8413:

H-8413

1 Amend House File 2294, as passed by the House, as
 2 follows:
 3 1. Page 1, line 6, by striking <administered> and
 4 inserting <developed>
 5 2. Page 1, line 7, after <services> by inserting
 6 <and administered locally within the designated
 7 disaster area>

The motion prevailed and the House concurred in the Senate amendment H-8413.

Berry 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. 2294)

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.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Rants	Rayhons	Reasoner
Reichert	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, none.

Absent or not voting, 5:

Horbach	Raecker	Roberts	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

Ford of Polk called up for consideration **House File 2432**, a bill for an act relating to a study of the opportunities for recruiting racial and

ethnic minority teachers from outside the state, amended by the Senate, and moved that the House concur in the following Senate amendment H-8560:

H-8560

1 Amend House File 2432, as passed by the House, as
2 follows:
3 1. By striking everything after the enacting clause
4 and inserting:
5 <Section 1. RACIAL AND ETHNIC MINORITY TEACHER
6 RECRUITMENT STUDY. Representatives of the department
7 of education, the area education agencies, and public
8 and private colleges and universities shall study the
9 opportunities for the recruitment and retention of
10 racial and ethnic minority teachers. Specifically, the
11 representatives shall examine the following issues:
12 1. Examine strategies to encourage racial and
13 ethnic minority high school students to enter the
14 teaching profession.
15 2. Examine how to recruit racial and ethnic
16 minority students interested in post-secondary teacher
17 preparatory programs into attending an Iowa college or
18 university teacher preparatory program.
19 3. Examine strategies to recruit racial and ethnic
20 minority teachers to continue their careers as school
21 administrators in Iowa.
22 For the purposes of this study, "racial and ethnic
23 minority" includes individuals who are African
24 American, Latinos, Asians or Pacific Islanders,
25 American Indians, and Alaskan Native Americans.
26 The state board of regents shall be responsible for
27 providing staffing assistance to the study group. The
28 representatives shall report their findings to the
29 general assembly by January 10, 2011.>
30 2. Title page, line 2, by striking <from outside
31 the state>

The motion prevailed and the House concurred in the Senate amendment H-8560.

Ford of Polk 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. 2432)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	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.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Rants	Rayhons	Reasoner	Reichert
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, none.

Absent or not voting, 6:

Baudler	Horbach	Raecker	Roberts
Sands	Wendt		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

SENATE AMENDMENT CONSIDERED

D. Olson of Boone called up for consideration **House File 2496**, a bill for an act relating to recycling initiatives, amended by the Senate, and moved that the House concur in the following Senate amendment H-8561:

H-8561

- 1 Amend House File 2496, as passed by the House, as
- 2 follows:
- 3 1. Page 2, by striking lines 7 through 9 and

- 4 inserting <and resource green list to be available
5 statewide.>
6 2. Page 2, line 21, by striking <Three> and
7 inserting <Four>
8 3. Page 2, line 24, by striking <and one> and
9 inserting <one>
10 4. Page 2, line 26, after <scrapyard> by inserting
11 <, and one member with expertise in the collection,
12 recycling, and reprocessing of waste tires>
13 5. Page 3, after line 1 by inserting:
14 <(5A) One member nominated by a national solid
15 waste management association representing private solid
16 waste disposal entities with expertise in the hauling
17 of solid waste.>
18 6. Page 4, after line 8 by inserting:
19 <(28) The director of the center for energy and
20 environmental education at the university of northern
21 Iowa.
22 (29) The director of the recycling and reuse
23 technology transfer center at the university of
24 northern Iowa.>
25 7. Page 4, line 19, after <a> by inserting
26 <not-for-profit>
27 8. Page 4, after line 23 by inserting:
28 <3. The department shall convene meetings
29 as necessary to develop recommendations for the
30 establishment of measures sufficient to provide
31 stewardship of waste tires as well as to promote the
32 recycling and reuse of such tires.>
33 9. Page 4, after line 23 by inserting:
34 4. This section is repealed January 1, 2012.>
35 10. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8561.

D. Olson of Boone 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. 2496)

The ayes were, 92:

Abdul-Samad	Anderson	Arnold	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck

Drake	Ficken	Ford	Frevert
Gaskill	Gayman	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.
Miller, L.	Olson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Rants
Rayhons	Reasoner	Reichert	Running-Marquardt
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, 3:

Alons	Forristall	Watts
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Absent or not voting, 5:

Horbach	Raecker	Roberts	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

Thede of Scott called up for consideration **House File 2193**, a bill for an act relating to emergency medical care providers, emergency medical care service programs and emergency medical care services training programs, and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H-8603:

H-8603

- 1 Amend House File 2193, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, by striking lines 34 and 35 and
- 4 inserting <association of counties. The council
- 5 shall also include at least two at-large members who

6 are volunteer emergency medical care providers and a
 7 representative of a private service program.>

8 2. By striking page 5, line 34, through page 8,
 9 line 14, and inserting:

10 <3. The department may deny an application for
 11 authorization, or may place on probation, suspend, or
 12 revoke the authorization of, or otherwise discipline
 13 a service program with an existing authorization
 14 if the department finds ~~reason to believe that~~ the
 15 service program has not been or will not be operated
 16 in compliance with this subchapter and the rules
 17 adopted pursuant to this subchapter, or that there
 18 is insufficient assurance of adequate protection
 19 for the public. The authorization denial or period
 20 of probation, suspension, or revocation, or other
 21 disciplinary action shall be effected and may be
 22 appealed as provided by section 17A.12.>

23 3. Page 12, by striking lines 3 through 14 and
 24 inserting:

25 <3. The department may deny an application for
 26 authorization, or may place on probation, suspend or
 27 revoke the authorization of, or otherwise discipline
 28 a training program with an existing authorization if
 29 the department finds reason to believe the program has
 30 not been or will not be operated in compliance with
 31 this subchapter and the rules adopted pursuant to this
 32 subchapter, or that there is insufficient assurance of
 33 adequate protection for the public. The authorization
 34 denial, period of probation, suspension, or revocation,
 35 or other disciplinary action shall be effected and may
 36 be appealed as provided by section 17A.12.>

37 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8603.

Theodore 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. 2193)

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	Isenhart	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	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, none.

Absent or not voting, 5:

Horbach	Raecker	Roberts	Sands
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 Files 2193, 2284, 2294, 2432, 2496 and 2525.**

McCarthy of Polk asked and received unanimous consent for the immediate consideration of Senate File 2371.

Ways and Means Calendar

Senate File 2371, a bill for an act relating to royalty fees for removal of sand and gravel from state-owned lands and waters located on the Cedar river in certain counties and including effective date provisions, with report of committee recommending passage, 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. 2371)

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	Frevrt	Gayman	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.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Rants	Rayhons	Reasoner	Reichert
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, none.

Absent or not voting, 6:

Gaskill	Horbach	Raecker	Roberts
Sands	Wendt		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

ADOPTION OF HOUSE RESOLUTION 50

Wessel-Kroeschell of Story called up for consideration **House Resolution 50**, as follows:

1 House Resolution 50
2 By Committee on Administration and Rules
3 A resolution relating to an annual budget for the
4 daily operations of the House of Representatives.
5 *Whereas*, the legislative authority of this state is
6 vested in the General Assembly consisting of the House
7 of Representatives and the Senate; and
8 *Whereas*, the House of Representatives necessarily
9 incurs substantial expenses for its daily operations;
10 and
11 *Whereas*, the House of Representatives is authorized
12 to expend funds from the state treasury necessary to
13 pay for its expenses and for expenses incurred jointly
14 by the House of Representatives and the Senate; and
15 *Whereas*, it is deemed advisable and proper for the
16 House of Representatives to make expenditures in
17 accordance with a budgetary plan; *Now Therefore*,
18 *Be It Resolved By The House Of Representatives*:
19 Section 1. Expenditures of the House of
20 Representatives payable pursuant to Iowa Code sections
21 2.10 through 2.14 for the regular legislative session
22 and the interim period during the fiscal year
23 beginning July 1, 2009, and ending June 30, 2010, are
24 budgeted to be as follows:
25 1. Members' salary, per diem, and expenses,
26 \$5,915,450.
27 2. Staff compensation, \$4,790,000.
28 3. Operations expenses, \$429,715.
29 Sec. 2. The Chief Clerk of the House of
30 Representatives shall immediately provide written

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1 notice to the Speaker and Minority Leader of the House
2 of Representatives and to the Chair and Ranking Member
3 of the House Committee on Appropriations if actual
4 expenditures payable pursuant to Iowa Code sections
5 2.10 through 2.14 exceed the maximum amount allocated
6 for any category of the budget provided by section 1
7 of this Resolution. The written notice shall specify
8 the amount of and reasons for any excess expenditure.
9 Sec. 3. Joint expenditures by the House of
10 Representatives and the Senate or by the Legislative
11 Council, special expenditures approved by the
12 Committee on Administration and Rules, and special
13 session expenses are not included in the budget set
14 forth in this Resolution.

Wessel-Kroeschell of Story offered the following amendment
H-8624 filed by her and moved its adoption:

H-8624

1 Amend House Resolution 50 as follows:
 2 1. Page 1, line 26, by striking <\$5,915,450> and
 3 inserting <\$5,866,500>
 4 2. Page 1, line 27, by striking <\$4,790,000> and
 5 inserting <\$4,111,000>
 6 3. Page 1, line 28, by striking <\$429,715> and
 7 inserting <\$324,500>
 8 4. Page 1, before line 29 by inserting:
 9 <Sec. 1A. Expenditures of the House of
 10 Representatives payable pursuant to Iowa Code sections
 11 2.10 through 2.14 for the regular legislative session
 12 and the interim period during the fiscal year beginning
 13 July 1, 2010, and ending June 30, 2011, are budgeted
 14 to be as follows:
 15 1. Members' salary, per diem, and expenses,
 16 \$5,866,500
 17 2. Staff compensation, \$4,111,000
 18 3. Operations expenses, \$324,500>
 19 5. Page 2, line 6, after <section 1> by inserting
 20 <or section 1A>
 21 6. By renumbering as necessary.

Amendment H-8624 was adopted.

On motion by Wessel-Kroeschell of Story the resolution, as amended, was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 108

Wessel-Kroeschell of Story called up for consideration **House Concurrent Resolution 108**, as follows and moved its adoption.

House Concurrent Resolution 108

By Committee on Administration and Rules

1 A concurrent resolution to approve and confirm the
 2 appointment of the Citizens' Aide.
 3 *Whereas*, chapter 2C provides that the Citizens'
 4 Aide shall be appointed by the Legislative Council
 5 with the approval and confirmation of a constitutional
 6 majority of the Senate and with the approval and
 7 confirmation of a constitutional majority of the House
 8 of Representatives; and
 9 *Whereas*, on June 10, 2009, the Legislative Council
 10 reappointed Mr. William P. Angrick II as Citizens'
 11 Aide for a term commencing July 1, 2009, and is
 12 submitting his name for approval and confirmation by a
 13 constitutional majority of the Senate and the House of

14 Representatives; *Now Therefore,*
15 *Be It Resolver By The House Of Representatives,*
16 The Senate Concurring, That Mr. William P. Angrick
17 Il is approved and confirmed as the Citizens' Aide
18 for a four-year term which commences July 1, 2009, as
19 provided in sections 2C.3 and 2C.5.

The motion prevailed and the resolution was adopted.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House Resolution 132.

ADOPTION OF HOUSE RESOLUTION 132

Wessel-Kroeschell of Story called up for consideration **House Resolution 132**, as follows and moved its adoption:

House Resolution 132

By Committee on Administration and Rules

1 A resolution amending the permanent rules of the House
2 of Representatives relating to voting by members.
3 *Be It Resolved By The House Of Representatives,*
4 That Rule 74, unnumbered paragraph 1, of the Rules of
5 the House, as adopted by the House of Representatives
6 during the 2009 Session in House Resolution 8, is
7 amended to read as follows:
8 Members present may cast their votes, either
9 by operating the voting mechanism located at their
10 assigned desk or by signaling the speaker from the
11 floor of the house or from the south visitors' gallery
12 if they are unable to vote at their assigned desk.
13 Only a member may operate the voting mechanism at that
14 member's assigned desk. The speaker shall announce the
15 votes of members signaling their votes. Upon direction
16 of the speaker only those members at their desks and
17 voting shall be counted. Members who are not present
18 shall not cast their votes except:

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 117

Mascher of Johnson called up for consideration **House Resolution 117**, a resolution urging Congress to require nutritional quality and options for school meals, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Concurrent Resolution 108** and **Senate File 2371**.

RULE 57 SUSPENDED

McCarthy of Polk asked and received unanimous consent to suspend Rule 57, related to committee meeting and agenda for a meeting of the committee on public safety at 7:30 a.m., March 27, 2010.

The House stood at ease at 5:18 p.m., until the fall of the gavel.

The House resumed session at 6:14 p.m., Speaker Murphy in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-four members present, sixteen absent.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House File 2532.

Ways and Means Calendar

House File 2532, a bill for an act exempting from the computation of the state individual income tax certain amounts received from the veterans trust fund and including a retroactive applicability provision, 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?" (H.F. 2532)

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
Huser	Isenhart	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Rants	Rayhons	Reasoner
Reichert	Running-Marquardt	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Wagner
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, none.

Absent or not voting, 7:

Horbach	Raecker	Roberts	Sands
Van Engelenhoven	Watts	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 **House File 2532** be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Van Engelenhoven of Marion and Watts of Dallas on request of Arnold of Lucas.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of Senate File 2387.

Senate File 2387, 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, with report of committee recommending passage, was taken up for consideration.

Thomas of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2387)

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
Huser	Isenhart	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Rants	Rayhons	Reasoner
Reichert	Running-Marquardt	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Wagner
Watts	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, none.

Absent or not voting, 6:

Horbach	Raecker	Roberts	Sands
Van Engelenhoven	Wendt		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of Senate Joint Resolution 2009.

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, with report of committee recommending passage, was taken up for consideration.

Burt of Black Hawk moved that the joint resolution be read a last time now and placed upon its adoption and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 2009)

The ayes were, 92:

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	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
May	McCarthy	Mertz	Miller, H.
Miller, L.	Olson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Rants
Rayhons	Reasoner	Reichert	Running-Marquardt
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Wagner	Watts	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Mr. Speaker
			Murphy

The nays were, 2:

Hunter	Mascher
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Absent or not voting, 6:

Horbach	Raecker	Roberts	Sands
Van Engelenhoven	Wendt		

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate Joint Resolution 2009** and **Senate File 2387** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Heddens of Story called up for consideration **House File 2526**, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions, amended by the Senate amendment H-8568 as follows:

H-8568

1 Amend House File 2526, as amended,
 2 passed, and reprinted by the House, as follows:
 3 1. Page 4, line 14, by striking <(1)>
 4 2. Page 4, after line 16 by inserting:
 5 <(1) Of the funds allocated in this lettered
 6 paragraph, \$756,613 shall be used for the public
 7 purpose of a grant program to provide substance abuse
 8 prevention programming for children.
 9 (a) Of the funds allocated in this subparagraph,
 10 \$355,000 shall be utilized for the public purpose
 11 of providing grant funding for organizations that
 12 provide programming for children by utilizing mentors.
 13 Programs approved for such grants shall be certified
 14 or will be certified within six months of receiving
 15 the grant award by the Iowa commission on volunteer
 16 services as utilizing the standards for effective
 17 practice for mentoring programs.
 18 (b) Of the funds allocated in this subparagraph,
 19 \$360,000 shall be utilized for the public purpose
 20 of providing grant funding for organizations that
 21 provide programming that includes youth development

22 and leadership. The programs shall also be recognized
23 as being programs that are scientifically based with
24 evidence of their effectiveness in reducing substance
25 abuse in children.

26 (c) The Iowa department of public health shall
27 utilize a request for proposals process to implement
28 the grant program.

29 (d) All grant recipients shall participate in a
30 program evaluation as a requirement for receiving grant
31 funds.

32 (e) Of the funds allocated for the grant program,
33 \$41,613 shall be used to administer substance abuse
34 prevention grants and for program evaluations.>

35 3. Page 7, line 6, by striking <3,522,313> and
36 inserting <3,572,313>

37 4. Page 7, line 19, by striking <\$489,868> and
38 inserting <\$539,868>

39 5. Page 8, by striking lines 3 and 4 and inserting
40 <disorders.>

41 6. Page 13, line 22, by striking <3,212,987> and
42 inserting <3,287,987>

43 7. Page 13, line 29, by striking <\$209,229> and
44 inserting <\$234,229>

45 8. Page 14, after line 4 by inserting:

46 <d. Of the funds appropriated in this subsection,
47 \$50,000 shall be used for education, testing, training,
48 and other costs to conform the requirements for
49 certification of emergency medical care providers with
50 national standards.>

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1 9. Page 19, line 9, by striking <115-5> and
2 inserting <111-5>

3 10. Page 19, by striking lines 15 through 17 and
4 inserting <in the following priority order: the family
5 investment program for the fiscal year and for state
6 child care assistance program>

7 11. By striking page 19, line 24, through page 20,
8 line 11.

9 12. Page 20, line 12, by striking <c.> and
10 inserting <b.>

11 13. Page 20, line 16, by striking <d.> and
12 inserting <c. For the purposes of this lettered
13 paragraph, "employment and training-related programs"
14 means summer youth programs and other employment and
15 training-related programs, as allowed by federal law,
16 that are administered by the department of workforce
17 development.>

18 14. Page 20, line 17, by striking <summer
19 youth programs> and inserting <employment and
20 training-related programs>

- 21 15. Page 20, lines 22 and 23, by striking <summer
22 youth employment programs> and inserting <employment
23 and training-related programs>
- 24 16. Page 20, line 32, by striking <115-5> and
25 inserting <111-5>
- 26 17. Page 20, by striking lines 33 and 34 and
27 inserting <collaboration shall be for the purpose of
28 securing emergency contingency funds to subsidize the
29 administrative costs and wages>
- 30 18. Page 20, line 35, through page 21, line 1,
31 by striking <summer youth employment program> and
32 inserting <employment and training-related programs>
- 33 19. Page 21, line 2, after <wages> by inserting <,
34 administrative costs, and other costs of the employment
35 and training-related programs>
- 36 20. Page 21, line 4, by striking <115-5> and
37 inserting <111-5>
- 38 21. Page 21, by striking lines 10 through 12 and
39 inserting <workforce development to be used for the
40 purpose of covering administrative costs and the costs
41 of wages and other costs relating to the employment and
42 training-related programs administered by the>
- 43 22. Page 21, by striking line 19 and inserting <of
44 administrative costs and the costs of wages and other
45 federally allowed costs relating to the employment
46 and training-related programs that are eligible for
47 reimbursement under the terms>
- 48 23. Page 21, line 21, by striking <115-5> and
49 inserting <111-5>
- 50 24. Page 21, after line 32 by inserting:

Page 3

- 1 <(5) The department of workforce development
2 regional advisory boards shall make every effort to
3 implement a competitive bidding process seeking one
4 or more qualified agencies or other organizations to
5 administer summer youth employment programs for their
6 areas.>
- 7 25. Page 25, after line 34 by inserting:
8 <4. Of the funds appropriated in this section,
9 \$200,000 shall be used for continuation of a grant to
10 an Iowa-based nonprofit organization with a history
11 of providing tax preparation assistance to low-income
12 Iowans in order to expand the usage of the earned
13 income tax credit. The purpose of the grant is to
14 supply this assistance to underserved areas of the
15 state.>
- 16 26. Page 27, line 25, by striking <418,921,344> and
17 inserting <412,546,344>
- 18 27. Page 28, line 33, by striking <diagnosis> and
19 inserting <diagnostic>

20 28. Page 31, line 28, after <inpatient> by
21 inserting <and outpatient>
22 29. Page 33, after line 35 by inserting:
23 <24. a. The department of human services shall
24 amend the medical assistance waiver for the Iowa family
25 planning network to continue the current waiver with
26 the following modifications which provide for all of
27 the following:
28 (1) Coverage for women who meet all of the
29 following criteria:
30 (a) Are uninsured or have health insurance coverage
31 that does not include coverage for benefits provided
32 under the Iowa family planning network.
33 (b) Have income of up to 300 percent of the federal
34 poverty level.
35 (c) Are under 55 years of age.
36 (2) Coverage of pregnancy prevention services for
37 men who meet the income, age, and insurance coverage
38 specifications described in subparagraph (1).
39 b. Implementation of this section is contingent
40 upon approval of the medical assistance waiver for
41 the Iowa family planning network by the centers for
42 Medicare and Medicaid services of the United States
43 department of health and human services and upon
44 availability of funding as determined by the director
45 of the department of human services.
46 c. Of the funds appropriated in this section,
47 \$25,000 shall be used for administrative costs for
48 renewal and modification of the Iowa family planning
49 network waivers as provided in this subsection.>
50 30. Page 38, line 26, by striking <6,977,599> and

Page 4

1 inserting <7,777,599>
2 31. Page 38, line 32, by striking <10,851,062> and
3 inserting <11,001,062>
4 32. Page 41, line 13, after <subsection 7.> by
5 inserting <An appropriate amount of the funds allocated
6 in this subsection may be used for wraparound and
7 emergency services to prevent the need for shelter care
8 services, including such services for children who have
9 an immediate need for shelter care services but are
10 ineligible due to income, status, or other requirement.
11 The funding shall be expended by providers in a manner
12 that does not impinge upon the availability of beds for
13 eligible children.>
14 33. Page 45, after line 16 by inserting:
15 <__. Of the funds appropriated in this section,
16 at least \$211,721 shall be used for the child welfare
17 training academy.>
18 34. Page 50, line 21, by striking <10,295,207> and

19 inserting <11,345,207>

20 35. Page 54, line 9, by striking <53,207,624> and
21 inserting <56,207,624>

22 36. Page 54, line 22, by striking <15,352,271> and
23 inserting <16,602,271>

24 37. Page 54, after line 29 by inserting:

25 <3. Of the funds appropriated in this section,
26 \$500,000 shall be used for implementation activities
27 necessary to conform the Medicaid and related human
28 services programs to enactment of federal health care
29 coverage reforms. The department and the general
30 assembly's legislative health care coverage commission
31 shall work collaboratively and share resources in
32 addressing changes of the state's public and private
33 health coverage systems necessitated by the federal
34 reforms.

35 4. Of the funds appropriated in this section,
36 \$150,000 shall be used to implement a program to
37 provide technical assistance, support, and consultation
38 to providers of habilitation services and home and
39 community-based waiver services for adults with
40 disabilities under the medical assistance program.
41 Notwithstanding chapter 8A, subchapter III, or
42 any other provision of law to the contrary, the
43 department shall contract with a statewide organization
44 representing providers of such services to provide the
45 program.

46 5. Of the funds appropriated in this section,
47 \$200,000 shall be used to expand the provision of
48 nationally accredited and recognized internet-based
49 training to include mental health and disability
50 services providers.>

Page 5

1 38. Page 73, line 11, by striking <8,500,000> and
2 inserting <13,900,000>

3 39. Page 73, by striking line 12 and inserting:

4 <1. Of the funds appropriated in this section,
5 \$7,500,000 shall be used for>

6 40. Page 74, by striking lines 1 through 17 and
7 inserting:

8 <1. To the department of public health:

9 \$ 635,000

10 a. Of the funds appropriated in this subsection,
11 \$500,000 is allocated for addictive disorders to be
12 used for substance abuse treatment and prevention.

13 b. Of the funds appropriated in this subsection,
14 \$35,000 is allocated for chronic conditions to be used
15 as follows:

16 (1) \$20,000 shall be used for grants to individual
17 patients who have phenylketonuria (PKU) to assist with

18 the costs of necessary special foods.

19 (2) \$15,000 shall be used for child health
20 specialty clinics.

21 c. Of the funds appropriated in this subsection,
22 \$100,000 is allocated for public protection to be used
23 for the state poison control center.>

24 41. Page 76, by striking line 16 and inserting
25 <trust fund, the health care trust fund, and the
26 quality assurance trust fund, are in excess of>

27 42. Page 81, line 9, by striking <5> and inserting
28 <4>

29 43. Page 81, line 11, by striking <5> and inserting
30 <4>

31 44. Page 81, line 17, by striking <"a"> and
32 inserting <"d">

33 45. Page 82, after line 27 by inserting:

34 <CHILD WELFARE DECATORIZATION
35 FY 2008-2009 NONREVERSION

36 Sec. ___. 2008 Iowa Acts, chapter 1187, section 16,
37 subsection 5, is amended by adding the following new
38 unnumbered paragraph:

39 NEW UNNUMBERED PARAGRAPH Notwithstanding section
40 232.188, subsection 5, moneys from the allocations made
41 in this subsection or made from any other source for
42 the decategorization of child welfare and juvenile
43 justice funding initiative under section 232.188,
44 that are designated as carryover funding that remain
45 unencumbered or unobligated at the close of the fiscal
46 year beginning July 1, 2009, following the transfer
47 made pursuant to 2010 Iowa Acts, Senate File 2366,
48 section 19, if enacted, shall not revert but shall
49 be used until the close of the fiscal year beginning
50 July 1, 2010, as follows: the first \$1,925,000 shall

Page 6

1 be used to restore up to half of the reimbursement
2 rate reduction applied to adoption, family foster
3 care, group foster care, and supervised apartment
4 living services providers to implement appropriations
5 reductions applied pursuant to executive order number
6 19 issued October 8, 2009, and the remainder shall be
7 used for the purposes of continuing the initiative in
8 the fiscal year.>

9 46. Page 88, line 35, by striking <a. (1)> and
10 inserting <a. For the purposes of this subsection,
11 "employment and training-related programs" means
12 summer youth programs and other employment and
13 training-related programs, as allowed by federal law,
14 that are administered by the department of workforce
15 development.>

16 47. Page 89, line 1, by striking <summer

17 youth programs> and inserting <employment and
18 training-related programs>

19 48. Page 89, line 7, by striking <summer youth
20 employment programs> and inserting <employment and
21 training-related programs>

22 49. Page 89, line 10, by striking <lettered
23 paragraph> and inserting <subsection>

24 50. Page 89, line 11, by striking <(2)> and
25 inserting <b.>

26 51. Page 89, by striking lines 17 through 21 and
27 inserting <collaboration shall be for the purpose of
28 securing emergency contingency funds to subsidize
29 the administrative costs and wages paid on behalf
30 of individuals participating in the employment and
31 training-related programs and administered by the
32 department of workforce development. Such costs shall
33 be eligible for>

34 52. Page 89, line 27, by striking <(3)> and
35 inserting <c.>

36 53. Page 89, by striking lines 29 through 31 and
37 inserting <workforce development for the purpose of
38 covering the administrative costs and wages paid on
39 behalf of individuals participating in the employment
40 and training-related programs administered by the>

41 54. Page 90, line 11, by striking <(4)> and
42 inserting <d.>

43 55. Page 90, after line 29 by inserting:

44 <FEDERAL CHILD CARE AND DEVELOPMENT BLOCK GRANT
45 FEDERAL FISCAL YEAR 2009-2010

46 Sec. ____ CHILD CARE AND DEVELOPMENT
47 APPROPRIATION. There is appropriated from the
48 fund created by section 8.41 to the department of human
49 services for the federal fiscal year beginning October
50 1, 2009, and ending September 30, 2010, the following

Page 7

1 amount:
2 \$ 15,755,256

3 Funds appropriated in this section are the
4 additional funding anticipated to be received from the
5 federal government under the federal American Recovery
6 and Reinvestment Act of 2009 for the federal child care
7 and development block grant, and include the allocation
8 made from the funds for infant and toddler care quality
9 in 2009 Iowa Acts, chapter 183, section 62. The
10 department shall expend the remainder of the funds
11 appropriated in this section for the state child care
12 assistance program under section 237A.13, as provided
13 in the federal law making the funds available and in
14 conformance with chapter 17A.>

15 56. Page 90, after line 29 by inserting:

16 <FOOD ESTABLISHMENT INSPECTIONS
 17 Sec. ____ FOOD ESTABLISHMENT INSPECTIONS.
 18 Notwithstanding any contrary provisions of section
 19 137F.3A or other applicable law, if within ninety
 20 calendar days of the effective date of this division
 21 of this Act a county operating pursuant to a chapter
 22 28E agreement with the department of inspections and
 23 appeals to enforce chapters 137C, 137D, and 137F, in a
 24 multicounty area consisting of fifteen or more counties
 25 elects not to renew the agreement for the multicounty
 26 area, and the department has determined that the
 27 quality of service provided by the county has been
 28 acceptable or better, the department shall enter into
 29 an agreement with the county for the county to continue
 30 such enforcement activity for the food establishments,
 31 home food establishments, food processing plants, and
 32 hotels located within the county.>
 33 57. Page 114, after line 33 by inserting:
 34 <Sec. ____ 2010 Iowa Acts, Senate File 2088,
 35 section 399, as enacted, is amended to read as follows:
 36 SEC. 399. REPEAL. Sections 135.28, ~~135N.1, 135N.2,~~
 37 ~~135N.3, 135N.4, 135N.5, 135N.6,~~ and 142C.16, Code 2009,
 38 are repealed.>
 39 58. By renumbering as necessary.

Heddens of Story offered amendment H-8634, to the Senate amendment H-8568, filed by her from the floor as follows:

H-8634

1 Amend the Senate amendment, H-8568, to House File
 2 2526, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, line 6, by striking <\$756,613> and
 5 inserting <\$943,813>
 6 2. Page 1, line 10, by striking <\$355,000> and
 7 inserting <\$449,445>
 8 3. Page 1, line 19, by striking <\$360,000> and
 9 inserting <\$449,445>
 10 4. Page 1, line 33, by striking <\$41,613> and
 11 inserting <\$44,923>
 12 5. Page 1, after line 34 by inserting:
 13 <____. Page 6, line 2, by striking <2,710,062> and
 14 inserting <2,735,062>
 15 ____ Page 6, line 11, by striking <\$304,885> and
 16 inserting <\$329,885>>
 17 6. Page 1, line 36, by striking <3,572,313> and
 18 inserting <3,597,313>
 19 7. Page 1, after line 36 by inserting:
 20 <____. Page 7, line 12, by striking <\$416,682> and
 21 inserting <\$441,682>>

- 22 8. By striking page 2, line 50, through page 3,
23 line 6.
- 24 9. Page 3, line 26, after <modifications> by
25 inserting <, to be effective July 1, 2011,>
- 26 10. Page 3, line 39, by striking <section> and
27 inserting <subsection>
- 28 11. Page 4, line 16, by striking <\$211,721> and
29 inserting <\$47,158>
- 30 12. Page 4, line 19, by striking <11,345,207> and
31 inserting <11,295,207>
- 32 14. Page 4, by striking lines 25 through 34.
- 33 13. Page 4, by striking lines 41 through 45.
- 34 15. Page 6, by striking lines 1 through 8 and
35 inserting <be transferred to the appropriation
36 for medical assistance to be used to reduce the
37 waiting lists for the medical assistance home and
38 community-based services waivers, and the remainder
39 shall be used for the purposes of continuing the
40 initiative in the fiscal year.>>
- 41 16. Page 7, line 2, by striking <15,755,256> and
42 inserting <18,120,812>
- 43 17. Page 7, after line 32 by inserting:
44 <__. Page 113, after line 17 by inserting:
45 <Sec. __. Section 135N.5, subsection 1, Code 2009,
46 is amended to read as follows:
47 1. The committee shall meet ~~no less than four~~
48 ~~times per year~~ as often as deemed necessary and is
49 subject to chapters 21 and 22 relating to open meetings
50 and public records. To the maximum extent possible.

Page 2

- 1 the committee shall coordinate meeting schedules and
2 staffing with the center for congenital and inherited
3 disorders advisory committee established by rule of the
4 department pursuant to chapter 136A. >>
5 18. By renumbering as necessary.

Heddens of Story offered the following amendment H-8637, to amendment H-8634 to the Senate amendment H-8568 filed by her from the floor and moved its adoption:

H-8637

- 1 Amend the amendment, H-8634, to the Senate
2 amendment, H-8568, to House File 2526, as amended,
3 passed, and reprinted by the House, as follows:
4 1. Page 1, after line 33 by inserting:
5 <__. Page 4, after line 50 by inserting:
6 <__. Page 55, line 15, after <plan,> by inserting
7 <a representative of an organization providing remedial

8 services that is also licensed as a community mental
 9 health center for children and as a psychiatric medical
 10 institution for children,>
 11 ____ Page 60, by striking lines 2 through 4 and
 12 inserting <maintenance rate and the maximum adoption
 13 subsidy rate for>
 14 ____ Page 60, line 9, by striking <\$18.87.> and
 15 inserting <\$17.93. The maximum supervised apartment
 16 living foster care rate and the preparation for adult
 17 living program maintenance rate for children and young
 18 adults ages 16 and older shall be \$18.87.>>>
 19 2. Page 1, line 42, by striking <18,120,812> and
 20 inserting <18,120,842>
 21 3. By renumbering as necessary.

Amendment H-8637 was adopted.

Division on amendment H-8634, as amended, was requested as follows:

Page 1 lines 4 through 31 and Page 1 line 33 through Page 2 Line 4, Division A
 Page 1 line 32, Division B.

Heddens of Story moved the adoption of amendment H-8634A, as amended, to the Senate amendment H-8568.

Amendment H-8634A, as amended, was adopted, placing out of order amendment H-8632 to the Senate amendment H-8568, filed by Hagenow of Polk and Windschitl of Harrison from the floor.

Heddens of Story moved the adoption of amendment H-8634B.

Roll call was requested by Schulte of Linn and Smith of Marshall.

On the question "Shall amendment H-8634B be adopted?" (H.F. 2526)

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
Huser	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	Rayhons	Reasoner	Reichert
Running-Marquardt	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Wagner	Watts
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, none.

Absent or not voting, 7:

Horbach	Raecker	Rants	Roberts
Sands	Van Engelenhoven	Wendt	

Amendment H-8634B was adopted.

Smith of Marshall asked and received unanimous consent to withdraw amendment H-8614, to the Senate amendment H-8568, filed by him on March 25, 2010.

Heaton of Henry offered the following amendment H-8616, to the Senate amendment H-8568, filed by him and moved its adoption:

H-8616

1 Amend the Senate amendment, H-8568, to House File
 2 2526, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 3, by striking lines 33 and 34.
 5 2. Page 3, line 35, by striking <(c)> and inserting
 6 <(b)>

Amendment H-8616 lost.

Schulte of Linn asked and received unanimous consent to withdraw amendment H-8622, to the Senate amendment H-8568,

filed by her, et al., on March 25, 2010.

L. Miller of Scott asked and received unanimous consent to withdraw amendment H-8615, to the Senate amendment H-8568, filed by her on March 25, 2010.

Heddens of Story offered the following amendment H-8638, to the Senate amendment H-8568, filed by her from the floor and moved its adoption:

H-8638

1 Amend the Senate amendment, H-8568, to House File
2 2526, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 7, after line 32 by inserting:
5 <__. Page 113, after line 17 by inserting:
6 <Sec. __. Section 135N.3, subsection 2, Code 2009,
7 is amended to read as follows:
8 2. The committee shall review and make
9 recommendations to the ~~director~~ center for congenital
10 and inherited disorders advisory committee established
11 by rule of the department pursuant to chapter
12 136A concerning but not limited to the following: >>
13 2. Page 7, line 37, by striking <, 135N.6,> and
14 inserting <, 135N.6,>

Amendment H-8638 was adopted.

L. Miller of Scott offered the following amendment H-8639, to the Senate amendment H-8568, filed by her and Heaton of Henry from the floor and moved its adoption:

H-8639

1 Amend the Senate amendment, H-8568, to House File
2 2526, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 7, after line 32 by inserting:
5 <__. Page 113, after line 17 by inserting:
6 <Sec. __. Section 232.188, subsection 5, paragraph
7 b, unnumbered paragraph 1, Code 2009, is amended to
8 read as follows:
9 Notwithstanding section 8.33, moneys designated for
10 a project's decategorization services funding pool that
11 remain unencumbered or unobligated at the close of the
12 fiscal year shall not revert but shall remain available
13 for expenditure as directed by the project's governance

14 board for child welfare and juvenile justice systems
 15 enhancements and other purposes of the project ~~until~~
 16 ~~the close of the succeeding fiscal year and for the~~
 17 next two succeeding fiscal years. Such moneys shall
 18 be known as "carryover funding". Moneys may be made
 19 available to a funding pool from one or more of the
 20 following sources: >>
 21 2. By renumbering as necessary.

Amendment H-8639 was adopted.

Roll call was requested by Heaton of Henry and L. Miller of Scott.

On the question "Shall the Senate amendment H-8568, as amended, be adopted?" (H.F. 2526)

The ayes were, 54:

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.	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, 40:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Huseman
Huser	Kaufmann	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Rants	Rayhons	Schulte
Schultz	Soderberg	Sorenson	Struyk
Sweeney	Tjepkes	Tymeson	Upmeyer
Wagner	Watts	Windschitl	Worthan

Absent or not voting, 6:

Horbach	Raecker	Roberts	Sands
Van Engelenhoven	Wendt		

The motion prevailed and the House concurred in the Senate amendment H-8568, as amended.

Heddens of Story moved that the bill, as amended by the Senate further amended, and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2526)

The ayes were, 54:

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.	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, 40:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Huseman
Huser	Kaufmann	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Rants	Rayhons	Schulte
Schultz	Soderberg	Sorenson	Struyk
Sweeney	Tjepkes	Tymeson	Upmeyer
Wagner	Watts	Windschitl	Worthan

Absent or not voting, 6:

Horbach	Raecker	Roberts	Sands
Van Engelenhoven	Wendt		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of Senate File 2388.

Ways and Means Calendar

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, with report of committee recommending passage, was taken up for consideration.

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. 2388)

The ayes were, 86:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Petersen	Quirk
Rants	Rayhons	Reasoner	Reichert
Schueller	Schulte	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Wagner	Watts	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Worthan
Zirkelbach	Mr. Speaker Murphy		

The nays were, 7:

De Boef	Helland	Paulsen	Pettengill
Running-Marquardt	Schultz	Windschitl	

Absent or not voting, 7:

Horbach
Sands

Lukan
Van Engelenhoven

Raecker
Wendt

Roberts

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 2526** and **Senate File 2388** be immediately messaged to the Senate.

MOTION TO RECONSIDER (Senate File 2367)

I move to reconsider the vote by which Senate File 2367 passed the House on March 26, 2010.

MCCARTHY of Polk

MOTION TO RECONSIDER (Senate File 2376)

I move to reconsider the vote by which Senate File 2376 passed the House on March 26, 2010.

MCCARTHY of Polk

EXPLANATION OF VOTE

I inadvertently voted "aye" on Senate File 2367, I meant to vote "nay".

RAYHONS of Hancock

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 26, 2010, he approved and transmitted to the Secretary of State the following bill:

Senate File 2305, an Act modifying sex offender registry provisions, and providing penalties and including effective date provisions.

AMENDMENT FILED

H—8636 S.F. 2363 Isenhart of Dubuque

On motion by McCarthy of Polk the House adjourned at 7:46 p.m., until 9:00 a.m., Saturday, March 27, 2010.

JOURNAL OF THE HOUSE

Seventy-sixth Calendar Day - Fifty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Saturday, March 27, 2010

The House met pursuant to adjournment at 11:29 a.m., Speaker Murphy in the chair.

Prayer was offered by the Honorable Christopher Rants, state representative from Woodbury County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Katie, Natalie and Gerard Sam Ruiz. They are the grandchildren of Representative Marcella Frevert, state representative from Palo Alto County.

The Journal of Friday, March 26, 2010 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Horbach of Tama and Raecker of Polk on request of Paulsen of Linn; 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 26, 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 2284, a bill for an act relating to various activities regulated and programs administered by the department of public health, including fetal death certification, and optometry, cosmetology, and barbering licensure, and including effective date provisions.

Also: That the Senate has on March 26, 2010, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on March 26, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2532, a bill for an act exempting from the computation of the state individual income tax certain amounts received from the veterans trust fund and including a retroactive applicability provision.

Also: That the Senate has on March 26, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on March 26, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on March 26, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

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.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 11:37 a.m., until the fall of the gavel.

The House resumed session at 12:58 p.m., Speaker Murphy in the chair.

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 27, 2010, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 108, a concurrent resolution to approve and confirm the appointment of the Citizens' Aide.

Also: That the Senate has on March 27, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2379, a bill for an act relating to permits to carry weapons and permits to acquire pistols and revolvers including the dissemination of information relating to persons suffering from mental and substance abuse health-related disorders and the possession of firearms and providing penalties and an effective date.

MICHAEL E. MARSHALL, Secretary

On motion by Smith of Marshall, the House was recessed at 12:58 p.m., until 2:30 p.m.

AFTERNOON SESSION

The House reconvened at 3:21 p.m., Bukta of Clinton in the chair.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of Senate File 2383.

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 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8645** March 27, 2010.

CONSIDERATION OF BILLS Appropriations Calendar

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, with report of committee recommending passage, was taken up for consideration.

McCarthy of Polk asked and received unanimous consent to defer Senate File 2383.

The House stood at ease at 3:27 p.m., until the fall of the gavel.

The House resumed session at 7: 14 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILL

House File 2534, by committee on appropriations, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date.

Read first time and placed on the **appropriations calendar**.

SENATE MESSAGE CONSIDERED

Senate File 2379, by Gronstal, a bill for an act relating to permits to carry weapons and permits to acquire pistols and revolvers including the dissemination of information relating to persons suffering from mental and substance abuse health-related disorders and the possession of firearms and providing penalties and an effective date.

Read first time and **passed on file**.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-five members present, fifteen absent.

Appropriations Calendar

The House resumed consideration of 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, previously deferred.

Wenthe of Fayette offered the following amendment H-8645 filed by the committee on appropriations from the floor and moved its adoption:

H-8645

1 Amend Senate File 2383, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 8, by striking lines 19 through 22 and
4 inserting <debt coordinator, on behalf of the state,
5 shall have a right to a lien against all monetary
6 claims arising from a civil action which the debtor may
7 file against a third party. A lien under this section
8 becomes effective once the state debt coordinator files
9 a notice of>

10 2. Page 10, lines 17 and 18, by striking <has
11 authority to file a satisfaction of the lien> and
12 inserting <shall file a satisfaction of the lien in the
13 civil action if the state debt coordinator, pursuant
14 to this subsection, settles any part of the debt
15 obligation owed the state.>

16 3. Page 11, line 5, by striking <The> and inserting
17 <Except as provided in subsection 7, the>

18 4. Page 11, after line 8 by inserting:
19 <7. An insurance company that makes a payment to
20 the debtor or the debtor's attorney in a civil action
21 that is subject to a lien under this section shall have
22 no further liability for the lien filed in the civil
23 action.>

24 5. Page 11, by striking lines 9 through 14 and
25 inserting:

26 <8. As used in this section, unless the context
27 otherwise requires:

28 a. "Insurance company" means an insurer organized or
29 operating under chapter 508, 514, 514B, 515, 518, 518A,
30 519, or 520, or authorized to do business in Iowa as an
31 insurer or an insurance producer under chapter 522B.

32 b. "Third party" means an individual, institution,

33 corporation, or public or private agency which is or
 34 may be liable to pay all or part of a debtor's monetary
 35 claim. "Third party" does not include a financial
 36 institution as defined in section 572.2.>
 37 6. Page 20, lines 16 and 17, by striking <case in
 38 which the debt accrued> and inserting <eligible debt>

The committee amendment H-8645 was adopted.

Wenthe of Fayette offered the following amendment H-8650 filed by him from the floor and moved its adoption:

H-8650

1 Amend Senate File 2383, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 15, after line 31 by inserting:
 4 <Sec. ____ NEW SECTION. 421C.5 Future repeal.
 5 This chapter is repealed January 1, 2014. The
 6 general assembly shall consider corresponding
 7 amendments to the Code of Iowa to effectuate the repeal
 8 of this chapter.>

Amendment H-8650 was adopted.

Wenthe of Fayette 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. 2383)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, 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

Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	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, 4:

Horbach	Raecker	Tjepkes	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 **Senate File 2383** be immediately messaged to the Senate.

The House stood at ease at 7:40 p.m., until the fall of the gavel.

The House resumed session at 8:02 p.m., Speaker Murphy in the chair.

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 APPROPRIATIONS

Committee Bill (Formerly House Study Bill 742), relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 27, 2010.

COMMITTEE ON PUBLIC SAFETY

House File 2528, a bill for an act relating to permits to carry weapons and permits to acquire pistols and revolvers including the dissemination of information relating to persons suffering from mental and substance abuse health-related disorders and the possession of firearms and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8641** March 27, 2010.

AMENDMENTS FILED

H—8640	H.F.	2531	Senate Amendment
H—8641	H.F.	2528	Committee on Public Safety
H—8642	H.F.	2531	Pettengill of Benton
H—8643	H.F.	2531	Rants of Woodbury
H—8644	H.F.	2531	Rants of Woodbury
H—8646	H.F.	2531	Steckman of Cerro Gordo
H—8647	H.F.	2531	Tymeson of Madison
H—8648	H.F.	2531	Tymeson of Madison
H—8649	H.F.	2531	R. Olson of Polk
H—8651	H.F.	2531	Isenhart of Dubuque
H—8652	S.F.	2379	Roberts of Carroll

On motion by McCarthy of Polk the House adjourned at 8:09 p.m., until 10:00 a.m., Monday, March 29, 2010.

JOURNAL OF THE HOUSE

Seventy-eighth Calendar Day - Fifty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 29, 2010

The House met pursuant to adjournment at 10:08 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Bob Speirs, pastor of St. Johns Lutheran Church, Des Moines. He was the guest of Representative Janet Petersen, state representative from Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by John Johnson, House Page from Stratford.

The Journal of Saturday, March 27, 2010 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 27, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2512, a bill for an act concerning weight limits for certain commercial motor vehicles on noninterstate highways.

Also: That the Senate has on March 27, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 27, 2010, passed the following bill in which the concurrence of the House is asked:

Senate File 2389, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals

fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date.

MICHAEL E. MARSHALL, Secretary

On motion by McCarthy of Polk, the House was recessed at 10:14 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:12 p.m., Speaker Murphy in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Boef of Keokuk on request of Paulsen of Linn; Schulte of Linn, until her return, on request of Paulsen of Linn; Wendt of Woodbury on request of McCarthy of Polk.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-three members present, seven absent.

SENATE MESSAGE CONSIDERED

Senate File 2389, by committee on appropriations, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date.

Read first time and **passed on file**.

CONSIDERATION OF BILLS

Regular Calendar

House File 2528, a bill for an act relating to permits to carry weapons and permits to acquire pistols and revolvers including the

dissemination of information relating to persons suffering from mental and substance abuse health-related disorders and the possession of firearms and providing penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Baudler of Adair offered the following committee amendment H-8641 filed by the committee on public safety and moved its adoption:

H-8641

1 Amend House File 2528 as follows:

2 1. Page 1, by striking lines 1 through 14.

3 2. Page 2, by striking lines 4 through 7 and
4 inserting <forwarding to the federal bureau of
5 investigation information that a person has been
6 disqualified from possessing, shipping, transporting,
7 or receiving a firearm pursuant to section 724.31.>

8 3. Page 2, after line 7 by inserting:

9 <Sec. ____ Section 602.8102, Code 2009, is amended
10 by adding the following new subsection:

11 NEW SUBSECTION. 125A. Forward information that a
12 person has been disqualified from possessing, shipping,
13 transporting, or receiving a firearm pursuant to
14 section 724.31 to the department of public safety.>

15 4. Page 2, by striking lines 10 through 30 and
16 inserting:

17 <A permit issued under this chapter is invalid if
18 the person to whom the permit is issued is intoxicated
19 as provided in section 321J.2, subsection 1.>

20 5. Page 3, line 8, after <permit.> by inserting
21 <Such permits shall not be issued for a particular
22 weapon and shall not contain information about a
23 particular weapon including the make, model, or serial
24 number of the weapon or any ammunition used in that
25 weapon.>

26 6. Page 3, by striking lines 24 and 25 and
27 inserting:

28 ~~<3. 2. The person is not Is addicted to the use of
29 alcohol or any controlled substance.>~~

30 7. Page 3, by striking line 26 and inserting:
31 ~~<4. 3. The person has no history of repeated
32 acts of violence. Probable cause exists to believe,
33 based upon documented specific actions of the person,
34 where at least one of the actions occurred within two
35 years immediately preceding the date of the permit
36 application, that the person is likely to use a weapon
37 unlawfully or in such other manner as would endanger~~

- 38 the person's self or others.>>
 39 8. Page 3, line 29, by striking <2.> and inserting
 40 4.>
 41 9. Page 3, line 30, by striking <3.> and inserting
 42 5.>
 43 10. Page 3, line 33, after <708.7> by inserting
 44 <not involving the use of a firearm or explosive>
 45 11. By striking page 3, line 34, through page 4,
 46 line 31, and inserting:
 47 <6. Is prohibited by federal law from shipping,
 48 transporting, possessing, or receiving a firearm.>
 49 12. Page 5, by striking lines 2 and 3 and
 50 inserting:

Page 2

- 1 <a. Completion of any national rifle association
 2 handgun safety training course.>
 3 13. Page 5, by striking line 4 and inserting:
 4 b. Completion of any handgun safety training>
 5 14. Page 5, line 8, by striking <school> and
 6 inserting <school,>
 7 15. Page 5, by striking lines 12 and 13 and
 8 inserting:
 9 <c. Completion of any handgun safety training
 10 course offered for security guards,>
 11 16. Page 5, line 15, after <agency> by inserting
 12 <approved by the department of public safety>
 13 17. Page 5, by striking lines 16 and 17.
 14 18. Page 5, line 18, by striking <e.> and inserting
 15 d.>
 16 19. Page 5, by striking lines 29 through 32.
 17 20. Page 5, line 33, by striking <g.> and inserting
 18 e.>
 19 21. Page 6, by striking lines 12 and 13.
 20 22. Page 6, line 26, by striking <age> and
 21 inserting <age date of birth>
 22 23. Page 7, by striking lines 11 through 15 and
 23 inserting:
 24 <3. A person who knowingly makes what the person
 25 knows to be a false statement of material fact on
 26 the an application submitted under this section or who
 27 submits what the person knows to be any materially
 28 falsified or forged documentation in connection with
 29 such an application commits a class "D" felony.>
 30 24. Page 7, by striking line 21 and inserting
 31 <Applications ~~from~~ for professional permits to carry
 32 weapons for persons who are nonresidents of the state.>
 33 25. Page 7, by striking lines 27 through 29
 34 and inserting <sections 724.6 to 724.10 have been
 35 satisfied. However, for renewal of a permit the
 36 training program requirements in section 724.9 ~~may be~~

37 ~~waived for renewal permits, subsection 1, shall apply~~
 38 ~~or the renewal applicant may choose to qualify on a~~
 39 ~~firing range under the supervision of an instructor~~
 40 ~~certified by the national rifle association or~~
 41 ~~the department of public safety or another state's~~
 42 ~~department of public safety, state police department,~~
 43 ~~or similar certifying body. Such training or~~
 44 ~~qualification must occur within the twelve-month period~~
 45 ~~prior to the expiration of the applicant's current~~
 46 ~~permit.>~~

47 26. Page 7, before line 30 by inserting:
 48 <1A. Neither the sheriff nor the commissioner shall
 49 require an applicant for a permit to carry weapons to
 50 provide information identifying a particular weapon in

Page 3

1 ~~the application including the make, model, or serial~~
 2 ~~number of the weapon or any ammunition used in that~~
 3 ~~particular weapon.>~~

4 27. Page 7, line 30, by striking <ten> and
 5 inserting <~~ten~~ fifty>

6 28. Page 7, line 33, by striking <five> and
 7 inserting <five twenty-five>

8 29. Page 8, by striking line 4 and inserting <equal
 9 to ~~two ten~~ dollars for each permit issued and ~~one~~
 10 ~~dollar five dollars>~~

11 30. Page 8, line 10, after <shall> by inserting
 12 <not>

13 31. Page 8, by striking lines 12 through 26 and
 14 inserting:

15 <3. The sheriff or commissioner of public safety
 16 shall approve or deny an initial or renewal application
 17 submitted under this section within thirty days of
 18 receipt of the application. A person whose application
 19 for a permit under this chapter is denied may seek
 20 review of the denial under section 724.21A. The failure
 21 to approve or deny an initial or renewal application
 22 shall result in a decision of approval.>

23 32. By striking page 8, line 27, through page 9,
 24 line 5, and inserting:

25 <Sec. __. NEW SECTION. 724.11A Recognition.
 26 A valid permit or license issued by another state to
 27 any nonresident of this state shall be considered to
 28 be a valid permit or license to carry weapons issued
 29 pursuant to this chapter, except that such permit or
 30 license shall not be considered to be a substitute for
 31 an annual permit to acquire pistols or revolvers issued
 32 pursuant to section 724.15.>

33 33. Page 9, line 8, after <weapons> by inserting
 34 <__ criminal history background check>

35 34. Page 9, after line 31 by inserting:

36 <The issuing officer may annually conduct a
 37 background check concerning a person issued a permit by
 38 obtaining criminal history data from the department of
 39 public safety.>

40 35. Page 10, by striking lines 8 and 9 and
 41 inserting:

42 <e. ~~b. The person is not~~ Is addicted to the use of
 43 ~~alcohol or a controlled substance.~~>

44 36. Page 10, line 15, by striking <b.> and
 45 inserting <c.>

46 37. By striking page 10, line 16, through page 11,
 47 line 13, and inserting:

48 <d. Is prohibited by federal law from shipping,
 49 transporting, possessing, or receiving a firearm.>

50 38. Page 12, by striking lines 4 through 7 and

Page 4

1 inserting <revolvers during the period that the permit
 2 remains valid. If the issuing officer determines
 3 that the applicant has become disqualified under
 4 the provisions of subsection 1, the issuing officer
 5 may immediately ~~invalidate~~ revoke the permit and
 6 shall provide a written statement of the reasons for
 7 revocation, and the applicant shall have the right to
 8 appeal the revocation as provided in section 724.21A.>

9 39. Page 12, line 21, by striking <commissioner>
 10 and inserting <issuing officer>

11 40. Page 13, line 8, by striking <age> and
 12 inserting <age date>

13 41. Page 13, by striking lines 21 through 25 and
 14 inserting <~~"D" felony. A person who makes what the~~
 15 person knows to be a false statement of material fact
 16 on an application submitted under this section or who
 17 submits what the person knows to be any materially
 18 falsified or forged documentation in connection with
 19 such an application commits a class "D" felony.>

20 42. By striking page 13, line 26, through page 14,
 21 line 22, and inserting:

22 <Sec. ____ **NEW SECTION.** 724.21A Denial,
 23 suspension, or revocation of permit to carry weapons or
 24 permit to acquire pistols or revolvers.

25 1. In any case where the sheriff or the
 26 commissioner of public safety denies an application
 27 for or suspends or revokes a permit to carry weapons
 28 or an annual permit to acquire pistols or revolvers,
 29 the sheriff or commissioner shall provide a written
 30 statement of the reasons for the denial, suspension,
 31 or revocation and the applicant or permit holder
 32 shall have the right to appeal the denial, suspension,
 33 or revocation to an administrative law judge in the
 34 department of inspections and appeals within thirty

35 days of receiving written notice of the denial,
36 suspension, or revocation.
37 2. The applicant or permit holder may file an
38 appeal with an administrative law judge by filing a
39 copy of the denial, suspension, or revocation notice
40 with a written statement that clearly states the
41 applicant's reasons rebutting the denial, suspension,
42 or revocation along with a fee of ten dollars.
43 Additional supporting information relevant to the
44 proceedings may also be included.
45 3. The administrative law judge shall, within
46 forty-five days of receipt of the request for an
47 appeal, set a hearing date. The hearing may be held
48 by telephone or video conference at the discretion
49 of the administrative law judge. The administrative
50 law judge shall receive witness testimony and other

Page 5

1 evidence relevant to the proceedings at the hearing.
2 The hearing shall be conducted pursuant to chapter 17A.
3 4. Upon conclusion of the hearing, the
4 administrative law judge shall order that the denial,
5 suspension, or revocation of the permit be either
6 rescinded or sustained. An applicant, permit holder,
7 or issuing officer aggrieved by the final judgment of
8 the administrative law judge shall have the right to
9 judicial review in accordance with the terms of the
10 Iowa administrative procedure Act, chapter 17A.
11 5. The standard of review under this section shall
12 be clear and convincing evidence that the issuing
13 officer's written statement of the reasons for the
14 denial, suspension, or revocation constituted probable
15 cause to deny an application or to suspend or revoke
16 a permit.
17 6. The department of inspections and appeals shall
18 adopt rules pursuant to chapter 17A as necessary to
19 carry out the provisions of this section.
20 7. In any case where the issuing officer denies an
21 application for, or suspends or revokes a permit to
22 carry weapons or an annual permit to acquire pistols or
23 revolvers solely because of an adverse determination
24 by the national instant criminal background check
25 system, the applicant or permit holder shall not seek
26 relief under this section but may pursue relief of
27 the national instant criminal background check system
28 determination pursuant to Pub. L. No. 103-159, sections
29 103(f) and (g) and 104 and 28 C.F.R. § 25.10, or other
30 applicable law. The outcome of such proceedings shall
31 be binding on the issuing officer.>
32 43. Page 14, by striking lines 23 through 34.
33 44. Page 15, lines 34 and 35, by striking <orders,

34 commitments, or findings – disabilities> and inserting
35 orders or commitments – firearms>

36 45. Page 16, by striking lines 1 through 19 and
37 inserting:

38 <1. A court order referred to in subsection 2 shall
39 include information informing the person who is the
40 subject of the order not to ship, possess, receive,
41 or transport or cause the transport of firearms or
42 ammunition. The clerk of the district court shall
43 forward only such information as is necessary to
44 identify a person subject to an order in subsection
45 2 to the department of public safety, which in turn
46 shall forward the information to the federal bureau
47 of investigation or its successor agency for the sole
48 purpose of inclusion in the national instant criminal
49 background check system database.>

50 46. Page 16, line 22, by striking <or treatment>

Page 6

1 47. Page 16, line 25, by striking <or treatment>

2 48. Page 16, by striking lines 27 through 31.

3 49. Page 16, line 32, by striking <h.> and
4 inserting <d.>

5 50. By striking page 16, line 34, through page 17,
6 line 34, and inserting:

7 <3. a. A person who is the subject of a court
8 order listed in subsection 2 and who has been released
9 from commitment may petition the court that issued
10 the order or the court in the county where the person
11 resides no earlier than two years from the date of the
12 issuance of the order for relief from the disabilities
13 imposed by 18 U.S.C. section 922(d)(4) and (g)(4).
14 A copy of the petition shall also be served on the
15 director of human services and the county attorney at
16 the county attorney's office of the county in which
17 the original order occurred, and the director or the
18 county attorney may appear, support, object to, and
19 present evidence relevant to the relief sought by the
20 petitioner. A court considering a petition under this
21 section shall receive evidence concerning all of the
22 following:

23 (1) The circumstances surrounding the original
24 issuance of the order in subsection 2.

25 (2) The petitioner's mental health and criminal
26 history.

27 (3) The petitioner's reputation and character.

28 (4) Any changes in the petitioner's condition
29 or circumstances since the issuance of the order in
30 subsection 2 that are relevant to the relief sought.

31 b. The court shall grant a petition filed pursuant
32 to paragraph "a" if the court finds by a preponderance

33 of the evidence that the petitioner will not be likely
34 to act in a manner dangerous to the public safety and
35 that the granting of the relief would not be contrary
36 to the public interest. The petitioner may appeal a
37 denial of the requested relief and the review shall be
38 de novo. A person may file a petition for relief under
39 this subsection not more than once every two years.

40 c. If a court issues an order granting a petition
41 for relief under paragraph "b", the clerk of the
42 district court shall immediately forward only such
43 information as is necessary to identify a person
44 granted relief to the department of public safety
45 which, upon receipt, shall immediately forward such
46 information as is necessary to the federal bureau of
47 investigation or its successor agency to update the
48 national instant criminal background check system
49 database with the relief from disabilities.>

50 51. Page 17, after line 34 by inserting:

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1 <Sec. ____. TRANSITION PROVISIONS. A permit issued
2 under chapter 724 prior to January 1, 2011, remains
3 effective and continues in effect as issued for the
4 twelve-month period following its issuance. This Act
5 does not preclude the permit holder from seeking to
6 renew the permit under this Act prior to the expiration
7 of the twelve-month period.

8 Sec. ____. EFFECTIVE DATE. This Act takes effect
9 January 1, 2011.>

10 52. Title page, line 5, after <penalties> by
11 inserting <and an effective date>

12 53. By renumbering as necessary.

The committee amendment H-8641 was adopted.

Roberts of Carroll asked and received unanimous consent to withdraw amendment H-8619 filed by him on March 25, 2010.

Windschitl of Harrison asked and received unanimous consent to withdraw amendment H-8466 filed by him on March 18, 2010.

SENATE FILE 2379 SUBSTITUTED FOR HOUSE FILE 2528

Baudler of Adair asked and received unanimous consent to substitute Senate File 2379 for House File 2528.

Senate File 2379, a bill for an act relating to permits to carry weapons and permits to acquire pistols and revolvers including the dissemination of information relating to persons suffering from mental and substance abuse health-related disorders and the possession of firearms and providing penalties and an effective date, was taken up for consideration.

Roberts of Carroll offered the following amendment H-8652 filed by him and moved its adoption:

H-8652

1 Amend Senate File 2379, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. Section 80A.13, Code 2009, is amended
6 to 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 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. 2. 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. 3. Section 724.4B, subsection 2, paragraph a,
 22 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. 4. 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. 5. 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. 6. Section 724.8, subsection 5, Code 2009, is
26 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. 7. 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. 8. 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. 9. 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. 10. REPEAL. Section 724.5, Code 2009, is
 8 repealed.>

9 2. Title page, by striking lines 1 through 5 and
 10 inserting <An Act relating to the carrying of weapons.>

Roll call was requested by Roberts of Carroll and Sorenson of Warren.

Rule 75 was invoked.

On the question “Shall amendment H–8652 be adopted?” (S.F. 2379)

The ayes were, 45:

Alons	Anderson	Arnold	Chambers
Cownie	Deyoe	Dolecheck	Drake
Forristall	Grassley	Hagenow	Heaton
Helland	Horbach	Huseman	Huser
Kaufmann	Koester	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Quirk	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Steckman	Struyk

Sweeney	Thomas	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

The nays were, 52:

Abdul-Samad	Bailey	Baudler	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.	Oldson	Olson, D.
Olson, T.	Palmer	Petersen	Reasoner
Reichert	Running-Marquardt	Schueller	Shomshor
Smith	Swaim	Taylor	Thede
Tjepkes	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 3:

De Boef	Olson, R.	Wendt
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Amendment H-8652 lost.

Swaim of Davis offered the following amendment H-8653 filed by him and Baudler of Adair from the floor and moved its adoption:

H-8653

1 Amend Senate File 2379, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 8, by striking lines 27 and 28 and
 4 inserting:
 5 <c. The person is not addicted to the use of
 6 alcohol or a controlled substance.>
 7 2. Page 8, line 34, by striking <c.> and inserting
 8 <b.>
 9 3. Page 8, line 35, by striking <d.> and inserting
 10 <c.>

Amendment H-8653 was adopted.

Mascher of Johnson offered the following amendment H-8659 filed by her from the floor and moved its adoption:

H-8659

1 Amend Senate File 2379, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 6, before line 24 by inserting:
4 <1B. A sheriff shall apply all requirements of this
5 chapter regarding the issuance and renewal of permits
6 but may apply more restrictive qualifications if deemed
7 necessary.>

8 2. Page 9, after line 24 by inserting:
9 <2A. A sheriff shall apply all requirements of this
10 chapter regarding the issuance and renewal of permits
11 but may apply more restrictive qualifications if deemed
12 necessary.>

13 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 7, nays 64.

Amendment H-8659 lost.

Baudler of Adair 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. 2379)

The ayes were, 81:

Alons	Anderson	Arnold	Bailey
Baudler	Beard	Bell	Berry
Burt	Chambers	Cphoon	Cownie
Deyoe	Dolecheck	Drake	Ficken
Ford	Forristall	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Helland	Horbach	Huseman	Huser
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lukan	Lykam
Marek	May	McCarthy	Mertz
Miller, H.	Miller, L.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe

Whitead Mr. Speaker Murphy	Windschitl	Worthan	Zirkelbach
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The nays were, 16:

Abdul-Samad	Bukta	Frevert	Heddens
Hunter	Isenhart	Jacoby	Lensing
Mascher	Oldson	Olson, D.	Petersen
Schueller	Wessel-Kroeschell	Willems	Winckler

Absent or not voting, 3:

De Boef	Schulte	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 **Senate File 2379** be immediately messaged to the Senate.

HOUSE FILE 2528 WITHDRAWN

Baudler of Adair asked and received unanimous consent to withdraw House File 2528 from further consideration by the House.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House File 2534.

Bukta of Clinton in the chair at 2:36 p.m.

Appropriations Calendar

House File 2534, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date, was taken up for consideration.

Cohon of Des Moines offered the following amendment H-8657 filed by him from the floor and moved its adoption:

H-8657

1 Amend House File 2534 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <DIVISION ___I

5 REBUILD IOWA INFRASTRUCTURE FUND

6 Section 1. There is appropriated from the rebuild
7 Iowa infrastructure fund to the following departments
8 and agencies for the fiscal year beginning July 1,
9 2010, and ending June 30, 2011, the following amounts,
10 or so much thereof as is necessary, to be used for the
11 purposes designated:

12 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

13 a. For distribution to other governmental entities
14 for the payment of services related to the integrated
15 information for Iowa system, notwithstanding section
16 8.57, subsection 6, paragraph "c":

17 \$ 3,700,000

18 Moneys appropriated in this lettered paragraph shall
19 be separately accounted for in a distribution account
20 and shall be distributed to other governmental entities
21 based upon a formula established by the department
22 to pay for services associated with the integrated
23 information for Iowa system provided during the fiscal
24 year by the department.

25 During the fiscal year, the department may use up
26 to \$1,000,000 of unexpended or unobligated funds in
27 the information technology operations fund established
28 under the provisions of section 8A.123 to provide
29 funding for costs associated with the integrated
30 information for Iowa system. By October 31, 2011, the
31 department shall report to the department of management
32 and the legislative services agency regarding any
33 moneys that are used for this purpose.

34 b. For costs associated with Mercy capitol hospital
35 building operations, notwithstanding section 8.57,
36 subsection 6, paragraph "c":

37 \$ 1,083,175

38 c. For the state's share of support in conjunction
39 with the city of Des Moines and local area businesses
40 to provide a free shuttle service to the citizens
41 of Iowa that includes transportation between the
42 capitol complex and the downtown Des Moines area,
43 notwithstanding section 8.57, subsection 6, paragraph
44 "c":

45 \$ 200,000

46 Details for the shuttle service, including the

47 route to be served, shall be determined pursuant to an
 48 agreement to be entered into by the department with the
 49 Des Moines area regional transit authority (DART) and
 50 any other participating entities.

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1 Of the amount appropriated in this lettered
 2 paragraph, up to \$50,000 shall be used to encourage
 3 state employees to utilize transit services provided by
 4 the Des Moines area regional transit authority.
 5 2. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
 6 For the administration of the watershed improvement
 7 review board established in section 466A.3,
 8 notwithstanding section 8.57, subsection 6, paragraph
 9 "c":

10 \$ 50,000

11 3. DEPARTMENT FOR THE BLIND
 12 For costs associated with universal access to audio
 13 information over the phone on demand for blind and
 14 print handicapped Iowans, notwithstanding section 8.57,
 15 subsection 6, paragraph "c":

16 \$ 20,000

17 4. DEPARTMENT OF CULTURAL AFFAIRS
 18 a. For continuation of the project recommended
 19 by the Iowa battle flag advisory committee to
 20 stabilize the condition of the battle flag collection,
 21 notwithstanding section 8.57, subsection 6, paragraph
 22 "c":

23 \$ 60,000

24 b. For purposes of maintenance and repairs of
 25 historic sites:

26 \$ 40,000

27 5. DEPARTMENT OF ECONOMIC DEVELOPMENT
 28 a. For deposit in the workforce training and
 29 economic development funds for each community college
 30 in section 260C.18A, notwithstanding section 8.57,
 31 subsection 6, paragraph "c":

32 \$ 2,000,000

33 b. To the 6th avenue corridor for improvements to
 34 the streetscape associated with the national mainstreet
 35 conference and for additional architectural and
 36 engineering design plans for economic development and
 37 community revitalization, notwithstanding section 8.57,
 38 subsection 6, paragraph "c":

39 \$ 100,000

40 c. To develop site plans for the southeast Iowa
 41 regional economic and port authority including
 42 plans for infrastructure for economic development,
 43 notwithstanding section 8.57, subsection 6, paragraph
 44 "c":

45 \$ 50,000

46 d. For equal distribution to regional sports
 47 authority districts certified by the department
 48 pursuant to section 15E.321, notwithstanding section
 49 8.57, subsection 6, paragraph "c":
 50 \$ 500,000

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1 e. For administration and support of the world
 2 food prize including the Borlaug/Ruan scholar program,
 3 notwithstanding section 8.57, subsection 6, paragraph
 4 "c":
 5 \$ 100,000

6 6. DEPARTMENT OF EDUCATION
 7 To provide resources for structural and
 8 technological improvements to local libraries and for
 9 the enrich Iowa program, notwithstanding section 8.57,
 10 subsection 6, paragraph "c":
 11 \$ 500,000
 12 Of the moneys appropriated in this subsection,
 13 \$50,000 shall be allocated equally to each library
 14 service area.

15 7. DEPARTMENT OF NATURAL RESOURCES
 16 a. For floodplain management and dam safety,
 17 notwithstanding section 8.57, subsection 6,
 18 paragraph "c":
 19 \$ 2,000,000

20 Of the amounts appropriated in this lettered
 21 paragraph, up to \$400,000 is authorized for stream
 22 gages to be used for tracking and predicting flood
 23 events and for compiling necessary data relating to
 24 flood frequency analysis.

25 b. For costs associated with the construction of a
 26 permanent structure for handicapped persons and senior
 27 citizens in a county with a population between 37,150
 28 and 37,250:
 29 \$ 40,000

30 c. For costs associated with the hiring and
 31 employment of an asset manager at Honey creek resort
 32 state park, notwithstanding section 8.57, subsection
 33 6, paragraph "c":
 34 \$ 100,000

35 The department shall issue a request for proposals
 36 to competitively procure the services of an asset
 37 manager which shall be selected by the natural resource
 38 commission. The asset manager shall have hospitality
 39 management experience of at least five years including
 40 at least three years asset management experience in a
 41 setting similar in size and quality to the Honey creek
 42 resort state park with a similar type of market. The
 43 duties and job responsibilities of the asset manager
 44 shall include but are not limited to reviewing and

45 commenting on the resort's sales and marketing plan,
 46 providing for the operation of the resort in a manner
 47 consistent with the requirements and limitations set
 48 forth in the resort's operating agreement, monitoring
 49 and supervising the resort including site visits,
 50 and negotiating and recommending an annual operating

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1 budget and budget plan. The asset manager shall
 2 report to bond counsel, the governor, the Honey creek
 3 authority, the department of natural resources, and the
 4 legislative services agency.

5 8. DEPARTMENT OF PUBLIC DEFENSE

6 a. For major maintenance projects at national guard
 7 armories and facilities:

8 \$ 1,500,000

9 b. For renovation and facility improvements at the
 10 Iowa Falls readiness center:

11 \$ 500,000

12 c. For renovation and facility improvements at the
 13 Cedar Rapids armed forces readiness center:

14 \$ 200,000

15 d. For renovation and facility improvements at the
 16 Middletown readiness center:

17 \$ 100,000

18 9. DEPARTMENT OF PUBLIC HEALTH

19 For a grant to an existing national affiliated
 20 volunteer eye organization that has an established
 21 program for children and adults and that is solely
 22 dedicated to preserving sight and preventing blindness
 23 through education, nationally certified vision
 24 screening and training, community and patient service
 25 programs, notwithstanding section 8.57, subsection 6,
 26 paragraph "c":

27 \$ 100,000

28 10. IOWA FINANCE AUTHORITY

29 For transfer to the Polk county housing trust
 30 fund for the construction of facilities to meet the
 31 specialized needs of adult persons with severe and
 32 profound disabilities who have high medical needs:

33 \$ 250,000

34 11. STATE BOARD OF REGENTS

35 a. For allocation by the state board of regents to
 36 the state university of Iowa, the Iowa state university
 37 of science and technology, and the university of
 38 northern Iowa to reimburse the institutions for
 39 deficiencies in the operating funds resulting from
 40 the pledging of tuition, student fees and charges,
 41 and institutional income to finance the cost of
 42 providing academic and administrative buildings and
 43 facilities and utility services at the institutions,

44 notwithstanding section 8.57, subsection 6, paragraph
 45 "c":
 46 \$ 24,305,412
 47 b. For the Iowa flood center at the state
 48 university of Iowa for use by the university's
 49 college of engineering, pursuant to section 466C.1,
 50 notwithstanding section 8.57, subsection 6, paragraph

Page 5

1 "c":
 2 \$ 1,300,000
 3 c. To Iowa state university of science and
 4 technology to purchase veterinary surgical and other
 5 equipment to modernize the animal care facilities at
 6 the blank park zoo as part of a cooperative effort of
 7 blank park zoo and the college of veterinary medicine,
 8 notwithstanding section 8.57, subsection 6, paragraph
 9 "c":
 10 \$ 400,000

11 12. TREASURER OF STATE

12 For county fair infrastructure improvements
 13 for distribution in accordance with chapter 174 to
 14 qualified fairs which belong to the association of Iowa
 15 fairs:
 16 \$ 1,060,000

17 13. DEPARTMENT OF TRANSPORTATION

18 For infrastructure improvements at general aviation
 19 airports within the state:
 20 \$ 750,000

21 14. DEPARTMENT OF VETERANS AFFAIRS

22 For transfer to the Iowa finance authority for the
 23 continuation of the home ownership assistance program
 24 for persons who are or were eligible members of the
 25 armed forces of the United States, pursuant to section
 26 16.54, notwithstanding section 8.57, subsection 6,
 27 paragraph "c":
 28 \$ 1,000,000

29 Sec. 2. There is appropriated from the rebuild Iowa
 30 infrastructure fund to the following departments and
 31 agencies for the following fiscal years, the following
 32 amounts, or so much thereof as is necessary, to be used
 33 for the purposes designated:

34 1. DEPARTMENT OF CORRECTIONS

35 For project management costs at Fort Madison and
 36 Mitchellville prisons, associated with construction
 37 projects at the department, notwithstanding section
 38 8.57, subsection 6, paragraph "c":
 39 FY 2011-2012\$ 4,500,000
 40 FY 2012-2013..... \$ 1,000,000
 41 FY 2013-2014..... \$ 200,000

42 2. DEPARTMENT OF NATURAL RESOURCES

43 For state park infrastructure improvements:
 44 FY 2011-2012..... \$ 5,000,000
 45 FY 2012-2013..... \$ 5,000,000
 46 FY 2013-2014..... \$ 5,000,000
 47 FY 2014-2015..... \$ 5,000,000
 48 3. DEPARTMENT OF TRANSPORTATION
 49 For deposit into the passenger rail service
 50 revolving fund created in section 327J.2 for matching

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1 federal funding available through the federal Passenger
 2 Rail Investment and Improvement Act of 2008 for
 3 passenger rail service, notwithstanding section 8.57,
 4 subsection 6, paragraph "c":
 5 FY 2011-2012..... \$ 6,500,00
 6 It is the intent of the general assembly to fund
 7 up to \$20 million over a four-year period to fully
 8 fund the state commitment for matching federal funding
 9 available through the federal Passenger Rail Investment
 10 and Improvement Act of 2008.

11 Sec. 3. REVERSION. For purposes of section 8.33,
 12 unless specifically provided otherwise, unencumbered
 13 or unobligated moneys made from an appropriation in
 14 this division of this Act shall not revert but shall
 15 remain available for expenditure for the purposes
 16 designated until the close of the fiscal year that ends
 17 three years after the end of the fiscal year for which
 18 the appropriation was made. However, if the project
 19 or projects for which such appropriation was made are
 20 completed in an earlier fiscal year, unencumbered or
 21 unobligated moneys shall revert at the close of that
 22 same fiscal year.

23 DIVISION __II
 24 TECHNOLOGY REINVESTMENT FUND

25 Sec. 4. There is appropriated from the technology
 26 reinvestment fund created in section 8.57C to the
 27 following departments and agencies for the fiscal year
 28 beginning July 1, 2010, and ending June 30, 2011, the
 29 following amounts, or so much thereof as is necessary,
 30 to be used for the purposes designated:

- 31 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
- 32 For technology improvement projects:
- 33 \$ 3,793,654
- 34 2. DEPARTMENT OF CORRECTIONS
- 35 For costs associated with the Iowa corrections
- 36 offender network data system:
- 37 \$ 500,000
- 38 3. DEPARTMENT OF EDUCATION
- 39 a. For maintenance and lease costs associated with
- 40 connections for Part III of the Iowa communications
- 41 network:

42 \$ 2,727,000
 43 b. For the implementation of an educational data
 44 warehouse that will be utilized by teachers, parents,
 45 school district administrators, area education agency
 46 staff, department of education staff, and policymakers:
 47 \$ 600,000
 48 The department may use a portion of the moneys
 49 appropriated in this lettered paragraph for an
 50 e-transcript data system capable of tracking students

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1 throughout their education via interconnectivity with
2 multiple schools.

3 4. DEPARTMENT OF PUBLIC HEALTH

4 For deposit in the county mental health, mental
5 retardation, and developmental disabilities services
6 fund created by section 331.424A in a county with a
7 population over 350,000 for a community mental health
8 center created under chapter 230A which serves only
9 adults:

10 \$ 250,000

11 5. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
12 COMMISSION

13 For replacement of equipment for the Iowa
14 communications network:

15 \$ 2,244,956

16 The commission may continue to enter into contracts
17 pursuant to section 8D.13 for the replacement of
18 equipment and for operations and maintenance costs of
19 the network.

20 In addition to moneys appropriated in this
21 subsection, the commission may use a financing
22 agreement entered into by the treasurer of state in
23 accordance with section 12.28 for the replacement
24 of equipment for the network. For purposes of this
25 subsection, the treasurer of state is not subject to
26 the maximum principal limitation contained in section
27 12.28, subsection 6. Repayment of any amounts financed
28 shall be made from receipts associated with fees
29 charged for use of the network.

30 Sec. 5. REVERSION. For purposes of section 8.33,
31 unless specifically provided otherwise, unencumbered
32 or unobligated moneys made from an appropriation in
33 this division of this Act shall not revert but shall
34 remain available for expenditure for the purposes
35 designated until the close of the fiscal year that ends
36 three years after the end of the fiscal year for which
37 the appropriation was made. However, if the project
38 or projects for which such appropriation was made are
39 completed in an earlier fiscal year, unencumbered or
40 unobligated moneys shall revert at the close of that

41 same fiscal year.

42 DIVISION III

43 REVENUE BONDS CAPITALS FUND – APPROPRIATIONS

44 Sec. 6. There is appropriated from the revenue
45 bonds capitals fund created in section 12.88, to the
46 following departments and agencies for the fiscal year
47 beginning July 1, 2010, and ending June 30, 2011, the
48 following amounts, or so much thereof as is necessary,
49 to be used for the purposes designated:

50 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

Page 8

1 For projects related to major repairs and major
2 maintenance for state buildings and facilities:
3 \$ 3,000,000

4 Moneys appropriated in this subsection shall not
5 be used for purposes of the renovation of the Mercy
6 capitol hospital building.

7 2. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

8 a. To the soil conservation division of the
9 department established in section 161A.4 to provide
10 financial assistance for the establishment of permanent
11 soil and water conservation practices:
12 \$ 1,000,000

13 b. Not more than 5 percent of the moneys
14 appropriated in paragraph "a" may be allocated for
15 cost sharing to abate complaints filed under section
16 161A.47.

17 c. Of the moneys appropriated in paragraph "a",
18 5 percent shall be allocated for financial incentives
19 to establish practices to protect watersheds above
20 publicly owned lakes of the state from soil erosion and
21 sediment as provided in section 161A.73.

22 d. Not more than 30 percent of a soil and water
23 conservation district's allocation of moneys as
24 financial incentives may be provided for the purpose
25 of establishing management practices to control soil
26 erosion on land that is row cropped, including but
27 not limited to no-till planting, ridge-till planting,
28 contouring, and contour strip-cropping as provided in
29 section 161A.73.

30 e. The state soil conservation committee created
31 in section 161A.4 may allocate moneys appropriated in
32 paragraph "a" to conduct research and demonstration
33 projects to promote conservation tillage and nonpoint
34 source pollution control practices.

35 f. The allocation of moneys as financial incentives
36 as provided in section 161A.73 may be used in
37 combination with moneys allocated by the department of
38 natural resources.

39 g. Moneys appropriated in this subsection shall not

40 be used for administrative or planning purposes.
 41 3. DEPARTMENT OF CULTURAL AFFAIRS
 42 For grants for Iowa great places program projects:
 43 \$ 2,000,000
 44 4. DEPARTMENT OF CORRECTIONS
 45 a. For one-time costs associated with the opening
 46 of community-based corrections facilities including the
 47 purchase of equipment:
 48 \$ 1,519,048
 49 b. For use by a city with a population between
 50 198,000 and 199,000 for a safety barrier to be

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1 constructed in the natural environment between the
 2 fifth judicial district facility and the blank park
 3 zoo:
 4 \$ 1,000,000
 5 c. For project management costs at Fort Madison
 6 and Mitchellville prisons associated with construction
 7 projects at the department:
 8 \$ 2,200,000
 9 5. DEPARTMENT OF ECONOMIC DEVELOPMENT
 10 To the Des Moines area regional transit authority
 11 (DART) for construction of a regional transit hub for
 12 economic development purposes and for providing public
 13 transportation in a city with a population between
 14 198,000 and 199,000 in the last preceding certified
 15 federal census:
 16 \$ 4,000,000
 17 6. DEPARTMENT OF NATURAL RESOURCES
 18 For implementation of lake projects that have
 19 established watershed improvement initiatives and
 20 community support in accordance with the department's
 21 annual lake restoration plan and report:
 22 \$ 7,000,000
 23 Of the amount appropriated in this subsection,
 24 \$250,000 shall be allocated for dredging,
 25 reconstruction, and related improvements of twin
 26 ponds adjacent to a nature center in a county with a
 27 population between 13,050, and 13,100.
 28 Of the amount appropriated in this subsection,
 29 \$2,000,000 shall be allocated for costs associated with
 30 dam construction; shoreline protection; boat ramp,
 31 parking, and road construction; and an in-lake fishing
 32 habitat development project for a new state recreation
 33 area on a lake located in a county with a population
 34 between 155,000 and 160,000.
 35 Of the amount appropriated in this subsection,
 36 \$100,000 shall be allocated for lake dredging and
 37 related improvements including ongoing dam maintenance
 38 and operation on a lake with public access that has

39 the support of a benefited lake district located in a
40 county with a population between 18,350 and 18,450 in
41 the last preceding federal census.

42 7. STATE BOARD OF REGENTS

43 For phase II of the construction and renovation
44 of the veterinary medical facilities at Iowa state
45 university of science and technology, specifically
46 the renovation and modernization of the area formerly
47 occupied by the large animal area of the teaching
48 hospital for expanded clinical services:

49 \$ 13,000,000

50 8. IOWA STATE FAIR

Page 10

1 For infrastructure improvements to the Iowa
2 state fairgrounds including but not limited to the
3 construction of an agricultural exhibition center on
4 the Iowa state fairgrounds:

5 \$ 2,500,000

6 9. IOWA FINANCE AUTHORITY

7 For grants for purposes of the housing trust fund
8 created in section 16.181:

9 \$ 2,000,000

10 Sec. 7. TAX-EXEMPT STATUS – USE OF APPROPRIATIONS.

11 1. Payment of moneys from the appropriations in
12 this division of this Act shall be made in a manner
13 that does not adversely affect the tax-exempt status of
14 any outstanding bonds issued by the treasurer of state.

15 2. Payment of moneys from the appropriations
16 in this division of this Act shall not be used for
17 administrative or planning purposes.

18 Sec. 8. REVERSION. For purposes of section 8.33,
19 unless specifically provided otherwise, unencumbered
20 or unobligated moneys made from an appropriation in
21 this division of this Act shall not revert but shall
22 remain available for expenditure for the purposes
23 designated until the close of the fiscal year that ends
24 three years after the end of the fiscal year for which
25 the appropriation was made. However, if the project
26 or projects for which such appropriation was made are
27 completed in an earlier fiscal year, unencumbered or
28 unobligated moneys shall revert at the close of that
29 same fiscal year.

30 DIVISION ___IV

31 REVENUE BONDS CAPITALS II FUND – APPROPRIATIONS

32 Sec. 9. NEW SECTION. 12.88A Revenue bonds capitals
33 II fund.

34 1. A revenue bonds capitals II fund is created and
35 established as a separate and distinct fund in the
36 state treasury. The treasurer of state shall act as
37 custodian of the fund and disburse moneys contained in

38 the fund.

39 2. Revenue for the revenue bonds capitals II fund
40 shall include but is not limited to the following,
41 which shall be deposited with the treasurer of state or
42 the treasurer of state's designee as provided by any
43 bond or security documents and credited to the fund:

44 a. The net proceeds of bonds issued after July 1,
45 2010, pursuant to section 12.87 other than bonds issued
46 for the purpose of refunding such bonds, and investment
47 earnings on the net proceeds.

48 b. Interest attributable to investment of moneys in
49 the fund or an account of the fund.

50 c. Moneys in the form of a devise, gift, bequest,

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1 donation, federal or other grant, reimbursement,
2 repayment, judgment, transfer, payment, or
3 appropriation from any source intended to be used for
4 the purposes of the fund.

5 3. Moneys in the revenue bonds capitals II fund are
6 not subject to section 8.33. Notwithstanding section
7 12C.7, subsection 2, interest or earnings on moneys in
8 the fund shall be credited to the fund.

9 4. Annually, on or before January 15 of each year,
10 a state agency that received an appropriation from
11 the revenue bonds capitals II fund shall report to
12 the legislative services agency and the department of
13 management the status of all projects completed or in
14 progress. The report shall include a description of
15 the project, the work completed, the total estimated
16 cost of the project, a list of all revenue sources
17 being used to fund the project, the amount of funds
18 expended, the amount of funds obligated, and the date
19 the project was completed or an estimated completion
20 date of the project, where applicable.

21 Sec. 10. There is appropriated from the revenue
22 bonds capitals II fund created in section 12.88A to the
23 following departments and agencies for the fiscal year
24 beginning July 1, 2010, and ending June 30, 2011, the
25 following amounts, or so much thereof as is necessary,
26 to be used for the purposes designated:

27 1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

28 a. To the soil conservation division of the
29 department established in section 161A.4 to provide
30 financial assistance for the establishment of permanent
31 soil and water conservation practices:

32 \$ 5,950,000

33 (1) Not more than 5 percent of the moneys
34 appropriated in this paragraph "a" may be allocated for
35 cost sharing to abate complaints filed under section
36 161A.47.

37 (2) Of the moneys appropriated in this paragraph
 38 "a", 5 percent shall be allocated for financial
 39 incentives to establish practices to protect watersheds
 40 above publicly owned lakes of the state from soil
 41 erosion and sediment as provided in section 161A.73.

42 (3) Not more than 30 percent of a soil and water
 43 conservation district's allocation of moneys as
 44 financial incentives may be provided for the purpose
 45 of establishing management practices to control soil
 46 erosion on land that is row cropped, including but
 47 not limited to no-till planting, ridge-till planting,
 48 contouring, and contour strip-cropping as provided in
 49 section 161A.73.

50 (4) The state soil conservation committee created

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1 in section 161A.4 may allocate moneys appropriated in
 2 paragraph "a" to conduct research and demonstration
 3 projects to promote conservation tillage and nonpoint
 4 source pollution control practices.

5 (5) The allocation of moneys as financial
 6 incentives as provided in section 161A.73 may be used
 7 in combination with moneys allocated by the department
 8 of natural resources.

9 (6) Moneys appropriated in this paragraph "a" shall
 10 not be used for administrative or planning purposes.

11 b. For grants under the conservation reserve
 12 enhancement program to improve water quality and
 13 intercept nitrates:

14 \$ 2,500,000

15 2. DEPARTMENT OF ECONOMIC DEVELOPMENT

16 a. For deposit into the community attraction and
 17 tourism fund created in section 15F.204:

18 \$ 12,000,000

19 b. For deposit into the river enhancement community
 20 attraction and tourism fund created in section 15F.205:

21 \$ 4,000,000

22 Moneys appropriated for grants awarded in paragraphs
 23 "a" and "b" shall be used to assist communities in
 24 the development and creation of multiple purpose
 25 attractions or community service facilities for public
 26 use.

27 c. For accelerated career education program capital
 28 projects at community colleges that are authorized
 29 under chapter 260G and that meet the definition of
 30 vertical infrastructure in section 8.57, subsection 6,
 31 paragraph "c":

32 \$ 5,500,000

33 d. For the main street Iowa program to be used as
 34 grants for projects that have previously applied for
 35 funding consideration, or have received partial funding

36 for facade master plans to rehabilitate storefronts in
 37 main street Iowa districts, to complete streetscape
 38 projects where planning and the majority of funding is
 39 already secured, for unfunded main street challenge
 40 grant projects, and for other building rehabilitation
 41 projects that are currently on the department's highest
 42 priority list:
 43 \$ 8,450,000

44 Moneys appropriated in this lettered paragraph shall
 45 not be used for administration or planning purposes.
 46 Of the amount appropriated in this lettered
 47 paragraph, \$300,000 shall be allocated to a city with
 48 a population between 25,100 and 25,200 in the last
 49 preceding certified federal census for a redevelopment
 50 project that includes improvements and modifications to

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1 streets and storm sewers in both the downtown and mall
 2 areas of the city.
 3 e. To north Iowa area community college (merged
 4 area II) for the construction of a small business
 5 center for economic development:
 6 \$ 1,500,000

7 f. To Kirkwood community college (merged area X)
 8 for the construction of a small business center for
 9 economic development:
 10 \$ 1,200,000

11 3. DEPARTMENT OF EDUCATION
 12 For major renovation and major repair needs,
 13 including health, life, and fire safety needs and for
 14 compliance with the federal Americans with Disabilities
 15 Act, for state buildings and facilities under the
 16 purview of the community colleges:
 17 \$ 2,000,000

18 4. IOWA FINANCE AUTHORITY
 19 a. To the Iowa jobs board created in section 16.191
 20 for disaster relief and mitigation renovation and
 21 construction projects:
 22 \$ 30,900,000

23 The moneys appropriated in this paragraph "a" shall
 24 be allocated as follows:
 25 (1) To a county with a population between 189,000
 26 and 196,000 in the last preceding certified federal
 27 census for the renovation and expansion of an
 28 administrative office building:
 29 \$ 4,400,000

30 (2) To a city with a population between 120,500 and
 31 120,800 in the last preceding certified federal census,
 32 for the following projects:
 33 (a) For renovation of an existing public building
 34 to make the building useful for city department

35 offices:

36 \$ 4,400,000

37 (b) For flood mitigation or renovation in and

38 around an existing courthouse:

39 \$ 2,000,000

40 (3) To a city with a population between 198,000 and

41 199,000 in the last preceding certified federal census

42 to be allocated as follows:

43 (a) For site acquisition, design, engineering, and

44 construction of a fire training and logistics center:

45 \$ 3,000,000

46 (b) For land acquisition, design, and construction

47 of sewers, structures, and pumping facilities necessary

48 to separate and convey sewer flow within the riverpoint

49 service area:

50 \$ 1,250,000

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1 (c) For land acquisition, design, and construction

2 of sewers, structures, and pumping facilities necessary

3 to separate or convey sewer flow within the Court

4 avenue service area:

5 \$ 3,050,000

6 (d) For bank stabilization, stream bed

7 stabilization, and erosion control on highly

8 erodible ground that is impacting utilities, road

9 infrastructure, and water quality:

10 \$ 700,000

11 (e) To improve utilization of two of the wastewater

12 reclamation authority's existing equalization basins

13 for the control of peak flows during wet weather events

14 in the authority's sewer system:

15 \$ 500,000

16 (4) For a publicly owned acute care teaching

17 hospital located in a county with a population of over

18 350,000, for the construction and renovation of patient

19 access and care facilities, equipment replacement and

20 upgrades, and other infrastructure improvements:

21 \$ 1,000,000

22 (5) For a city with a population between 98,300 and

23 98,400 in the last preceding certified federal census,

24 for flood protection, replacement, and construction

25 improvements to a recreational sports facility:

26 \$ 1,050,000

27 (6) For a city with a population between 68,700 and

28 68,800 in the last preceding certified federal census,

29 for a public works building that will allow the city to

30 provide for disaster-related services:

31 \$ 5,000,000

32 (7) For a city with a population between 62,100 and

33 62,250 in the last preceding certified federal census,

34 for the demolition, relocation, and reconstruction of a
 35 public wastewater treatment plant and the development
 36 of a public green space:
 37 \$ 2,000,000
 38 (8) For a city with a population between 2,545
 39 and 2,555 in the last preceding certified federal
 40 census, for a streetscape project that reconstructs
 41 existing horizontal infrastructure and lighting systems
 42 utilizing sustainable development practices:
 43 \$ 1,175,000
 44 (9) For a city with a population between 2,200 and
 45 2,220 in the last preceding certified federal census,
 46 for construction of a public city building:
 47 \$ 475,000
 48 (10) For a city with a population between 2,558 and
 49 2,565 in the last preceding certified federal census,
 50 for the installation of backflow prevention devices for

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1 the city's storm sewer system:
 2 \$ 600,000
 3 (11) For a city with a population between 6,875 and
 4 6,890 in the last preceding certified federal census,
 5 for the construction of grade control structures and
 6 associated grading to mitigate future water damage to
 7 residential structures:
 8 \$ 300,000
 9 b. To the Iowa jobs board for a disaster prevention
 10 program created in section 16.194A for grants
 11 for cities and counties that apply smart planning
 12 principles and guidelines pursuant to sections 18B.1
 13 and 18B.2, as enacted in this Act:
 14 \$ 30,000,000
 15 5. DEPARTMENT OF NATURAL RESOURCES
 16 a. For state park infrastructure improvements:
 17 \$ 5,000,000
 18 Of the amount appropriated in this lettered
 19 paragraph, \$100,000 shall be allocated for the
 20 renovation of a clubhouse on a lake in a county with
 21 a population between 20,200 and 20,250 in the last
 22 preceding certified federal census.
 23 b. For implementation of lake projects that have
 24 established watershed improvement initiatives and
 25 community support in accordance with the department's
 26 annual lake restoration plan and report:
 27 \$ 3,000,000
 28 6. STATE BOARD OF REGENTS
 29 a. For costs associated with the construction and
 30 establishment of the Iowa institute for biomedical
 31 discovery at the state university of Iowa:
 32 \$ 10,000,000

33 b. For deposit into the alternate energy revolving
 34 loan fund created in section 476.46 to encourage the
 35 development of alternate energy production facilities
 36 and small hydro facilities, as defined in section
 37 476.42, within the state:
 38 \$ 5,000,000

39 Any award of loans to private individuals or
 40 organizations must be for the public purpose of
 41 encouraging the development of alternate energy
 42 production facilities and small hydro facilities
 43 within the state in order to conserve finite and
 44 expensive energy resources and to provide for their
 45 most efficient use. Funds from bond proceeds shall not
 46 be used for administration or planning purposes. These
 47 moneys, and any loan repayments, shall be maintained
 48 in separate accounts and shall only be used for these
 49 public purposes.

50 7. DEPARTMENT OF TRANSPORTATION

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1 a. For grants for rail projects including wind
 2 energy rail port projects that provide assistance
 3 consistent with the purposes of section 327H.20A:
 4 \$ 7,500,000

5 Grants awarded pursuant to this lettered paragraph
 6 shall meet all of the following selection criteria:

- 7 (1) Be located in or adjacent to a rail industrial
- 8 park.
- 9 (2) Be a facility that serves multiple industrial
- 10 clients with one rail infrastructure investment.
- 11 (3) Accommodate building and loading a complete
- 12 unit train in the rail port.
- 13 (4) Have connection tracks with adequate clearances
- 14 to transport large components.
- 15 (5) Be located in an area with short unimpeded
- 16 access for oversized wind components to a divided
- 17 four-lane highway.

18 A grant awarded for a project under this lettered
 19 paragraph "a" shall not exceed more than forty percent
 20 of the appropriation in this lettered paragraph.

21 Priority in the awarding of grants shall be given to
 22 communities that have experienced exceptional economic
 23 setbacks. An additional preference shall be given to
 24 a county that has lost nine percent of its workforce to
 25 a permanent factory closing where the laid off workers
 26 are trade adjustment assistance eligible.

27 b. For the public transit infrastructure grant
 28 program in section 324A.6A:
 29 \$ 2,000,000

30 c. For infrastructure improvements at the
 31 commercial air service airports within the state:

32 \$ 1,500,000
 33 Fifty percent of the funds appropriated in this
 34 lettered paragraph shall be allocated equally between
 35 each commercial air service airport, forty percent of
 36 the funds shall be allocated based on the percentage
 37 that the number of enplaned passengers at each
 38 commercial air service airport bears to the total
 39 number of enplaned passengers in the state during the
 40 previous fiscal year, and ten percent of the funds
 41 shall be allocated based on the percentage that the
 42 air cargo tonnage at each commercial air service
 43 airport bears to the total air cargo tonnage in the
 44 state during the previous fiscal year. In order for
 45 a commercial air service airport to receive funding
 46 under this lettered paragraph, the airport shall be
 47 required to submit applications for funding of specific
 48 projects to the department for approval by the state
 49 transportation commission.
 50 d. For infrastructure projects relating to

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1 functionally obsolete and structurally deficient
 2 bridges:
 3 \$ 10,000,000

4 8. TREASURER OF STATE

5 For transfer to the watershed improvement review
 6 board created in section 466A.3 for grants associated
 7 with the construction and restoration of wetland
 8 easements and flood prevention projects:
 9 \$ 2,000,000

10 Notwithstanding section 466A.5, moneys from the
 11 appropriation in this subsection shall not be used for
 12 administrative purposes.

13 Sec. 11. TAX-EXEMPT STATUS – USE OF
 14 APPROPRIATIONS.

15 1. Payment of moneys from the appropriations in
 16 this division of this Act shall be made in a manner
 17 that does not adversely affect the tax-exempt status of
 18 any outstanding bonds issued by the treasurer of state.

19 2. Payment of moneys from the appropriations
 20 in this division of this Act shall not be used for
 21 administrative or planning purposes.

22 Sec. 12. REVERSION. For purposes of section 8.33,
 23 unless specifically provided otherwise, unencumbered
 24 or unobligated moneys made from an appropriation in
 25 this division of this Act shall not revert but shall
 26 remain available for expenditure for the purposes
 27 designated until the close of the fiscal year that ends
 28 three years after the end of the fiscal year for which
 29 the appropriation was made. However, if the project
 30 or projects for which such appropriation was made are

31 completed in an earlier fiscal year, unencumbered or
32 unobligated moneys shall revert at the close of that
33 same fiscal year.

34 DIVISION __V
35 PRISON BONDING

36 Sec. 13. There is appropriated from the FY 2009
37 prison bonding fund created pursuant to section 12.79
38 to the department of corrections for the fiscal year
39 beginning July 1, 2010, and ending June 30, 2011, the
40 following amount, or so much thereof as is necessary,
41 to be used for the purpose designated:

42 For costs associated with the building of a new Iowa
43 State penitentiary at Fort Madison:
44 \$ 322,500

45 The appropriation made in this section constitutes
46 approval by the general assembly for the issuance of
47 bonds by the treasurer of state pursuant to section
48 12.80.

49 Sec. 14. REVERSION. For purposes of section 8.33,
50 unless specifically provided otherwise, unencumbered

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1 or unobligated moneys made from an appropriation in
2 this division of this Act shall not revert but shall
3 remain available for expenditure for the purposes
4 designated until the close of the fiscal year that ends
5 three years after the end of the fiscal year for which
6 the appropriation was made. However, if the project
7 or projects for which such appropriation was made are
8 completed in an earlier fiscal year, unencumbered or
9 unobligated moneys shall revert at the close of that
10 same fiscal year.

11 DIVISION __VI
12 IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK
13 FUND –
14 DEPARTMENT OF TRANSPORTATION

15 Sec. 15. There is appropriated from the Iowa
16 comprehensive petroleum underground storage tank fund
17 to the department of transportation for the fiscal year
18 beginning July 1, 2010, and ending June 30, 2011, the
19 following amount, or so much thereof as is necessary,
20 to be used for the purposes designated:

21 Notwithstanding section 455G.3, subsection 1, for
22 deposit in the passenger rail service revolving fund
23 created in section 327J.2:
24 \$ 2,000,000

25 Such funds shall be coupled with the remaining
26 unobligated balance of up to one million five hundred
27 thousand dollars from the appropriation made in 2009
28 Iowa Acts, chapter 184, section 1, subsection 12,
29 paragraph "a", for a total commitment of three million

30 five hundred thousand dollars for the fiscal year
31 beginning July 1, 2010, and ending June 30, 2011,
32 for matching federal funding available through the
33 Passenger Rail Investment and Improvement Act of 2008.

34 DIVISION ___VII

35 SMART PLANNING

36 Sec. 16. NEW SECTION. 18B.1 Iowa smart planning
37 principles.
38 State agencies, local governments, and other public
39 entities shall consider and may apply the following
40 principles during deliberation of all appropriate
41 planning, zoning, development, and resource management
42 decisions, except that nothing in this section shall be
43 construed to expand the eminent domain authority of a
44 state agency, local government, or other public entity
45 beyond that which is authorized under chapter 6A or 6B:
46 1. Collaboration. Governmental, community, and
47 individual stakeholders, including those outside
48 the jurisdiction of the entity, are encouraged to be
49 involved and provide comment during deliberation of
50 planning, zoning, development, and resource management

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1 decisions and during implementation of such decisions.
2 The state agency, local government, or other public
3 entity is encouraged to develop and implement a
4 strategy to facilitate such participation.
5 2. Efficiency, transparency, and
6 consistency. Planning, zoning, development, and
7 resource management should be undertaken to provide
8 efficient, transparent, and consistent outcomes.
9 Individuals, communities, regions, and governmental
10 entities should share in the responsibility to promote
11 the equitable distribution of development benefits and
12 costs.
13 3. Clean, renewable, and efficient
14 energy. Planning, zoning, development, and resource
15 management should be undertaken to promote clean and
16 renewable energy use and increased energy efficiency.
17 4. Occupational diversity. Planning, zoning,
18 development, and resource management should promote
19 increased diversity of employment and business
20 opportunities, promote access to education and
21 training, expand entrepreneurial opportunities,
22 and promote the establishment of businesses in
23 locations near existing housing, infrastructure, and
24 transportation.
25 5. Revitalization. Planning, zoning, development,
26 and resource management should facilitate the
27 revitalization of established town centers and
28 neighborhoods by promoting development that conserves

29 land, protects historic resources, promotes pedestrian
 30 accessibility, and integrates different uses of
 31 property. Remediation and reuse of existing sites,
 32 structures, and infrastructure is preferred over new
 33 construction in undeveloped areas.

34 6. Housing diversity. Planning, zoning,
 35 development, and resource management should encourage
 36 diversity in the types of available housing, support
 37 the rehabilitation of existing housing, and promote
 38 the location of housing near public transportation and
 39 employment centers.

40 7. Community character. Planning, zoning,
 41 development, and resource management should promote
 42 activities and development that are consistent with the
 43 character and architectural style of the community and
 44 should respond to local values regarding the physical
 45 character of the community.

46 8. Natural resources and agricultural protection.
 47 Planning, zoning, development, and resource management
 48 should emphasize protection, preservation, and
 49 restoration of natural resources, agricultural
 50 land, and cultural and historic landscapes, and

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1 should increase the availability of open spaces and
 2 recreational facilities.

3 9. Sustainable design. Planning, zoning,
 4 development, and resource management should promote
 5 developments, buildings, and infrastructure that
 6 utilize sustainable design and construction standards
 7 and conserve natural resources by reducing waste and
 8 pollution through efficient use of land, energy, water,
 9 air, and materials.

10 10. Transportation diversity. Planning, zoning,
 11 development, and resource management should promote
 12 expanded transportation options for residents of
 13 the community. Consideration should be given to
 14 transportation options that maximize mobility, reduce
 15 congestion, conserve fuel, and improve air quality.

16 Sec. 17. NEW SECTION. 18B.2 Local comprehensive
 17 planning and development guidelines.

18 1. For the purposes of this chapter, unless the
 19 context otherwise requires:

20 a. (1) "Development" means any of the following:

21 (a) Construction, reconstruction, renovation,
 22 mining, extraction, dredging, filling, excavation, or
 23 drilling activity or operation.

24 (b) Man-made changes in the use or appearance of
 25 any structure or in the land itself.

26 (c) The division or subdivision of land.

27 (d) Any change in the intensity of use or the use

28 of land.

29 (2) "Development" does not include any of the
30 following:

31 (a) Activities on or uses of agricultural land,
32 farm houses, or agricultural buildings or structures,
33 unless such buildings or structures are located in the
34 flood plain of a river or stream.

35 (b) Installation, operation, and maintenance of
36 soil and water conservation practices.

37 (c) The choice of crops or a change in the choice
38 of crops on agricultural land.

39 b. "Land development regulations" means zoning,
40 subdivision, site plan, corridor map, floodplain or
41 storm water ordinances, rules, or regulations, or other
42 governmental controls that affect the use of property.

43 c. "Municipality" means a city or a county.

44 2. A municipality shall consider the smart planning
45 principles under section 18B.1 and may include the
46 following information, if applicable, when developing
47 or amending a comprehensive plan under chapter 335 or
48 chapter 414 or when developing or amending other local
49 land development regulations:

50 a. Information relating to public participation

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1 during the creation of the comprehensive plan or land
2 development regulations, including documentation of
3 the public participation process, a compilation of
4 objectives, policies, and goals identified in the
5 public comment received, and identification of the
6 groups or individuals comprising any work groups or
7 committees that were created to assist the planning and
8 zoning commission or other appropriate decision-making
9 body of the municipality.

10 b. Information relating to the primary
11 characteristics of the municipality and a description
12 of how each of those characteristics impacts future
13 development of the municipality. Such information may
14 include historical information about the municipality,
15 the municipality's geography, natural resources,
16 natural hazards, population, demographics, types of
17 employers and industry, labor force, political and
18 community institutions, housing, transportation,
19 educational resources, and cultural and recreational
20 resources. The comprehensive plan or land development
21 regulations may also identify characteristics and
22 community aesthetics that are important to future
23 development of the municipality.

24 c. Objectives, information, and programs that
25 identify current land uses within the municipality and
26 that guide the future development and redevelopment

27 of property, consistent with the municipality's
28 characteristics identified under paragraph "b". The
29 comprehensive plan or land development regulations may
30 include information on the amount, type, intensity,
31 and density of existing land use, trends in the market
32 price of land used for specific purposes, and plans
33 for future land use throughout the municipality. The
34 comprehensive plan or land development regulations
35 may identify and include information on property
36 that has the possibility for redevelopment, a map of
37 existing and potential land use and land use conflicts,
38 information and maps relating to the current and
39 future provision of utilities within the municipality,
40 information and maps that identify the current
41 and future boundaries for areas reserved for soil
42 conservation, water supply conservation, flood control,
43 and surface water drainage and removal. Information
44 provided under this paragraph may also include an
45 analysis of the current and potential impacts on local
46 watersheds and air quality.

47 d. Objectives, policies, and programs to further
48 the vitality and character of established residential
49 neighborhoods and new residential neighborhoods and
50 plans to ensure an adequate housing supply that meets

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1 both the existing and forecasted housing demand. The
2 comprehensive plan or land development regulations
3 may include an inventory and analysis of the local
4 housing stock and may include specific information
5 such as age, condition, type, market value, occupancy,
6 and historical characteristics of all the housing
7 within the municipality. The comprehensive plan or
8 land development regulations may identify specific
9 policies and programs that promote the development
10 of new housing and maintenance or rehabilitation of
11 existing housing and that provide a range of housing
12 choices that meet the needs of the residents of the
13 municipality.

14 e. Objectives, policies, and programs to guide
15 future development of sanitary sewer service,
16 storm water management, water supply, solid waste
17 disposal, wastewater treatment technologies, recycling
18 facilities, and telecommunications facilities. The
19 comprehensive plan or land development regulations may
20 include estimates regarding future demand for such
21 utility services.

22 f. Objectives, policies, and programs to guide the
23 future development of a safe, convenient, efficient,
24 and economical transportation system. Plans for
25 such a transportation system may be coordinated

26 with state and regional transportation plans and
27 take into consideration the need for diverse modes
28 of transportation, accessibility, improved air
29 quality, and interconnectivity of the various modes of
30 transportation.

31 g. Objectives, policies, and programs to promote
32 the stabilization, retention, or expansion of economic
33 development and employment opportunities. The
34 comprehensive plan or land development regulations
35 may include an analysis of current industries and
36 economic activity and identify economic growth goals
37 for the municipality. The comprehensive plan or land
38 development regulations may also identify locations for
39 future brownfield or grayfield development.

40 h. Objectives, policies, and programs addressing
41 preservation and protection of agricultural and natural
42 resources.

43 i. Objectives, policies, and programs to assist
44 future development of educational facilities,
45 cemeteries, health care facilities, child care
46 facilities, law enforcement and fire protection
47 facilities, libraries, and other governmental
48 facilities that are necessary or desirable to meet the
49 projected needs of the municipality.

50 j. Objectives, policies, and programs to

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1 identify characteristics and qualities that make the
2 municipality unique and that are important to the
3 municipality's heritage and quality of life.

4 k. Objectives, policies, and programs that identify
5 the natural and other hazards that have the greatest
6 likelihood of impacting the municipality or that pose
7 a risk of catastrophic damage as such hazards relate
8 to land use and development decisions, as well as the
9 steps necessary to mitigate risk after considering the
10 local hazard mitigation plan approved by the federal
11 emergency management agency.

12 l. Objectives, policies, and programs for joint
13 planning and joint decision making with other
14 municipalities or governmental entities, including
15 school districts and drainage districts, for siting
16 and constructing public facilities and sharing public
17 services. The comprehensive plan or land development
18 regulations may identify existing or potential
19 conflicts between the municipality and other local
20 governments related to future development of the
21 municipality and may include recommendations for
22 resolving such conflicts. The comprehensive plan
23 or land development regulations may also identify
24 opportunities to collaborate and partner with

25 neighboring jurisdictions and other entities in the
 26 region for projects of mutual interest.

27 m. A compilation of programs and specific
 28 actions necessary to implement any provision of the
 29 comprehensive plan, including changes to any applicable
 30 land development regulations, official maps, or
 31 subdivision ordinances.

32 3. A municipality's comprehensive plan developed
 33 using the guidelines under this section shall address
 34 prevention and mitigation of, response to, and recovery
 35 from a catastrophic flood.

36 Sec. 18. Section 28I.4, Code 2009, is amended to
 37 read as follows:

38 28I.4 Powers and duties.

39 1. The commission shall have the power and duty
 40 to make comprehensive studies and plans for the
 41 development of the area it serves which will guide
 42 the unified development of the area and which will
 43 eliminate planning duplication and promote economy and
 44 efficiency in the ~~co-ordinated~~ coordinated development
 45 of the area and the general welfare, convenience,
 46 safety, and prosperity of its people. The plan or
 47 plans collectively shall be known as the regional
 48 or metropolitan development plan. The plans for
 49 the development of the area may include, but shall
 50 not be limited to, recommendations with respect to

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1 existing and proposed highways, bridges, airports,
 2 streets, parks and recreational areas, schools and
 3 public institutions and public utilities, public
 4 open spaces, and sites for public buildings and
 5 structures; districts for residence, business,
 6 industry, recreation, agriculture, and forestry; water
 7 supply, sanitation, drainage, protection against floods
 8 and other disasters; areas for housing developments,
 9 slum clearance and urban renewal and redevelopment;
 10 location of private and public utilities, including
 11 but not limited to sewerage and water supply systems;
 12 and such other recommendations concerning current
 13 and impending problems as may affect the area served
 14 by the commission. Time and priority schedules
 15 and cost estimates for the accomplishment of the
 16 recommendations may also be included in the plans. The
 17 plans shall be made with consideration of the smart
 18 planning principles under section 18B.1. The plans
 19 shall be based upon and include appropriate studies
 20 of the location and extent of present and anticipated
 21 populations; social, physical, and economic resources,
 22 problems and trends; and governmental conditions and
 23 trends. The commission is also authorized to make

24 surveys, land-use studies, and urban renewal plans,
 25 provide technical services and other planning work
 26 for the area it serves and for cities, counties, and
 27 other political subdivisions in the area. A plan or
 28 plans of the commission may be adopted, added to,
 29 and changed from time to time by a majority vote of
 30 the planning commission. The plan or plans may in
 31 whole or in part be adopted by the governing bodies of
 32 the ~~co-operating~~ cooperating cities and counties as
 33 the general plans of such cities and counties. The
 34 commission may also assist the governing bodies and
 35 other public authorities or agencies within the area it
 36 serves in carrying out any regional plan or plans, and
 37 assist any planning commission, board or agency of the
 38 cities and counties and political subdivisions in the
 39 preparation or effectuation of local plans and planning
 40 consistent with the program of the commission. The
 41 commission may ~~co-operate~~ cooperate and confer, as far
 42 as possible, with planning agencies of other states or
 43 of regional groups of states adjoining its area.
 44 2. A planning commission formed under the
 45 provisions of this chapter shall, upon designation as
 46 such by the governor, serve as a district, regional, or
 47 metropolitan agency for comprehensive planning for its
 48 area for the purpose of carrying out the functions as
 49 defined for such an agency by federal, state, and local
 50 laws and regulations.

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1 Sec. 19. Section 329.3, Code 2009, is amended to
 2 read as follows:
 3 329.3 Zoning regulations – powers granted.
 4 Every municipality having an airport hazard area
 5 within its territorial limits may adopt, administer,
 6 and enforce in the manner and upon the conditions
 7 prescribed by this chapter, zoning regulations for
 8 such airport hazard area, which regulations may divide
 9 such area into zones and, within such zones, specify
 10 the land uses permitted, and regulate and restrict,
 11 for the purpose of preventing airport hazards, the
 12 height to which structures and trees may be erected
 13 or permitted to grow. Regulations adopted under this
 14 chapter shall be made with consideration of the smart
 15 planning principles under section 18B.1.
 16 Sec. 20. Section 335.5, Code 2009, is amended to
 17 read as follows:
 18 335.5 Objectives.
 19 1. The regulations shall be made in accordance
 20 with a comprehensive plan and designed to preserve
 21 the availability of agricultural land; to consider
 22 the protection of soil from wind and water erosion;

23 to encourage efficient urban development patterns; to
 24 lessen congestion in the street or highway; to secure
 25 safety from fire, flood, panic, and other dangers; to
 26 protect health and the general welfare; to provide
 27 adequate light and air; to prevent the overcrowding
 28 of land; to avoid undue concentration of population;
 29 to promote the conservation of energy resources; to
 30 promote reasonable access to solar energy; and to
 31 facilitate the adequate provision of transportation,
 32 water, sewerage, schools, parks, and other public
 33 requirements. However, provisions of this section
 34 relating to the objectives of energy conservation
 35 and access to solar energy shall not be construed as
 36 voiding any zoning regulation existing on July 1, 1981,
 37 or to require zoning in a county that did not have
 38 zoning prior to July 1, 1981.

39 2. ~~Such~~ The regulations shall be made with
 40 reasonable consideration, among other things, as to the
 41 character of the area of the district and the peculiar
 42 suitability of such area for particular uses, and
 43 with a view to conserving the value of buildings and
 44 encouraging the most appropriate use of land throughout
 45 such county.

46 3. The regulations and comprehensive plan shall
 47 be made with consideration of the smart planning
 48 principles under section 18B.1 and may include the
 49 information specified in section 18B.2, subsection 2.

50 4. a. A comprehensive plan recommended for

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1 adoption by the zoning commission established
 2 under section 335.8, may be adopted by the board of
 3 supervisors. The board of supervisors may amend a
 4 proposed comprehensive plan prior to adoption. The
 5 board of supervisors shall publish notice of the
 6 meeting at which the comprehensive plan will be
 7 considered for adoption. The notice shall be published
 8 as provided in section 331.305.

9 b. Following its adoption, copies of the
 10 comprehensive plan shall be sent or made available to
 11 neighboring counties, cities within the county, the
 12 council of governments or regional planning commission
 13 where the county is located, and public libraries
 14 within the county.

15 c. Following its adoption, a comprehensive plan may
 16 be amended by the board of supervisors at any time.

17 Sec. 21. Section 335.8, Code 2009, is amended to
 18 read as follows:

19 335.8 Commission appointed.

20 1. In order to avail itself of the powers conferred
 21 by this chapter, the board of supervisors shall

22 appoint a commission, a majority of whose members shall
23 reside within the county but outside the corporate
24 limits of any city, to be known as the county zoning
25 commission, to recommend the boundaries of the various
26 original districts, and appropriate regulations and
27 restrictions to be enforced therein. Such commission
28 shall, with due diligence, prepare a preliminary report
29 and hold public hearings thereon before submitting
30 its final report; and the board of supervisors shall
31 not hold its public hearings or take action until it
32 has received the final report of such commission.
33 After the adoption of such regulations, restrictions,
34 and boundaries of districts, the zoning commission
35 may, from time to time, recommend to the board of
36 supervisors amendments, supplements, changes or
37 modifications.

38 2. The zoning commission may recommend to the
39 board of supervisors for adoption a comprehensive plan
40 pursuant to section 335.5, or amendments thereto.

41 3. The zoning commission, with the approval of the
42 board of supervisors, may contract with professional
43 consultants, regional planning commissions, the Iowa
44 department of economic development, or the federal
45 government, for local planning assistance.

46 Sec. 22. Section 414.3, Code 2009, is amended to
47 read as follows:

48 414.3 Basis of regulations.

49 1. The regulations shall be made in accordance
50 with a comprehensive plan and designed to preserve

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1 the availability of agricultural land; to consider
2 the protection of soil from wind and water erosion;
3 to encourage efficient urban development patterns;
4 to lessen congestion in the street; to secure safety
5 from fire, flood, panic, and other dangers; to promote
6 health and the general welfare; to provide adequate
7 light and air; to prevent the overcrowding of land; to
8 avoid undue concentration of population; to promote the
9 conservation of energy resources; to promote reasonable
10 access to solar energy; and to facilitate the adequate
11 provision of transportation, water, sewerage, schools,
12 parks, and other public requirements. However,
13 provisions of this section relating to the objectives
14 of energy conservation and access to solar energy do
15 not void any zoning regulation existing on July 1,
16 1981, or require zoning in a city that did not have
17 zoning prior to July 1, 1981.

18 ~~Such~~ 2. The regulations shall be made with
19 reasonable consideration, among other things, as to the
20 character of the area of the district and the peculiar

21 suitability of such area for particular uses, and
 22 with a view to conserving the value of buildings and
 23 encouraging the most appropriate use of land throughout
 24 such city.

25 3. The regulations and comprehensive plan shall
 26 be made with consideration of the smart planning
 27 principles under section 18B.1 and may include the
 28 information specified in section 18B.2, subsection 2.

29 4. a. A comprehensive plan recommended for
 30 adoption by the zoning commission established under
 31 section 414.6, may be adopted by the council. The
 32 council may amend the proposed comprehensive plan
 33 prior to adoption. The council shall publish notice
 34 of the meeting at which the comprehensive plan will be
 35 considered for adoption. The notice shall be published
 36 as provided in section 362.3.

37 b. Following its adoption, copies of the
 38 comprehensive plan shall be sent or made available to
 39 the county in which the city is located, neighboring
 40 counties and cities, the council of governments or
 41 regional planning commission where the city is located,
 42 and public libraries within the city.

43 c. Following its adoption, a comprehensive plan may
 44 be amended by the council at any time.

45 Sec. 23. Section 414.6, Code 2009, is amended to
 46 read as follows:

47 414.6 Zoning commission.

48 1. In order to avail itself of the powers
 49 conferred by this chapter, the council shall appoint
 50 a commission, to be known as the zoning commission,

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1 to recommend the boundaries of the various original
 2 districts, and appropriate regulations and restrictions
 3 to be enforced therein. Where a city plan commission
 4 already exists, it may be appointed as the zoning
 5 commission. Such commission shall, with due diligence,
 6 prepare a preliminary report and hold public hearings
 7 thereon before submitting its final report; and such
 8 council shall not hold its public hearings or take
 9 action until it has received the final report of such
 10 commission. After the adoption of such regulations,
 11 restrictions, and boundaries of districts, the zoning
 12 commission may, from time to time, recommend to
 13 the council amendments, supplements, changes, or
 14 modifications.

15 2. The zoning commission may recommend to the
 16 council for adoption a comprehensive plan pursuant to
 17 section 414.3, or amendments thereto.

18 Sec. 24. IOWA SMART PLANNING TASK FORCE.

19 1. An Iowa smart planning task force is established

20 consisting of twenty-nine voting members and four ex
21 officio, nonvoting members.
22 2. Members of the task force shall consist of all
23 of the following:
24 a. Fourteen state agency director or administrator
25 members consisting of all of the following:
26 (1) The director of the department on aging or the
27 director's designee.
28 (2) The director of the department of economic
29 development or the director's designee.
30 (3) The secretary of agriculture and land
31 stewardship or the secretary's designee.
32 (4) The director of the department of cultural
33 affairs or the director's designee.
34 (5) The director of the department of public health
35 or the director's designee.
36 (6) The director of the department of management or
37 the director's designee.
38 (7) The director of the department of natural
39 resources or the director's designee.
40 (8) The director of the department of workforce
41 development or the director's designee.
42 (9) The director of the office of energy
43 independence or the director's designee.
44 (10) The director of the department of
45 transportation or the director's designee.
46 (11) The administrator of the homeland security
47 and emergency management division of the department of
48 public defense or the administrator's designee.
49 (12) The director of the rebuild Iowa office or the
50 director's designee.

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1 (13) The state building code commissioner or the
2 commissioner's designee.
3 (14) The chairperson of the utilities board within
4 the utilities division of the department of commerce or
5 the chairperson's designee.
6 b. Chairperson of the department of community
7 and regional planning at Iowa state university or the
8 chairperson's designee.
9 c. Director of the urban and regional planning
10 program at the university of Iowa or the director's
11 designee.
12 d. Director of the institute for decision making
13 at the university of northern Iowa or the director's
14 designee.
15 e. President of the Iowa chapter of the American
16 planning association or the president's designee.
17 f. Executive director of the Iowa association of
18 regional councils or the executive director's designee.

- 19 g. President of the Iowa chapter of the American
20 institute of architects or the president's designee.
- 21 h. Executive director of the Iowa league of cities
22 or the executive director's designee.
- 23 i. Executive director of the Iowa state association
24 of counties or the executive director's designee.
- 25 j. President of the executive committee of the
26 school administrators of Iowa or the president's
27 designee.
- 28 k. A representative appointed by the governor from
29 a city having a population of five thousand or less
30 according to the 2000 certified federal census.
- 31 l. A representative appointed by the governor from
32 a city having a population of more than five thousand
33 and less than twenty-five thousand according to the
34 2000 certified federal census.
- 35 m. A representative appointed by the governor from
36 a city having a population of twenty-five thousand or
37 more according to the 2000 certified federal census.
- 38 n. A representative appointed by the governor from
39 a county having a population of ten thousand or less
40 according to the 2000 certified federal census.
- 41 o. A representative appointed by the governor from
42 a county having a population of more than ten thousand
43 and less than fifty thousand according to the 2000
44 certified federal census.
- 45 p. A representative appointed by the governor from
46 a county having a population of fifty thousand or more
47 according to the 2000 certified federal census.
- 48 3. The task force shall include four members of
49 the general assembly serving as ex officio, nonvoting
50 members, with not more than one member from each

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- 1 chamber being from the same political party. The two
2 senators shall be appointed one each by the majority
3 leader of the senate after consultation with the
4 president of the senate, and by the minority leader of
5 the senate. The two representatives shall be appointed
6 one each by the speaker of the house of representatives
7 after consultation with the majority leader of the
8 house of representatives, and by the minority leader of
9 the house of representatives.
- 10 4. The task force may establish committees and
11 subcommittees comprised of members of the task force.
- 12 5. Members of the task force designated in
13 subsection 2, paragraphs "k" through "p" shall serve at
14 the pleasure of the governor. For the members of the
15 task force designated in subsection 2, paragraphs "k"
16 through "p", at least one member shall have experience
17 in real estate, at least one member shall have

18 experience in land development, and at least one member
19 shall have experience in residential construction.

20 6. A vacancy on the task force shall be filled in
21 the same manner as the original appointment.

22 7. a. A majority of the members of the task force
23 constitutes a quorum. Any action taken by the task
24 force must be adopted by the affirmative vote of a
25 majority of its membership. A task force member's
26 designee may vote on task force matters in the absence
27 of the member.

28 b. The task force shall elect a chairperson and
29 vice chairperson from the membership of the task force.

30 c. The task force shall meet at least four times
31 before November 15, 2010. Meetings of the task force
32 may be called by the chairperson or by a majority of
33 the members. However, the first meeting of the task
34 force shall be called by the governor.

35 d. Members of the task force shall not be
36 compensated for meeting participation or reimbursed
37 for costs associated with meeting attendance. A
38 legislative member is not eligible for per diem and
39 expenses as provided in section 2.10.

40 8. The director of the department of management, or
41 the director's designee, shall provide staff assistance
42 and administrative support to the task force. The task
43 force may request information or other assistance from
44 the Iowa association of regional councils.

45 9. The director of the department of management, or
46 the director's designee, shall seek funding to support
47 municipal comprehensive planning in this state.

48 10. The task force shall comply with the
49 requirements of chapters 21 and 22. The department of
50 management shall be the official repository of task

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1 force records.

2 11. The duties of the task force shall include but
3 are not limited to the following:

4 a. Consult land use experts, representatives of
5 cities and counties, agricultural and environmental
6 interests, urban and regional planning experts, reports
7 or information from the local government innovation
8 commission, and all other information deemed relevant
9 by task force members.

10 b. Solicit information from the general public on
11 matters related to comprehensive planning.

12 c. Evaluate state policies, programs, statutes,
13 and rules to determine whether any state policies,
14 programs, statutes, or rules should be revised to
15 integrate the Iowa smart planning principles under
16 section 18B.1.

- 17 d. Develop statewide goals for comprehensive
 18 planning that utilize the Iowa smart planning
 19 principles under section 18B.1, and develop
 20 recommendations for a process to measure progress
 21 toward achieving those goals.
- 22 e. Evaluate and develop incentives to conduct local
 23 and regional comprehensive planning, including but not
 24 limited to state financial and technical assistance.
- 25 f. Develop a model for regional comprehensive
 26 planning within the state and recommend partnerships
 27 between state agencies, local governments, educational
 28 institutions, and research facilities.
- 29 g. Review municipal comprehensive plans to
 30 determine the number of such plans that address the
 31 hazards identified in section 18B.2, subsection 2,
 32 paragraph "k", and the adequacy of such plans in
 33 addressing those hazards.
- 34 h. Develop a set of recommendations that is
 35 consistent with the Iowa smart planning principles
 36 under section 18B.1 and that does all of the following:
- 37 (1) Coordinates, facilitates, and centralizes
 38 the exchange of information related to state and
 39 local planning, zoning, and development between state
 40 agencies and the general assembly.
- 41 (2) Coordinates discussions concerning a proposed
 42 geographic information system between the producers and
 43 the users of such systems.
- 44 (3) Allows the efficient production and
 45 dissemination of population and other demographic
 46 statistical forecasts.
- 47 (4) Creates a centralized electronic storage
 48 location for all comprehensive plans adopted under
 49 chapter 335 or chapter 414.
- 50 (5) Facilitates the cooperation of state and local

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- 1 governments with comprehensive planning, educational,
 2 and research programs.
- 3 (6) Provides and administers technical and
 4 financial assistance for state and local comprehensive
 5 planning.
- 6 (7) Provides information to local governments
 7 relating to state and federal resources and other
 8 resources for comprehensive planning.
- 9 12. The task force shall prepare a report that
 10 includes goals, recommendations, and other information
 11 described in subsection 11, to the governor and the
 12 general assembly on or before November 15, 2010.
- 13 13. The task force is dissolved on December 31,
 14 2012.
- 15

GROW IOWA VALUES FUND

16 GROW IOWA VALUES FUND
 17 Sec. 25. There is appropriated from the rebuild
 18 Iowa infrastructure fund to the department of economic
 19 development for deposit in the grow Iowa values fund,
 20 for the fiscal year beginning July 1, 2010, and ending
 21 June 30, 2011, the following amount, notwithstanding
 22 section 8.57, subsection 6, paragraph "c":
 23 \$ 38,000,000

24 Sec. 26. GROW IOWA VALUES FUND APPROPRIATION
 25 REDUCTION. In lieu of the \$50,000,000 appropriated
 26 for the fiscal year beginning July 1, 2010, and ending
 27 June 30, 2011, from the grow Iowa values fund to the
 28 department of economic development pursuant to section
 29 15G.111, subsection 3, there is appropriated from the
 30 grow Iowa values fund to the department of economic
 31 development for the fiscal year beginning July 1, 2010,
 32 and ending June 30, 2011, \$38,000,000 for the purposes
 33 of making expenditures pursuant to chapter 15G.

34 Sec. 27. GROW IOWA VALUES FUND ALLOCATIONS. In
 35 lieu of the amounts allocated pursuant to section
 36 15G.111, subsections 4 through 10, for the fiscal year
 37 beginning July 1, 2010, and ending June 30, 2011, of
 38 the \$38,000,000 appropriated to the department of
 39 economic development pursuant to this division of
 40 this Act, the department shall allocate the following
 41 amounts for the following purposes as described in
 42 section 15G.111, subsections 4 through 10:

- 43 1. For departmental purposes, \$21,363,600.
- 44 2. For the state board of regents institutions,
 45 \$3,800,000.
- 46 3. For state parks, \$760,000.
- 47 4. For deposit in the Iowa cultural trust fund,
 48 \$760,000.
- 49 5. For community colleges, \$5,320,000.
- 50 6. For regional financial assistance, \$760,000.

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1 Of the moneys allocated pursuant to this subsection
 2 and in lieu of the three hundred fifty thousand
 3 dollars transferred under section 15G.111, subsection
 4 9, paragraph "a", the department shall transfer two
 5 hundred sixty-six thousand dollars to Iowa state
 6 university of science and technology, for purposes
 7 of providing financial assistance to establish small
 8 business development centers.

- 9 7. For commercialization services, \$4,389,000.
- 10 8. For targeted small business, \$847,400.

11 Sec. 28. Section 15.247, subsection 3, Code
 12 Supplement 2009, is amended to read as follows:

- 13 3. a. All moneys designated for the targeted small
 14 business financial assistance program shall be credited

15 to the program account. The department shall determine
 16 the actuarially sound reserve requirement for the
 17 amount of guaranteed loans outstanding.

18 b. Of the moneys credited to the program account,
 19 the department may allocate an amount necessary
 20 for marketing and compliance and an amount for the
 21 provision of the mentoring services required under
 22 subsection 7.

23 Sec. 29. Section 15G.110, Code Supplement 2009, is
 24 amended to read as follows:

25 15G.110 Appropriation.

26 1. For the fiscal period beginning July 1, 2005,
 27 and ending June 30, 2008, and for the fiscal period
 28 beginning July 1, ~~2010~~ 2011, and ending June 30, 2015,
 29 there is appropriated to the department of economic
 30 development each fiscal year fifty million dollars from
 31 the general fund of the state for deposit in the grow
 32 Iowa values fund.

33 2. For the fiscal period beginning July 1, 2008,
 34 and ending June 30, ~~2010~~ 2011, there is appropriated
 35 to the department of economic development each fiscal
 36 year fifty million dollars from the rebuild Iowa
 37 infrastructure fund for deposit in the grow Iowa values
 38 fund, notwithstanding section 8.57, subsection 6,
 39 paragraph "c".

40 Sec. 30. Section 15G.111, subsection 2, paragraph
 41 b, Code Supplement 2009, is amended to read as follows:

42 b. Moneys credited to the fund are not subject to
 43 section 8.33. Notwithstanding section 12C.7, interest
 44 or earnings on moneys in the fund shall be credited
 45 to the fund. Interest or earnings on moneys in the
 46 fund are appropriated to the department. Of the
 47 moneys appropriated to the department pursuant to this
 48 paragraph, the department shall make the following
 49 allocations:

50 (1) For each fiscal year of the fiscal period

Page 34

1 beginning July 1, 2010, and ending June 30, 2013, the
 2 department shall allocate not more than one hundred
 3 seventy-five thousand dollars for purposes of providing
 4 financial assistance to Iowa's councils of governments.

5 (2) For each fiscal year of the fiscal period
 6 beginning July 1, 2010, and ending June 30, 2013, the
 7 department shall allocate not more than two hundred
 8 thousand dollars for purposes of providing support and
 9 administrative assistance to the vision Iowa board, the
 10 community attraction and tourism program, and river
 11 enhancement community attraction and tourism projects.

12 (3) For each fiscal year of the fiscal period
 13 beginning July 1, 2010, and ending June 30, 2013, the

14 department shall allocate the remaining amount of
 15 interest or earnings on moneys in the fund for purposes
 16 of providing financial assistance under the disaster
 17 recovery component of the grow Iowa values financial
 18 assistance program. All moneys allocated pursuant to
 19 this subparagraph that remain unexpended or unobligated
 20 at the end of the fiscal year beginning July 1, 2012,
 21 shall revert and be credited to the fund.

22 Sec. 31. Section 15G.111, subsection 4, unnumbered
 23 paragraph 1, Code Supplement 2009, is amended to read
 24 as follows:

25 Of the moneys appropriated to the department
 26 pursuant to subsection 3, the department shall
 27 allocate ~~thirty-two~~ twenty-eight million five hundred
 28 thousand dollars each fiscal year as follows:

29 Sec. 32. Section 15G.111, subsection 10, Code
 30 Supplement 2009, is amended to read as follows:

31 ~~10. Commercialization~~ Innovation and
 32 commercialization services. Of the moneys appropriated
 33 to the department pursuant to subsection 3, the
 34 department shall allocate ~~three~~ five million five
 35 hundred thousand dollars for deposit in the innovation
 36 and commercialization development fund created in
 37 section 15.412.

38 Sec. 33. Section 15G.111, Code Supplement 2009, is
 39 amended by adding the following new subsection:

40 NEW SUBSECTION. 11. Targeted small businesses. Of
 41 the moneys appropriated to the department pursuant to
 42 subsection 3, the department shall allocate one million
 43 dollars for deposit in the targeted small business
 44 financial assistance program account established
 45 pursuant to section 15.247 within the strategic
 46 investment fund created in section 15.313.

47 DIVISION ___IX

48 SMALL BUSINESS LINKED INVESTMENTS

49 Sec. 34. Section 12.43, subsection 5, unnumbered
 50 paragraph 1, Code 2009, is amended to read as follows:

Page 35

1 In order to qualify under this program, all
 2 owners of the business or borrowers must not have
 3 a combined net worth exceeding ~~seven~~ nine hundred
 4 ~~fifty~~ seventy-five thousand dollars as defined in
 5 rules adopted by the treasurer of state pursuant to
 6 chapter 17A and the small business must meet all of the
 7 following criteria:

8 DIVISION ___X

9 SITE DEVELOPMENT

10 Sec. 35. Section 15E.18, Code 2009, is amended by
 11 striking the section and inserting in lieu thereof the
 12 following:

13 15E.18 Site development consultations –
 14 certificates of readiness.
 15 1. a. The department shall consult with local
 16 governments and local economic development officials in
 17 regard to site development techniques. For purposes
 18 of this section, "site development techniques" include
 19 environmental evaluations, property and wetland
 20 delineation, and historical evaluations.
 21 b. The department may charge a fee for providing
 22 site development consultations. The fee shall not
 23 exceed the reasonable cost to the department of
 24 providing the consultations. The amount of any fees
 25 collected by the department shall be deposited in the
 26 general fund of the state.
 27 2. a. A local government or local economic
 28 development official involved with the development of
 29 a site may apply to the department for a certificate
 30 of readiness verifying that the site is ready for
 31 development.
 32 b. The department shall develop criteria for
 33 evaluating various types of sites in order to determine
 34 whether a particular site is ready for development
 35 based on the site's individual circumstances and the
 36 economic development goals of the applicant.
 37 c. The department shall review applications for
 38 certificates of readiness and may issue a certificate
 39 of readiness to any site that meets the criteria
 40 developed under paragraph "b".
 41 3. The department shall adopt rules pursuant to
 42 chapter 17A for the implementation of this section.

43 Sec. 36. SITE DEVELOPMENT CONSULTATIONS
 44 APPROPRIATION. There is appropriated from the school
 45 infrastructure fund created in section 12.82 to the
 46 department of economic development for the fiscal year
 47 beginning July 1, 2010, and ending June 30, 2011, the
 48 following amount, or so much thereof as is necessary,
 49 to be used for the purposes designated:
 50 For providing site development consultations

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1 pursuant to section 15E.18, including salaries,
 2 support, maintenance, miscellaneous purposes, and
 3 for not more than the following full-time equivalent
 4 positions:
 5 \$ 175,000
 6 FTEs 1.00

7 Of the moneys appropriated to the department
 8 pursuant to this section, the department may allocate
 9 up to \$75,000 for purposes of contracting with third
 10 parties to provide site development consultations.

11 DIVISION __XI

12 INTERNET SITE FOR BUSINESS
13 ASSISTANCE

14 Sec. 37. BUSINESS ASSISTANCE INTERNET SITE.

15 1. The department of economic development, in
16 consultation with other state agencies that provide
17 financial and technical assistance to small businesses
18 and with the state board of regents, shall create a
19 business assistance internet site designed to assist
20 small businesses in finding information related to the
21 various kinds of technical and financial assistance
22 available from the state of Iowa. The department
23 may incorporate the internet site into its existing
24 internet site as appropriate.

25 2. The internet site shall include links to the
26 various internet sites maintained by other state
27 agencies or the state board of regents that pertain
28 to assistance for small businesses. The other state
29 agencies and the board of regents shall assist the
30 department of economic development in an effort to keep
31 the information on the internet site up-to-date. The
32 department of administrative services shall work with
33 the department of economic development to ensure that
34 the internet site is readily accessible to the public.

35 Sec. 38. BUSINESS ASSISTANCE INTERNET SITE
36 APPROPRIATION. There is appropriated from the school

37 infrastructure fund created in section 12.82 to the
38 department of economic development for the fiscal year
39 beginning July 1, 2010, and ending June 30, 2011, the
40 following amount, or so much thereof as is necessary,
41 to be used for the purposes designated:

42 For purposes of creating a business assistance
43 internet site:
44 \$ 20,000

45 DIVISION __XII
46 REGULATORY ASSISTANCE INTERIM
47 STUDY COMMITTEE

48 Sec. 39. REGULATORY ASSISTANCE INTERIM STUDY
49 COMMITTEE.

50 1. The legislative council is requested to

1 establish an interim study committee to examine and
2 make recommendations regarding methods of assisting
3 small businesses that do not require direct financial
4 incentives and regarding potential changes of law
5 that would improve business licensing, regulatory
6 compliance, and tax collection procedures.

7 2. The study committee shall be composed of five
8 members of the house of representatives, five members
9 of the senate, and five members of the general public
10 who are also small business owners. Of the members

11 of the senate, three members shall be appointed by
 12 the majority leader of the senate and two shall be
 13 appointed by the minority leader of the senate. Of
 14 the members of the house of representatives, three
 15 members shall be appointed by the speaker of the house
 16 of representatives, and two shall be appointed by the
 17 minority leader of the house of representatives.

18 3. a. The study committee shall work with the
 19 department of economic development, the department of
 20 inspections and appeals, the insurance division of
 21 the department of commerce, the department of natural
 22 resources, the professional licensing and regulation
 23 bureau of the banking division of the department
 24 of commerce, the department of public health, the
 25 department of public safety, the department of revenue,
 26 the secretary of state, and the department of workforce
 27 development to study ways to improve the state's
 28 business licensing procedures.

29 b. In preparation for assisting with the interim
 30 study committee, a state agency listed in this
 31 subsection shall conduct an internal review to identify
 32 and prioritize its procedures as they pertain to
 33 businesses and business licensing.

34 c. A state agency listed in this subsection shall
 35 provide all necessary assistance to the interim study
 36 committee in making recommendations to the general
 37 assembly.

38 4. The interim study committee shall submit its
 39 recommendations to the general assembly on or before
 40 January 14, 2011.

41 DIVISION __XIII

42 SAVE OUR SMALL BUSINESSES FUND 43 AND PROGRAM

44 Sec. 40. NEW SECTION. 15.300 Findings and intent.

45 1. The general assembly finds all of the following:

46 a. That entrepreneurs and small businesses often
 47 have difficulty obtaining conventional loan financing,
 48 limiting their ability to expand, retain, and create
 49 additional jobs.

50 b. That a source of capital provided by the state

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1 could greatly assist entrepreneurs and small businesses
 2 in their efforts to upgrade or modernize equipment,
 3 realize additional efficiencies in their supply
 4 chains, improve their distribution and transportation
 5 margins, reduce facility costs through increased energy
 6 efficiency, and leverage other sources of business
 7 financing.

8 2. The purpose of the save our small businesses
 9 fund created in section 15.301 is to promote the

10 creation and retention of jobs in the state's economy
11 and to assist businesses to be more competitive by
12 addressing the needs identified in subsection 1.

13 Sec. 41. NEW SECTION. 15.301 Save our small
14 businesses fund and program.

15 1. a. A save our small businesses fund is created
16 in the state treasury under the control of the
17 department and consisting of any moneys appropriated to
18 the fund by the general assembly and any other moneys
19 available and obtained or accepted by the department
20 for placement in the fund.

21 b. Payments of interest, repayments of moneys
22 loaned pursuant to this section, and recaptures of
23 loans shall be deposited in the fund. The fund shall
24 be used to provide financial assistance in the form
25 of low-interest loans as provided under the program
26 created in this section.

27 c. (1) If, on March 31, 2011, there are
28 unobligated moneys in the fund, such unobligated moneys
29 shall revert to the general fund of the state.

30 (2) For each quarter, beginning with the first
31 quarter after the reversion of moneys pursuant to
32 subparagraph (1) and ending with the last quarter prior
33 to the reversion of moneys pursuant to subparagraph

34 (3), the department shall, on the last day of the
35 quarter transfer to the general fund of the state the
36 balance of unencumbered moneys in the fund.

37 (3) On March 31, 2016, all moneys in the fund shall
38 revert to the general fund of the state.

39 2. a. The department shall establish and
40 administer a program for purposes of providing
41 financial assistance to eligible small businesses.
42 For purposes of this section, "financial assistance"
43 means loans at an interest rate not to exceed three
44 and nine-tenths percent per annum and "eligible
45 small business" means a small business meeting the
46 requirements of subsection 3.

47 b. (1) The department may designate an
48 organization to administer the provisions of this
49 section on the department's behalf.

50 (2) In order to be designated, an organization must

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1 be a nonprofit organization exempt from taxation under
2 section 501(c)(3) of the Internal Revenue Code and
3 must be designated by the United States small business
4 administration as a statewide microloan program
5 provider.

6 (3) If the department elects to designate an
7 organization pursuant to subparagraph (1), the
8 department shall enter into an agreement with the

9 organization for purposes of ensuring that the program
10 is administered pursuant to the requirements of this
11 section.

12 (4) An organization designated pursuant to
13 subparagraph (1) may accept, evaluate, and approve
14 applications for financial assistance from eligible
15 small businesses pursuant to the requirements of this
16 section and may monitor the compliance of eligible
17 businesses with the terms of an agreement entered into
18 with the department.

19 (5) All disbursements of moneys to recipients
20 of financial assistance approved by an organization
21 designated pursuant to subparagraph (1) shall be made
22 by the department.

23 (6) All repayments of principal and interest on
24 financial assistance provided under the program shall
25 be remitted to the department and deposited in the
26 fund.

27 (7) The department, with the assistance of an
28 organization designated pursuant to subparagraph (1),
29 may seek the recapture of financial assistance provided
30 pursuant to this section as provided in subsection 4.

31 c. Financial assistance under the program shall be
32 provided from the fund created in subsection 1.

33 d. Financial assistance to a small business shall
34 be at least two thousand five hundred dollars, but
35 shall not exceed fifty thousand dollars.

36 e. The department, under the terms of an agreement
37 with the organization designated pursuant to paragraph
38 "b", shall begin to provide financial assistance from
39 the fund not later than August 1, 2010, and shall to
40 the extent practicable obligate all available moneys in
41 the fund prior to March 31, 2011.

42 f. A loan made to a small business under the
43 program may be for any period of time, but the terms of
44 such loan shall provide for the repayment of principal
45 and interest prior to the date the moneys in the
46 fund revert pursuant to subsection 1, paragraph "c",
47 subparagraph (3).

48 3. A business is eligible to apply for financial
49 assistance under the program if the business meets all
50 of the following criteria at the time of application:

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1 a. The business has thirty-five or fewer full-time
2 equivalent employees.

3 b. The business is located in Iowa.

4 c. The business is owned, operated, and actively
5 managed by a resident of Iowa.

6 d. The business has a business plan and has
7 received assistance in the development stage or the

8 expansion stage from a small business development
9 center or from a qualified public or nonprofit small
10 business consultant as defined by the department.
11 e. If a business has been a going concern for two
12 years or more, the business has not been found to be in
13 violation of any environmental or worker safety laws,
14 rules, or regulations.

15 f. The business only employs individuals legally
16 authorized to work in this state.

17 g. The business does not engage in the production,
18 depiction, or distribution of obscene material. For
19 purposes of this paragraph, "obscene material" means
20 the same as defined in section 728.1.

21 h. The business is not in bankruptcy and is not
22 imminently contemplating filing for bankruptcy.

23 4. Upon approval of the application for financial
24 assistance by the department or an organization
25 designated pursuant to subsection 2, paragraph "b", the
26 eligible business shall enter into an agreement with
27 the department which shall include but not be limited
28 to all of the following provisions:

29 a. If an eligible business, after receiving
30 financial assistance, does not continue to meet one or
31 more of the criteria for eligibility under subsection
32 3, except for subsection 3, paragraph "a", all or a
33 portion of the financial assistance received is subject
34 to disallowance, recapture, or immediate repayment.

35 b. If, after receiving financial assistance, an
36 eligible business ceases operations within the state
37 or removes a significant portion of its operations
38 to a location outside of the state, all or a portion
39 of the financial assistance received is subject to
40 disallowance, recapture, or immediate repayment.

41 5. a. An eligible business shall not receive more
42 than one award of financial assistance under this
43 section.

44 b. An eligible business that receives financial
45 assistance under this section may subsequently
46 apply for financial assistance under other programs
47 administered by the department.

48 c. An eligible business that receives financial
49 assistance under this section shall not use such
50 financial assistance for purposes of meeting payroll

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1 obligations to employees.

2 6. a. The small business development centers shall
3 track the number of referrals for assistance made
4 to the department for assistance under this section
5 and shall include that number in the small business
6 development center's annual report to the general

7 assembly.

8 b. The department in conjunction with an
9 organization designated pursuant to subsection 2,
10 paragraph "b", shall by January 15 of each year submit
11 a report on the program administered pursuant to
12 this section to the general assembly. The report
13 shall include information on the number of businesses
14 that receive loans under the program and any other
15 information the department deems relevant to assessing
16 the success of the program.

17 7. The department shall adopt rules pursuant to
18 chapter 17A as necessary to administer the program.
19 The department may adopt emergency rules under section
20 17A.4, subsection 3, and section 17A.5, subsection 2,
21 paragraph "b", as necessary for the administration of
22 this section.

23 Sec. 42. SAVE OUR SMALL BUSINESSES FUND
24 APPROPRIATION. There is appropriated from the school
25 infrastructure fund created in section 12.82 to the
26 department of economic development for deposit in the
27 save our small businesses fund for the fiscal year
28 beginning July 1, 2010, and ending June 30, 2011, the
29 following amount, or so much thereof as is necessary,
30 to be used for the purposes designated:

31 For purposes of providing financial assistance under
32 the save our small businesses program under section
33 15.301:

34 \$ 5,000,000

35 Of the moneys appropriated pursuant to this section,
36 the department may allocate an amount not to exceed
37 two percent of the moneys appropriated for purposes of
38 retaining the services of an organization designated
39 pursuant to section 15.301, subsection 2, paragraph
40 "b".

41 Sec. 43. EFFECTIVE UPON ENACTMENT. This division
42 of this Act, being deemed of immediate importance,
43 takes effect upon enactment.

44 DIVISION __XIV

45 ALTERNATIVE PUBLIC PROJECT DELIVERY STUDY

46 Sec. 44. INTERIM STUDY COMMITTEE – ALTERNATIVE
47 PROJECT DELIVERY – REGENTS INSTITUTIONS.

48 1. The legislative council is requested to
49 establish an interim study committee to study the use
50 of alternative project delivery for public projects at

1 institutions under the control of the state board of
2 regents. The study shall include but is not limited
3 to a review and analysis of the use of alternative
4 project delivery at land grant institutions and
5 research universities in other states. There shall

6 be three members from the house of representatives
7 and three members from the senate. In addition to
8 the legislative members, the membership of the study
9 committee shall include the following public members:

- 10 a. Two members appointed by the state board of
11 regents.
- 12 b. One member appointed by the Iowa chapter of the
13 American institute of architects.
- 14 c. One member appointed by the American council of
15 engineering companies of Iowa.
- 16 d. One member appointed by the Iowa chapter of the
17 design-build institute of America.
- 18 e. One member appointed by the master builders of
19 Iowa.
- 20 f. One member appointed by the mechanical
21 contractors association of Iowa.
- 22 g. One member appointed by the Iowa chapter of the
23 national electrical contractors association.
- 24 h. One member appointed by the Iowa state building
25 and construction trades council.
- 26 i. One member appointed by the sheet metal
27 contractors of Iowa.

28 2. The committee shall meet twice during the 2010
29 legislative interim and shall submit findings and any
30 recommendations in a report to the general assembly by
31 January 15, 2011.

32 DIVISION __XV
33 FLOODPLAIN MAPPING

34 Sec. 45. FLOODPLAIN MAPPING. Using funds allocated
35 to the department of natural resources for floodplain
36 mapping from the appropriation made to the department
37 of economic development in 2009 Iowa Acts, chapter
38 183, section 67, of federal community development
39 block grant funds awarded to the state under the
40 federal Consolidated Security, Disaster Assistance,
41 and Continuing Appropriations Act, 2009, Pub. L. No.
42 110-329, the department of natural resources shall
43 enter an agreement in an amount of not less than
44 \$10,000,000 with the state university of Iowa for the
45 development of new floodplain maps by June 30, 2014, by
46 the Iowa flood center established pursuant to section
47 466C.1. The department of natural resources shall
48 structure the contract to be consistent with any plan
49 for use of the funds approved by any federal agency,
50 or, if necessary, follow any procedures necessary for

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1 approval of this contract.

2 Sec. 46. EFFECTIVE UPON ENACTMENT. This division
3 of this Act, being deemed of immediate importance,
4 takes effect upon enactment.

5 DIVISION __XVI
6 DEPARTMENT OF ADMINISTRATIVE SERVICES – OFFICE
7 SPACE – STATE FLEET

8 Sec. 47. DEPARTMENT OF ADMINISTRATIVE SERVICES –
9 OFFICE SPACE REQUEST FOR PROPOSALS.

10 1. The department of administrative services
11 shall issue a request for proposals concerning the
12 availability and cost of office space for state
13 employees in downtown Des Moines and in other areas
14 in close proximity to the state capitol complex. The
15 department shall consider the advantages of locating
16 state employees and their functions near the state
17 capitol complex.

18 2. In issuing the request for proposals, the
19 department shall examine current leases for office
20 space within the greater Des Moines area, determine
21 the current length and duration of those leases, and
22 consider the number of state employees impacted by
23 those leases.

24 3. The request for proposals shall ensure that any
25 office space selected shall meet all of the following
26 criteria:

27 a. The building which includes the office space has
28 skywalk access.

29 b. The building which includes the office space is
30 located within reasonable proximity to the free shuttle
31 service route that includes transportation between the
32 capitol complex and the downtown Des Moines area.

33 c. The entity leasing office space provides
34 adequate parking to employees utilizing the office
35 space which is within reasonable proximity to the
36 office space.

37 d. The office space is energy efficient.

38 e. The office space provides adequate space and
39 resources needed for the employees intending to occupy
40 the office space.

41 4. The department of administrative services
42 shall issue the request for proposals by December 1,
43 2010, and shall submit a written report to the general
44 assembly concerning the request for proposals by
45 January 14, 2011.

46 Sec. 48. DEPARTMENT OF ADMINISTRATIVE SERVICES –
47 OFFICE SPACE – COST-BENEFIT ANALYSIS.

48 1. a. The department of administrative services
49 shall conduct a cost-benefit analysis of utilizing
50 existing office space for state employees in downtown

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1 Des Moines and other areas in close proximity to
2 the state capitol complex in lieu of replacing or
3 renovating the Wallace Building or relocating any state

4 agencies to any space in the mercy capitol hospital
5 building. The cost-benefit analysis shall include
6 consideration of any cost to the applicable local
7 jurisdiction arising from the state's utilization of
8 existing office space.

9 b. The department of administrative services shall
10 submit a written report to the general assembly on the
11 cost-benefit analysis by January 14, 2011.

12 2. Prior to submitting the cost-benefit analysis
13 report required by this section, the department of
14 administrative services shall not relocate any state
15 agencies to space in the Mercy capitol hospital
16 building other than any of the following:

17 a. A centralized department of corrections
18 pharmacy.

19 b. Offices of a state agency currently located in a
20 state-owned office building.

21 c. Any state employee located in a nonleased
22 facility or space.

23 d. A nonstate agency.

24 e. The office of the insurance division of the
25 department of commerce.

26 f. The agricultural development authority
27 established in section 175.3.

28 **Sec. 49. DEPARTMENT OF ADMINISTRATIVE SERVICES**

29 **– STATE FLEET RELOCATION.** The department of
30 administrative services shall evaluate and consider
31 relocating state fleet operations. The department
32 shall be authorized to relocate state fleet operations
33 pursuant to such evaluation.

34 **DIVISION __XVII**

35 **CHANGES TO PRIOR APPROPRIATIONS**

36 **Sec. 50.** 2004 Iowa Acts, chapter 1175, section 288,
37 subsection 7, paragraph d, is amended by adding the
38 following new unnumbered paragraph:

39 **NEW UNNUMBERED PARAGRAPH** Notwithstanding section
40 8.33, 2004 Iowa Acts, chapter 1175, section 290,
41 or any other provision of law, moneys allocated in
42 this lettered paragraph that remain unencumbered or
43 unobligated at the close of a fiscal year shall not
44 revert but shall remain available for expenditure
45 for the purposes designated until the close of the
46 fiscal year that begins July 1, 2012. However, if the
47 projects for which the moneys are appropriated are
48 completed in an earlier fiscal year, unencumbered or
49 unobligated moneys shall revert at the close of that
50 fiscal year.

1 **Sec. 51.** 2006 Iowa Acts, chapter 1179, section 4,
2 subsection 1, is amended to read as follows:

3 1. ~~a. Notwithstanding~~ Except as provided in
 4 paragraph "b", notwithstanding section 8.33, moneys
 5 appropriated for the fiscal year beginning July
 6 1, 2006, in this division of this Act that remain
 7 unencumbered or unobligated at the close of the fiscal
 8 year shall not revert but shall remain available for
 9 the purposes designated until the close of the fiscal
 10 year that begins July 1, 2009, or until the project
 11 for which the appropriation was made is completed,
 12 whichever is earlier.

13 b. Notwithstanding section 8.33, moneys
 14 appropriated for the fiscal year beginning July 1,
 15 2006, in section 1, subsection 1, and section 1,
 16 subsection 11, paragraph "b" of this division of this
 17 Act that remain unencumbered or unobligated at the
 18 close of the fiscal year shall not revert but shall
 19 remain available for the purposes designated until the
 20 close of the fiscal year that begins July 1, 2010, or
 21 until the project for which the appropriation was made
 22 is completed, whichever is earlier.

23 Sec. 52. 2006 Iowa Acts, chapter 1179, section 18,
 24 is amended to read as follows:

25 SEC. 18. REVERSION.

26 1. Except as provided in subsections 2, ~~and~~ 3, and
 27 4, notwithstanding section 8.33, moneys appropriated
 28 from the endowment for Iowa's health restricted
 29 capitals fund for the fiscal years that begin July 1,
 30 2005, and July 1, 2006, in this division of this Act
 31 that remain unencumbered or unobligated at the close
 32 of the fiscal year shall not revert but shall remain
 33 available for the purposes designated until the close
 34 of the fiscal year that begins July 1, 2009, or until
 35 the project for which the appropriation was made is
 36 completed, whichever is earlier.

37 2. Notwithstanding section 8.33, moneys
 38 appropriated from the endowment for Iowa's health
 39 restricted capitals fund for the fiscal year that
 40 begins July 1, 2006, and ends June 30, 2007, in this
 41 division of this Act to the department of veterans
 42 affairs for capital improvement projects at the Iowa
 43 veterans home that remain unencumbered or unobligated
 44 at the close of the fiscal year shall not revert but
 45 shall remain available for expenditure for the purposes
 46 designated until the close of the fiscal year that
 47 begins July 1, 2010.

48 3. Notwithstanding section 8.33, moneys
 49 appropriated from the endowment for Iowa's health
 50 restricted capitals fund for the fiscal year beginning

2 division of this Act to the department of education
 3 for major renovation and major repair needs at the
 4 community colleges that remain unencumbered or
 5 unobligated at the close of the fiscal year shall not
 6 revert but shall remain available for expenditure for
 7 the purposes designated until the close of the fiscal
 8 year beginning July 1, 2010, or until the project for
 9 which appropriated is completed, whichever is earlier.

10 4. Notwithstanding section 8.33, moneys
 11 appropriated from the endowment for Iowa's health
 12 restricted capitals fund for the fiscal year that
 13 begins July 1, 2006, and ends June 30, 2007, in
 14 this division of this Act to the department of
 15 administrative services for upgrades to the Woodward
 16 state resource center wastewater treatment system that
 17 remain unencumbered or unobligated at the close of the
 18 fiscal year shall not revert but shall remain available
 19 for expenditure for the purposes designated until the
 20 close of the fiscal year that begins July 1, 2011, or
 21 until the project for which the appropriation is made
 22 is completed, whichever is earlier.

23 Sec. 53. 2007 Iowa Acts, chapter 219, section 7,
 24 subsection 1, as amended by 2009 Iowa Acts, chapter
 25 170, section 20, and 2009 Iowa Acts, chapter 184,
 26 section 17, is amended to read as follows:

27 1. For costs associated with the construction and
 28 establishment of the Iowa institute for biomedical
 29 discovery at the state university of Iowa:

30 FY 2008-2009.....	\$	0
31 FY 2009-2010.....	\$	0
32 FY 2010-2011.....	\$	10,000,000
33		<u>0</u>

34 Sec. 54. 2007 Iowa Acts, chapter 219, section 15,
 35 is amended to read as follows:

36 SEC. 15. REVERSION.

37 1. Notwithstanding Except as provided in subsection
 38 2, notwithstanding section 8.33, moneys appropriated
 39 for the fiscal year beginning July 1, 2007, in this
 40 division of this Act that remain unencumbered or
 41 unobligated at the close of the fiscal year shall not
 42 revert but shall remain available for the purposes
 43 designated until the close of the fiscal year beginning
 44 July 1, 2009, or until the project for which the
 45 appropriation was made is completed, whichever is
 46 earlier.

47 2. Notwithstanding section 8.33, moneys
 48 appropriated for the fiscal year beginning July 1,
 49 2007, in section 14, subsections 4 and 7 of this
 50 division of this Act that remain unencumbered or

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1 unobligated at the close of the fiscal year shall not
 2 revert but shall remain available for the purposes
 3 designated until the close of the fiscal year beginning
 4 July 1, 2011, or until the project for which the
 5 appropriation was made is completed, whichever is
 6 earlier.

7 Sec. 55. 2008 Iowa Acts, chapter 1179, section 1,
 8 subsection 1, paragraph 1, as enacted by 2009 Iowa
 9 Acts, chapter 184, section 21, is amended to read as
 10 follows:

11 1. For ~~heating, ventilating, and air conditioning~~
 12 ~~improvements~~ building security and firewall
 13 protection in the Hoover state office building:

14 \$ 165,000

15 Sec. 56. 2008 Iowa Acts, chapter 1179, section 1,
 16 subsection 4, paragraph b, as amended by 2009 Iowa
 17 Acts, chapter 81, section 1, is amended to read as
 18 follows:

19 b. For historical site preservation grants to be
 20 used for the restoration, preservation, and development
 21 of historic sites:

22 \$
 23 1,000,000

24 In making grants pursuant to this lettered
 25 paragraph, the department shall consider the existence
 26 and amount of other funds available to an applicant for
 27 the designated project. A grant awarded from moneys
 28 appropriated in this lettered paragraph shall not
 29 exceed \$100,000 per project. Not more than \$200,000
 30 may be awarded in the same county in the same round of
 31 grant reviews.

32 Of the amount appropriated in this lettered
 33 paragraph, \$20,000 shall be used for the administration
 34 and support of historic sites including the hiring and
 35 employment of seasonal workers, notwithstanding section
 36 8.57, subsection 6, paragraph "c".

37 Sec. 57. 2008 Iowa Acts, chapter 1179, section 7,
 38 as amended by 2009 Iowa Acts, chapter 173, section 21,
 39 is amended to read as follows:

40 SEC. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There
 41 is appropriated from the rebuild Iowa infrastructure
 42 fund to the department of economic development for
 43 the designated fiscal years the following amounts, or
 44 so much thereof as is necessary, to be used for the
 45 purposes designated:

46 For deposit into the river enhancement community
 47 attraction and tourism fund created in 2008 Iowa Acts,
 48 Senate File 2430, if enacted:

49 FY 2009-2010 \$ 0
 50 FY 2010-2011 \$ ~~10,000,000~~

1 0
 2 FY 2011-2012 \$ 10,000,00
 3 FY 2012-2013 \$ 10,000,00
 4 ~~Notwithstanding section 8.33, moneys appropriated~~
 5 ~~in this section for the fiscal year beginning July~~
 6 ~~1, 2010, and ending June 30, 2011, shall not revert~~
 7 ~~at the close of the fiscal year for which they are~~
 8 ~~appropriated but shall remain available for the purpose~~
 9 ~~designated until the close of the fiscal year that~~
 10 ~~begins July 1, 2013, or until the project for which~~
 11 ~~the appropriation was made is completed, whichever is~~
 12 ~~earlier.~~

13 Notwithstanding section 8.33, moneys appropriated
 14 in this section for the fiscal year beginning July
 15 1, 2011, and ending June 30, 2012, shall not revert
 16 at the close of the fiscal year for which they are
 17 appropriated but shall remain available for the purpose
 18 designated until the close of the fiscal year that
 19 begins July 1, 2014, or until the project for which
 20 the appropriation was made is completed, whichever is
 21 earlier.

22 Notwithstanding section 8.33, moneys appropriated
 23 in this section for the fiscal year beginning July
 24 1, 2012, and ending June 30, 2013, shall not revert
 25 at the close of the fiscal year for which they are
 26 appropriated but shall remain available for the purpose
 27 designated until the close of the fiscal year that
 28 begins July 1, 2015, or until the project for which
 29 the appropriation was made is completed, whichever is
 30 earlier.

31 Sec. 58. 2008 Iowa Acts, chapter 1179, section 15,
 32 subsection 4, paragraph b, as amended by 2009 Iowa
 33 Acts, chapter 184, section 25, is amended to read as
 34 follows:

35 b. To the public broadcasting division for the
 36 purchase and installation of generators at transmitter
 37 sites:
 38 \$ 1,602,437

39 Of the amount appropriated in this lettered
 40 paragraph, up to \$210,477 may be used for operational
 41 costs of the division for FY 2008-2009, ~~and~~ up to
 42 \$1,000,000 may be used for operational costs of the
 43 division for FY 2009-2010, ~~and up to \$378,637 may be~~
 44 used for operational costs of the division for FY
 45 2010-2011, notwithstanding section 8.57C, subsection 2.

46 Sec. 59. 2008 Iowa Acts, chapter 1179, section
 47 15, subsection 4, paragraph c, is amended to read as
 48 follows:

49 c. To the public broadcasting division for the
 50 replacement and digital conversion of the Keosauqua

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1 translator:
2 \$ 701,500

3 Of the amount appropriated in this lettered
4 paragraph, up to \$25,378 may be used for operational
5 costs of the division for FY 2010-2011, notwithstanding
6 section 8.57C, subsection 2.

7 Sec. 60. 2008 Iowa Acts, chapter 1179, section 18,
8 subsection 3, as amended by 2009 Iowa Acts, chapter
9 173, section 24, is amended to read as follows:

10 3. DEPARTMENT OF CORRECTIONS

11 a. For expansion of the community-based corrections
12 facility at Sioux City:
13 \$ 5,300,000

14 b. For expansion of the community-based corrections
15 facility at Ottumwa:
16 \$ 4,100,000

17 c. For expansion of the community-based corrections
18 facility at Waterloo:
19 \$ 6,000,000

20 d. For expansion of the community-based corrections
21 facility at Davenport:
22 \$ 2,100,000

23 e. For expansion, including land acquisition, of
24 the community-based corrections facility at Des Moines:
25 \$ 13,100,000
26 0

27 ~~The appropriation in this lettered paragraph~~
28 ~~is contingent upon relocation of the sex offender~~
29 ~~treatment program from the community-based corrections~~
30 ~~facility at Des Moines to the property in northeast Des~~
31 ~~Moines identified by the fifth judicial district in the~~
32 ~~facility and site study final report submitted December~~
33 ~~12, 2008.~~

34 It is the intent of the general assembly that the
35 funds appropriated in paragraphs "a" through "e" be
36 used to expand the number of beds available through new
37 construction and remodeling and for the expansion of
38 existing facilities.

39 f. For expansion of the Iowa correctional facility
40 for women at Mitchellville including costs related
41 to project management including the hiring and
42 employment of a construction manager and a correctional
43 specialist:
44 \$ 47,500,000

45 g. For the remodeling of kitchens at the
46 correctional facilities at Mount Pleasant and Rockwell
47 City:
48 \$ 12,500,000

49 Sec. 61. 2008 Iowa Acts, chapter 1179, section 22,
50 is amended to read as follows:

Page 50

1 SEC. 22. There is appropriated from the FY 2009
 2 prison bonding fund created pursuant to section
 3 12.79, as enacted in this Act, to the department of
 4 corrections for the fiscal year beginning July 1, 2008,
 5 and ending June 30, 2009, the following amount, or
 6 so much thereof as is necessary, to be used for the
 7 purpose designated:

8 For costs associated with the building of a new Iowa
 9 State Penitentiary at Fort Madison including costs
 10 related to project management including the hiring and
 11 employment of a construction manager and a correctional
 12 specialist:
 13 \$130,677,500

14 The appropriation made in this section constitutes
 15 approval by the general assembly for the issuance of
 16 bonds by the treasurer pursuant to section 12.80, as
 17 enacted in this Act.

18 Sec. 62. 2009 Iowa Acts, chapter 173, section 13,
 19 subsection 1, is amended by adding the following new
 20 paragraph:

21 NEW PARAGRAPH. e. Of the moneys appropriated
 22 in this subsection, the department may award moneys
 23 for the establishment of drainage district pilot
 24 projects. Each drainage district pilot project shall
 25 be presented to the state soil conservation committee
 26 and the watershed improvement review board to ensure
 27 the project design, project goals, baseline data
 28 collection, project data collection standards, and data
 29 evaluation standards are appropriate for, and advance,
 30 the soil and water conservation goals of the state.
 31 Annual progress reports on each pilot project shall
 32 be presented to the state soil conservation committee
 33 and the watershed improvement review board to ensure
 34 the projects continue to advance the soil and water
 35 conservation goals of the state. All construction
 36 plans, monitoring plans, project data, and project
 37 data analysis shall be available for public review
 38 and study. Experts from the United States geological
 39 survey, the national laboratory for agriculture and
 40 the environment at Iowa state university, and other
 41 appropriate state and federal agencies may be consulted
 42 on any aspect of the program.

43 Sec. 63. 2009 Iowa Acts, chapter 173, section 13,
 44 subsection 2, is amended to read as follows:

45 2. DEPARTMENT OF NATURAL RESOURCES
 46 For watershed rebuilding and water quality projects:
 47 \$ 13,500,000

48 Of the moneys appropriated in this subsection,
 49 the department may provide moneys to construct,
 50 reconstruct, or repair infrastructure associated with

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1 the control and movement of surface water, including
 2 but not limited to addressing issues affected by
 3 combined sewer overflows, enrolling larger contiguous
 4 areas in emergency watershed programs, improving
 5 facilities or systems that provide water quality,
 6 mitigating flood damage or the threat of flood damage
 7 in the areas most severely affected by the 2008 flood,
 8 and improving or replacing low-head dams. Any award
 9 of moneys made under this subsection shall be in the
 10 form of a grant. Any grant awards for practices on
 11 private property shall be for the public purposes of
 12 flood control, watershed management, or improving water
 13 quality.

14 Sec. 64. 2009 Iowa Acts, chapter 173, section 13,
 15 subsection 4, paragraphs b, c, and d, are amended to
 16 read as follows:

17 b. For ~~deposit into the public service shelter~~
 18 ~~grant fund created in section 16.185~~ for grants for the
 19 construction, renovation, and improvements to homeless
 20 shelters, emergency shelters, and family and domestic
 21 violence shelters:
 22 \$ 10,000,000

23 c. For ~~deposit into the disaster damage housing~~
 24 ~~assistance grant fund created in section 16.186~~
 25 for grants to ease and speed recovery efforts
 26 from the natural disasters of 2008, including
 27 stabilizing neighborhoods damaged by the natural
 28 disasters, preventing population loss and neighborhood
 29 deterioration, and improving the health, safety, and
 30 welfare of persons living in such disaster-damaged
 31 neighborhoods:
 32 \$ 5,000,000

33 d. For ~~deposit into the affordable housing~~
 34 ~~assistance grant fund created in section 16.187~~
 35 for grants for housing for certain elderly, disabled,
 36 and low-income persons and public servants in critical
 37 skills shortage areas of the state:
 38 \$ 20,000,000

39 Sec. 65. 2009 Iowa Acts, chapter 173, section 13,
 40 subsection 5, unnumbered paragraph 1, as amended by
 41 2009 Iowa Acts, chapter 183, section 71, is amended to
 42 read as follows:

43 For broadband technology grants for the deployment
 44 and sustainability of high-speed broadband access:
 45 \$ 25,000,000
 46 0

47 Sec. 66. 2009 Iowa Acts, chapter 173, section 13,
 48 subsection 6, is amended to read as follows:

49 6. DEPARTMENT OF TRANSPORTATION
 50 For ~~deposit into the bridge safety fund created in~~

1 ~~section 313.68 to be used for~~ infrastructure projects
 2 relating to functionally obsolete and structurally
 3 deficient bridges:
 4 \$ 50,000,000
 5 40,000,000

6 Sec. 67. 2009 Iowa Acts, chapter 173, section 13,
 7 is amended by adding the following new subsection:
 8 NEW SUBSECTION. 7. DEPARTMENT OF ECONOMIC
 9 DEVELOPMENT

10 For the main street Iowa program to be used as
 11 grants for projects that have previously applied for
 12 funding consideration, or have received partial funding
 13 for facade master plans to rehabilitate storefronts in
 14 main street Iowa districts, to complete streetscape
 15 projects where planning and the majority of funding is
 16 already secured, for unfunded main street challenge
 17 grant projects, and for other building rehabilitation
 18 projects that are currently on the department's highest
 19 priority list:
 20 \$ 5,550,000

21 Moneys appropriated in this subsection shall not be
 22 used for administration or planning purposes.

23 Sec. 68. 2009 Iowa Acts, chapter 174, section 6, is
 24 repealed.

25 Sec. 69. 2009 Iowa Acts, chapter 184, section
 26 1, subsection 3, paragraph d, is amended to read as
 27 follows:

28 d. For historical site preservation grants to be
 29 used for the restoration, preservation, and development
 30 of historic sites:
 31 \$ 1,000,000

32 In making grants pursuant to this lettered
 33 paragraph, the department shall consider the existence
 34 and amount of other funds available to an applicant for
 35 the designated project. A grant awarded from moneys
 36 appropriated in this lettered paragraph shall not
 37 exceed \$100,000 per project. Not more than \$200,000
 38 may be awarded in the same county in the same round of
 39 grant reviews.

40 Of the amount appropriated in this lettered
 41 paragraph, \$20,000 shall be used for the administration
 42 and support of historic sites including the hiring and
 43 employment of seasonal workers, notwithstanding section
 44 8.57, subsection 6, paragraph "c".

45 Sec. 70. 2009 Iowa Acts, chapter 184, section
 46 1, subsection 12, paragraph a, is amended to read as
 47 follows:

48 a. ~~To provide funds for capital improvements~~
 49 ~~and for related studies for expanding passenger rail~~
 50 ~~services in Iowa~~ For deposit in the passenger rail

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1 service revolving fund created in section 327J.2.
 2 notwithstanding section 8.57, subsection 6, paragraph
 3 "c":
 4 \$ 3,000,000

5 Sec. 71. 2009 Iowa Acts, chapter 184, section 2,
 6 subsections 1, 2, 4, and 5, are amended by striking the
 7 subsections.

8 Sec. 72. 2009 Iowa Acts, chapter 184, section
 9 2, subsection 6, paragraph a, is amended to read as
 10 follows:

11 a. For deposit into the railroad revolving loan and
 12 grant fund created in section 327H.20A, notwithstanding
 13 section 8.57, subsection 6, paragraph "c":
 14 \$ 2,000,000

15 Of the amount appropriated in this lettered
 16 paragraph, \$2,000,000 shall be allocated to a city
 17 with a population between 98,300 and 98,400 in the
 18 last preceding certified federal census, for a rail
 19 trans-load facility if a federal match of funds is
 20 received.

21 Sec. 73. EFFECTIVE UPON ENACTMENT. This division,
 22 being deemed of immediate importance, takes effect upon
 23 enactment.

24 DIVISION __XVIII

25 MISCELLANEOUS CODE CHANGES

26 Sec. 74. Section 8.57, subsection 6, paragraph e,
 27 Code Supplement 2009, is amended to read as follows:

28 e. (1) (a) (i) Notwithstanding provisions to the
 29 contrary in sections 99D.17 and 99F.11, for the fiscal
 30 year beginning July 1, 2000, and for each fiscal year
 31 thereafter, not more than a total of sixty-six million
 32 dollars shall be deposited in the general fund of the
 33 state in any fiscal year pursuant to sections 99D.17
 34 and 99F.11.

35 (ii) However, in lieu of the deposit in
 36 subparagraph subdivision (i), for the fiscal year
 37 beginning July 1, 2010, and for each fiscal year
 38 thereafter until the principal and interest on all
 39 bonds issued by the treasurer of state pursuant to
 40 section 12.87 are paid, as determined by the treasurer
 41 of state, the first fifty-five million dollars of
 42 the moneys directed to be deposited in the general
 43 fund of the state under subparagraph subdivision

44 (i) shall be deposited in the revenue bonds debt
 45 service fund created in section 12.89, and the next
 46 five three million seven hundred fifty thousand dollars
 47 of the moneys directed to be deposited in the general
 48 fund of the state under subparagraph subdivision (i)
 49 shall be deposited in the revenue bonds federal subsidy
 50 holdback fund created in section 12.89, and the next

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1 one million two hundred fifty thousand dollars of the
2 moneys directed to be deposited in the general fund of
3 the state under subparagraph subdivision (i) shall be
4 deposited in the general fund of the state.

5 (b) The next fifteen million dollars of the moneys
6 directed to be deposited in the general fund of the
7 state in a fiscal year pursuant to sections 99D.17
8 and 99F.11 shall be deposited in the vision Iowa fund
9 created in section 12.72 for the fiscal year beginning
10 July 1, 2000, and for each fiscal year through the
11 fiscal year beginning July 1, 2019.

12 (c) The next five million dollars of the moneys
13 directed to be deposited in the general fund of the
14 state in a fiscal year pursuant to sections 99D.17 and
15 99F.11 shall be deposited in the school infrastructure
16 fund created in section 12.82 for the fiscal year
17 beginning July 1, 2000, and for each fiscal year
18 thereafter until the principal and interest on all
19 bonds issued by the treasurer of state pursuant to
20 section 12.81 are paid, as determined by the treasurer
21 of state.

22 (d) (i) The total moneys in excess of the moneys
23 deposited in the revenue bonds debt service fund,
24 the revenue bonds federal holdback subsidy fund, the
25 vision Iowa fund, the school infrastructure fund,
26 and the general fund of the state in a fiscal year
27 shall be deposited in the rebuild Iowa infrastructure
28 fund and shall be used as provided in this section,
29 notwithstanding section 8.60.

30 (ii) However, in lieu of the deposit in
31 subparagraph subdivision (i), for the fiscal year
32 beginning July 1, 2010, and for each fiscal year
33 thereafter until the principal and interest on all
34 bonds issued by the treasurer of state pursuant to
35 section 12.87 are paid, as determined by the treasurer
36 of state, ~~fifty-five~~ sixty-four million seven hundred
37 fifty thousand dollars of the excess moneys directed to
38 be deposited in the rebuild Iowa infrastructure fund
39 under subparagraph subdivision (i) shall be deposited
40 in the general fund of the state.

41 (2) If the total amount of moneys directed to
42 be deposited in the general fund of the state under
43 sections 99D.17 and 99F.11 in a fiscal year is
44 less than the total amount of moneys directed to be
45 deposited in the revenue bonds debt service fund and
46 the revenue bonds federal subsidy holdback fund in
47 the fiscal year pursuant to this paragraph "e", the
48 difference shall be paid from moneys deposited in the
49 beer and liquor control fund created in section 123.53
50 in the manner provided in section 123.53, subsection 3.

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1 (3) After the deposit of moneys directed to be
2 deposited in the general fund of the state, ~~and~~ the
3 revenue bonds debt service fund, ~~and the revenue~~
4 ~~bonds federal subsidy holdback fund~~, as provided in
5 subparagraph (1), subparagraph division (a), if the
6 total amount of moneys directed to be deposited in the
7 general fund of the state under sections 99D.17 and
8 99F.11 in a fiscal year is less than the total amount
9 of moneys directed to be deposited in the vision Iowa
10 fund and the school infrastructure fund in the fiscal
11 year pursuant to this paragraph "e", the difference
12 shall be paid from lottery revenues in the manner
13 provided in section 99G.39, subsection 3.

14 Sec. 75. Section 8.57, subsection 6, paragraph f,
15 Code Supplement 2009, is amended to read as follows:

16 f. There is appropriated from the rebuild Iowa
17 infrastructure fund to the secure an advanced vision
18 for education fund created in section 423F.2, for each
19 fiscal year of the fiscal period beginning July 1,
20 2008, and ending June 30, ~~2014, 2010, and for each~~
21 ~~fiscal year of the fiscal period beginning July 1,~~
22 ~~2011, and ending June 30, 2014~~, the amount of the
23 moneys in excess of the first forty-seven million
24 dollars credited to the rebuild Iowa infrastructure
25 fund during the fiscal year, not to exceed ten million
26 dollars.

27 Sec. 76. Section 8.57A, subsection 4, Code 2009, is
28 amended to read as follows:

29 4. a. There is appropriated from the rebuild Iowa
30 infrastructure fund for the fiscal ~~year~~ years beginning
31 July 1, 2008, ~~July 1, 2009, and July 1, 2011~~, and
32 for each fiscal year thereafter, the sum of forty-two
33 million dollars to the environment first fund,
34 notwithstanding section 8.57, subsection 6, paragraph
35 "c".

36 b. ~~There is appropriated from the rebuild Iowa~~
37 ~~infrastructure fund for the fiscal year beginning~~
38 ~~July 1, 2010, and ending June 30, 2011, the sum of~~
39 ~~thirty-three million dollars to the environment first~~
40 ~~fund, notwithstanding section 8.57, subsection 6,~~
41 ~~paragraph "c".~~

42 Sec. 77. Section 8.57C, subsection 3, Code
43 Supplement 2009, is amended to read as follows:

44 3. a. There is appropriated from the general fund
45 of the state for the fiscal years beginning July 1,
46 2006, July 1, 2007, July 1, ~~2010~~ 2011, and for each
47 subsequent fiscal year thereafter, the sum of seventeen
48 million five hundred thousand dollars to the technology
49 reinvestment fund.

50 b. There is appropriated from the rebuild Iowa

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1 infrastructure fund for the fiscal year beginning
2 July 1, 2008, and ending June 30, 2009, the sum of
3 seventeen million five hundred thousand dollars,
4 and for the fiscal year beginning July 1, 2009, and
5 ending June 30, 2010, the sum of fourteen million five
6 hundred twenty-five thousand dollars to the technology
7 reinvestment fund, notwithstanding section 8.57,
8 subsection 6, paragraph "c".

9 c. There is appropriated from the rebuild Iowa
10 infrastructure fund for the fiscal year beginning
11 July 1, 2010, the sum of ten million dollars to the
12 technology reinvestment fund, notwithstanding section
13 8.57, subsection 6, paragraph "c".

14 Sec. 78. Section 12.87, subsections 1 and 2, Code
15 Supplement 2009, are amended to read as follows:

16 1. The treasurer of state is authorized to issue
17 and sell bonds on behalf of the state to provide funds
18 for certain infrastructure projects and for purposes of
19 the Iowa jobs program established in section 16.194.
20 The treasurer of state shall have all of the powers
21 which are necessary or convenient to issue, sell and
22 secure bonds and carry out the treasurer of state's
23 duties, and exercise the treasurer of state's authority
24 under this section and sections 12.88 through 12.90.
25 The treasurer of state may issue and sell bonds in
26 such amounts as the treasurer of state determines to
27 be necessary to provide sufficient funds for certain
28 infrastructure projects and the revenue bonds capitals
29 fund, the revenue bonds capitals II fund, the payment
30 of interest on the bonds, the establishment of reserves
31 to secure the bonds, the payment of costs of issuance
32 of the bonds, the payment of other expenditures of
33 the treasurer of state incident to and necessary or
34 convenient to carry out the issuance and sale of the
35 bonds, and the payment of all other expenditures of
36 the treasurer of state necessary or convenient to
37 administer the funds and to carry out the purposes for
38 which the bonds are issued and sold. The treasurer of
39 state may issue and sell bonds in one or more series
40 on the terms and conditions the treasurer of state
41 determines to be in the best interest of the state,
42 in accordance with this section in such amounts as
43 the treasurer of state determines to be necessary to
44 fund the purposes for which such bonds are issued and
45 sold. as follows:

46 a. The treasurer of state may issue and sell bonds
47 in amounts which provide aggregate net proceeds of
48 not more than ~~five hundred forty five~~ six hundred
49 ninety-five million dollars, excluding any bonds issued
50 and sold to refund outstanding bonds issued under this

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1 section, as follows:

2 ~~a.~~ (1) ~~The~~ On or after July 1, 2009, the treasurer
 3 of state may issue and sell bonds in amounts which
 4 provide aggregate net proceeds of not more than
 5 one hundred eighty-five million dollars for capital
 6 projects which qualify as vertical infrastructure
 7 projects as defined in section 8.57, subsection 6,
 8 paragraph "c", to the extent practicable in any fiscal
 9 year and without limiting other qualifying capital
 10 expenditures.

11 ~~b.~~ (2) ~~The~~ On or after July 1, 2009, the treasurer
 12 of state may issue and sell bonds in amounts which
 13 provide aggregate net proceeds of not more than three
 14 hundred sixty million dollars for purposes of the Iowa
 15 jobs program established in section 16.194 and for
 16 watershed flood rebuilding and prevention projects,
 17 soil conservation projects, sewer infrastructure
 18 projects, for certain housing and public service
 19 shelter projects and public broadband and alternative
 20 energy projects, and for projects relating to bridge
 21 safety and the rehabilitation of deficient bridges.

22 (3) On or after July 1, 2010, the treasurer of
 23 state may issue and sell bonds in amounts which provide
 24 aggregate net proceeds of not more than one hundred
 25 fifty million dollars for purposes of the Iowa jobs
 26 II program established in section 16.194A and for
 27 qualified projects in the departments of agriculture
 28 and land stewardship, economic development, education,
 29 natural resources, and transportation, and the
 30 Iowa finance authority, state board of regents, and
 31 treasurer of state.

32 2. Bonds issued and sold under this section are
 33 payable solely and only out of the moneys in the
 34 revenue bonds debt service fund, the revenue bonds
 35 federal subsidy holdback fund, and any bond reserve
 36 funds established pursuant to section 12.89, and
 37 only to the extent provided in the trust indenture,
 38 resolution, or other instrument authorizing their
 39 issuance. All moneys in the revenue bonds debt service
 40 fund, the revenue bonds federal subsidy holdback
 41 fund, and any bond reserve funds established pursuant
 42 to section 12.89 may be deposited with trustees or
 43 depositories in accordance with the terms of the
 44 trust indentures, resolutions, or other instruments
 45 authorizing the issuance of bonds and pledged by the
 46 treasurer of state to the payment thereof. Bonds
 47 issued and sold under this section shall contain
 48 a statement that the bonds are limited special
 49 obligations of the state and do not constitute a debt
 50 or indebtedness of the state or a pledge of the faith

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1 or credit of the state or a charge against the general
2 credit or general fund of the state. The treasurer of
3 state shall not pledge the credit or taxing power of
4 this state or any political subdivision of this state
5 or make bonds issued and sold pursuant to this section
6 payable out of any moneys except those in the revenue
7 bonds debt service fund, the revenue bonds federal
8 subsidy holdback fund, and any bond reserve funds
9 established pursuant to section 12.89.

10 Sec. 79. Section 12.89, subsection 2, Code
11 Supplement 2009, is amended by adding the following new
12 paragraph:

13 NEW PARAGRAPH. Od. Federal subsidies and any
14 transfers from the revenue bonds federal subsidy
15 holdback fund created pursuant to section 12.89A.

16 Sec. 80. NEW SECTION. 12.89A Revenue bonds federal
17 subsidy holdback fund.

18 1. A revenue bonds federal subsidy holdback fund
19 is created and established as a separate and distinct
20 fund in the state treasury. The treasurer of state
21 shall act as custodian of the fund and disburse moneys
22 contained in the fund.

23 2. The moneys in such fund shall include all of the
24 following:

25 a. The revenues required to be deposited in the
26 fund pursuant to section 8.57, subsection 6, paragraph
27 "e", subparagraphs (1) and (2).

28 b. Interest attributable to investment moneys in
29 the fund.

30 c. Any other moneys from any other sources which
31 may be legally available to the treasurer of state for
32 the purpose of the fund.

33 3. The moneys in the revenue bonds federal subsidy
34 holdback fund are appropriated and shall be used or
35 transferred to the revenue bonds debt service fund
36 created in section 12.89, subsection 1, solely for the
37 purpose of making payments of principal and interest
38 on federal subsidy bonds when due, if the treasurer
39 of state or the treasurer's designee has not received
40 a federal subsidy scheduled to be received for such
41 payment by the due date.

42 4. The moneys on deposit in the revenue bonds
43 federal subsidy holdback fund shall be used or
44 transferred to the revenue bonds debt service fund
45 created in section 12.89, subsection 1, solely for the
46 purpose of making payments of principal and interest on
47 federal subsidy bonds prior to any use or transfer of
48 moneys on deposit in any bond reserve fund created for
49 such federal subsidy bonds by the treasurer of state
50 pursuant to section 12.89, subsection 3, paragraph "a".

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1 5. At any time during each fiscal year that
2 there are moneys on deposit in the revenue bonds
3 federal subsidy holdback fund that are not needed
4 to pay principal and interest on federal subsidy
5 bonds during such fiscal year as determined by the
6 treasurer of state or the treasurer's designee, such
7 moneys on deposit in the revenue bonds federal subsidy
8 holdback account shall be credited to the rebuild Iowa
9 infrastructure fund of the state.

10 6. For purposes of this section:

11 a. "Federal subsidy" means any payment from the
12 federal government with respect to federal subsidy
13 bonds.

14 b. "Federal subsidy bonds" means any bonds issued
15 and sold pursuant to section 12.87 for which a federal
16 subsidy is expected to be paid on or before any date on
17 which interest on such bonds is due and payable.

18 Sec. 81. Section 15F.204, subsection 8, paragraph
19 a, subparagraph (6), Code Supplement 2009, is amended
20 by striking the subparagraph.

21 Sec. 82. Section 15F.204, subsection 8, paragraph
22 b, subparagraph (4), Code Supplement 2009, is amended
23 by striking the subparagraph.

24 Sec. 83. Section 16.181A, Code 2009, is amended to
25 read as follows:

26 16.181A Housing trust fund – appropriations.

27 1. There is appropriated from the rebuild Iowa
28 infrastructure fund to the Iowa finance authority for
29 deposit in the housing trust fund created in section
30 16.181, for the fiscal year beginning July 1, 2009, and
31 ending June 30, 2010, and for each succeeding fiscal
32 year, the sum of three million dollars.

33 2. There is appropriated from the rebuild Iowa
34 infrastructure fund to the Iowa finance authority for
35 deposit in the housing trust fund created in section
36 16.181, for the fiscal year beginning July 1, 2010 and
37 ending June 30, 2011, the sum of one million dollars.

38 Sec. 84. Section 16.192, subsections 2 and 4, Code
39 Supplement 2009, are amended to read as follows:

40 2. Establish the Iowa jobs program pursuant to
41 section 16.194 and the Iowa jobs II program pursuant
42 to section 16.194A.

43 4. Award financial assistance, including financial
44 assistance in the form of grants under the Iowa jobs
45 program pursuant to sections 16.194, 16.194A, and
46 16.195.

47 Sec. 85. Section 16.193, subsection 2, Code
48 Supplement 2009, is amended to read as follows:

49 2. During the term of the Iowa jobs program
50 established in section 16.194 and the Iowa jobs II

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1 program established in section 16.194A, two hundred
2 thousand dollars of the moneys deposited in the rebuild
3 Iowa infrastructure fund shall be allocated each fiscal
4 year to the Iowa finance authority for purposes of
5 administering the Iowa jobs program, notwithstanding
6 section 8.57, subsection 6, paragraph "c".
7 Sec. 86. NEW SECTION. 16.194A Iowa jobs II program -
8 disaster prevention.
9 1. An Iowa jobs II program is created to assist in
10 the development and completion of public construction
11 projects relating to disaster prevention.
12 2. A city or county in this state that applies
13 the smart planning principles and guidelines pursuant
14 to sections 18B.1 and 18B.2, as enacted in this Act,
15 may submit an application to the Iowa jobs board
16 for financial assistance for a local infrastructure
17 competitive grant for an eligible project under the
18 program, notwithstanding any limitation on the state's
19 percentage in funding as contained in section 29C.6,
20 subsection 17.
21 3. Financial assistance under the program shall be
22 awarded in the form of grants.
23 4. The board shall consider the following criteria
24 in evaluating eligible projects to receive financial
25 assistance under the program:
26 a. The total number and quality of jobs to be
27 created and the benefits likely to accrue to areas
28 distressed by high unemployment.
29 b. Financial feasibility, including the ability
30 of projects to fund depreciation costs or replacement
31 reserves, and the availability of other federal, state,
32 local, and private sources of funds.
33 c. Sustainability and energy efficiency.
34 d. Benefits for disaster prevention.
35 e. The project's readiness to proceed.
36 5. An applicant must demonstrate local support for
37 the project as defined by rule.
38 6. Any award of financial assistance to a project
39 shall be limited to up to ninety percent of the total
40 cost of the development and completion of a public
41 construction project relating to disaster prevention.
42 7. In order for a project to be eligible to receive
43 financial assistance from the board, the project must
44 be a public construction project pursuant to subsection
45 1 with a demonstrated substantial local, regional, or
46 statewide economic impact.
47 8. The board shall not approve an application for
48 assistance for any of the following purposes:
49 a. To refinance a loan existing prior to the date
50 of the initial financial assistance application.

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1 b. For a project that has previously received
2 financial assistance under the program, unless the
3 applicant demonstrates that the financial assistance
4 would be used for a significant expansion of a project.
5 9. Any portion of an amount allocated for projects
6 that remains unexpended or unencumbered one year after
7 the allocation has been made may be reallocated to
8 another project category, at the discretion of the
9 board. The board shall ensure that all bond proceeds
10 be expended within three years from when the allocation
11 was initially made.
12 10. The board shall ensure that funds obligated
13 under this section are coordinated with other federal
14 program funds received by the state, and that projects
15 receiving funds are located in geographically diverse
16 areas of the state.
17 11. An applicant or combination of applicants for
18 a project within the same county shall not be awarded
19 more than forty percent of the funds available under
20 this program.
21 Sec. 87. Section 16.195, subsection 2, Code
22 Supplement 2009, is amended to read as follows:
23 2. A review committee composed of members of the
24 board as determined by the board shall review Iowa
25 jobs program applications submitted to the board and
26 make recommendations regarding the applications to the
27 board. When reviewing the applications, the review
28 committee and the authority shall consider the project
29 criteria specified in ~~section~~ sections 16.194 and
30 16.194A. The board shall develop the appropriate level
31 of transparency regarding project fund allocations.
32 Sec. 88. Section 26.3, subsection 2, Code
33 Supplement 2009, is amended to read as follows:
34 2. A governmental entity shall have an engineer
35 licensed under chapter 542B, a landscape architect
36 licensed under chapter 544B, or an architect registered
37 under chapter 544A prepare plans and specifications,
38 and calculate the estimated total cost of a proposed
39 public improvement. A governmental entity shall
40 ensure that a sufficient number of paper copies
41 of the project's contract documents, including
42 all drawings, plans, specifications, and estimated
43 total costs of the proposed public improvement
44 are made available for distribution at no charge
45 to prospective bidders, subcontractor bidders,
46 suppliers, and contractor plan room services. If
47 a deposit is required as part of a paper contract
48 documents distribution policy by the public owner, the
49 deposit shall not exceed two hundred fifty dollars per
50 set which shall be refunded upon return of the contract

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1 documents within fourteen days after award of the
2 project. If the contract documents are not returned
3 in a timely manner and in a reusable condition,
4 the deposit shall be forfeited. The governmental
5 entity shall reimburse the landscape architect,
6 architect, or professional engineer for the actual
7 costs of preparation and distribution of plans and
8 specifications.

9 Sec. 89. NEW SECTION. 73.14 Minority-owned and
10 female-owned businesses – bond issuance services.

11 1. The state, board of regents institutions,
12 counties, townships, school districts, community
13 colleges, cities, and other public entities, and every
14 person acting as contracting agent for any such entity,
15 shall, when issuing bonds or other obligations, make
16 a good-faith effort to utilize minority-owned and
17 female-owned businesses for attorneys, accountants,
18 financial advisors, banks, underwriters, insurers, and
19 other occupations necessary to carry out the issuance
20 of bonds or other obligations by the entity.

21 2. For purposes of this section:

22 a. "Female-owned business" means a business that is
23 fifty-one percent or more owned, operated, and actively
24 managed by one or more women.

25 b. "Minority-owned business" means a business that
26 is fifty-one percent or more owned, operated, and
27 actively managed by one or more minority persons.

28 Sec. 90. Section 123.53, subsections 3 and 4, Code
29 Supplement 2009, are amended to read as follows:

30 3. Notwithstanding subsection 2, if gaming revenues
31 under sections 99D.17 and 99F.11 are insufficient
32 in a fiscal year to meet the total amount of such
33 revenues directed to be deposited in the revenue
34 bonds debt service fund and the revenue bonds federal
35 subsidy holdback fund during the fiscal year pursuant
36 to section 8.57, subsection 6, paragraph "e", the
37 difference shall be paid from moneys deposited in the
38 beer and liquor control fund prior to transfer of such
39 moneys to the general fund pursuant to subsection 2
40 and prior to the transfer of such moneys pursuant
41 to subsections 5 and 6. If moneys deposited in the
42 beer and liquor control fund are insufficient during
43 the fiscal year to pay the difference, the remaining
44 difference shall be paid from moneys deposited in the
45 beer and liquor control fund in subsequent fiscal years
46 as such moneys become available.

47 4. The treasurer of state shall, each quarter,
48 prepare an estimate of the gaming revenues and of
49 the moneys to be deposited in the beer and liquor
50 control fund that will become available during the

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1 remainder of the appropriate fiscal year for the
 2 purposes described in subsection 3. The department of
 3 management, the department of inspections and appeals,
 4 and the department of commerce shall take appropriate
 5 actions to provide that the sum of the amount of gaming
 6 revenues available to be deposited into the revenue
 7 bonds debt service fund during a fiscal year and the
 8 amount of moneys to be deposited in the beer and liquor
 9 control fund available to be deposited into the revenue
 10 bonds debt service fund and the revenue bonds federal
 11 subsidy holdback fund during such fiscal year will be
 12 sufficient to cover any anticipated deficiencies.

13 Sec. 91. Section 327H.20A, subsection 3, Code
 14 Supplement 2009, is amended to read as follows:

15 3. Notwithstanding any other provision to the
 16 contrary, on or after July 1, 2006, moneys received as
 17 repayments for loans made pursuant to this chapter or
 18 chapter 327I, Code 2009, before, on, or after July 1,
 19 2005, other than repayments of federal moneys subject
 20 to section 327H.21, shall be credited to the railroad
 21 revolving loan and grant fund. Notwithstanding section
 22 8.33, moneys in the railroad revolving loan and grant
 23 fund shall not revert to the ~~general fund of the~~
 24 ~~state fund from which it was appropriated~~ but shall
 25 remain available indefinitely for expenditure under
 26 this section.

27 Sec. 92. Section 327J.2, subsection 3, Code
 28 Supplement 2009, is amended to read as follows:

29 3. No reversion. Notwithstanding section 8.33, any
 30 balance in the fund on June 30 of any fiscal year shall
 31 not revert to the ~~general fund of the state fund from~~
 32 ~~which it was appropriated.~~

33 Sec. 93. REPEAL. Sections 8.57D, 12.90A, 12.90B,
 34 12.90C, 16.185, 16.186, 16.187, and 313.68, Code
 35 Supplement 2009, are repealed.>

Amendment H-8657 was adopted.

SENATE FILE 2389 SUBSTITUTED FOR HOUSE FILE 2534

Cohon of Des Moines asked and received unanimous consent to substitute Senate File 2389 for House File 2534.

Senate File 2389, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue

bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date, was taken up for consideration.

Speaker Murphy in the chair at 2:47 p.m.

Cohon of Des Moines asked and received unanimous consent to withdraw amendment H-8654 filed by him from the floor.

Cohon of Des Moines offered the following amendment H-8658 filed by him from the floor and moved its adoption:

H-8658

- 1 Amend Senate File 2389, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 17, line 13, by striking
- 4 <existingcourthouse> and inserting <existing
- 5 courthouse>
- 6 2. Page 19, line 22, by striking <on a lake> and
- 7 inserting <in a state park>
- 8 3. Page 56, after line 19 by inserting:
- 9 g. The department for the blind storage facility.>
- 10 4. Page 75, line 34, after <prevention> by
- 11 inserting <including but not limited to the
- 12 construction of, or the replacement or reconstruction
- 13 of, local public buildings in a manner that mitigates
- 14 damages from future disasters, including flooding>
- 15 5. Page 76, line 28, after <prevention> by
- 16 inserting <consistent with the purposes of the program
- 17 as specified in subsection 1>
- 18 6. By renumbering as necessary.

Amendment H-8658 was adopted.

Kaufmann of Cedar offered amendment H-8660 filed by him and Tymeson of Madison from the floor as follows:

H-8660

- 1 Amend Senate File 2389, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 19, line 15, after <Act> by inserting <
- 4 except that a city or county applying smart planning
- 5 principles and guidelines shall not implement or
- 6 undertake a planning, zoning, development, or resources

7 management decision that involves the use of eminent
8 domain authority under chapter 6A or 6B>

9 2. Page 24, after line 1 by inserting:

10 <0A Property rights. Planning, zoning,
11 development, and resource management shall take into
12 account the impact of decisions upon the property
13 rights of landowners and shall consider opportunities
14 to avoid the infringement or deprivation of those
15 rights.>

16 3. Page 67, after line 17 by inserting:

17 <Sec. __. Section 6B.14, subsection 2, Code
18 Supplement 2009, is amended to read as follows:

19 2. Prior to the meeting of the commission, the
20 commission or a commissioner shall not communicate
21 with the applicant, property owner, or tenant, or
22 their agents, regarding the condemnation proceedings.
23 The commissioners shall meet in open session to view
24 the property and to receive evidence, ~~but may and~~
25 shall deliberate and vote in closed open session.
26 ~~When deliberating in closed session, the meeting~~
27 ~~is closed to all persons who are not commissioners~~
28 ~~except for personnel from the sheriff's office if~~
29 ~~such personnel is requested by the commission.~~ After
30 deliberations commence, the commission and each
31 commissioner is prohibited from communicating with
32 any party to the proceeding unless such communication
33 occurs in the presence of or with the consent of the
34 property owner and the other parties who appeared
35 before the commission or their agents. ~~However, if~~
36 ~~the commission is deliberating in closed session, and~~
37 ~~after deliberations commence the commission requires~~
38 ~~further information from a party or a witness, the~~
39 ~~commission shall notify the property owner and the~~
40 ~~acquiring agency that they are allowed to attend the~~
41 ~~meeting at which such additional information shall~~
42 ~~be provided but only for that period of time during~~
43 ~~which the additional information is being provided.~~
44 ~~The property owner and the acquiring agency shall~~
45 ~~be given a reasonable opportunity to attend the~~
46 ~~meeting.~~ The commission shall keep minutes of all its
47 meetings showing the date, time, and place, the members
48 present, and the action taken at each meeting. The
49 minutes shall show the results of each vote taken and
50 information sufficient to indicate the vote of each

Page 2

1 member present. ~~The vote of each member present shall~~
2 ~~be made public at the open session.~~ The minutes shall
3 be public records open to public inspection.>

4 4. Page 77, after line 30 by inserting:

5 <Sec. __. NEW SECTION. 21.12 Condemnation

6 proceedings – deliberations.
 7 Compensation commissioners shall meet, deliberate,
 8 and vote in open session when condemning private land
 9 through the process established in chapter 6B pursuant
 10 to section 6B.14, subsection 2.>
 11 5. By renumbering as necessary.

Huser of Polk rose on a point of order that amendment H-8660 was not germane.

Huser of Polk withdrew her request for germaneness and requested division as follows:

Page 1 Lines 3 through 15, Division A
 Page 1 Lines 16 through Page 2 line 10 division B.

Kaufmann of Cedar moved the adoption of amendment H-8660A.

Roll call was requested by Paulsen of Linn and Helland of Polk.

Rule 75 was invoked.

On the question "Shall amendment H-8660A be adopted?" (S.F. 2389)

The ayes were, 45:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Kaufmann	Koester	Lukan	May
Mertz	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Whitead	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
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	Willems	Winckler	Zirkelbach
Mr. Speaker			
Murphy			

Absent or not voting, 2:

De Boef Wendt

Amendment H-8660A lost.

Kaufmann of Cedar asked and received unanimous consent to withdraw amendment H-8660B filed by him and Tymeson of Madison from the floor.

Steckman of Cerro Gordo offered amendment H-8656 filed by her, H. Miller of Webster, Gaskill of Wapello, Smith of Marshal, Thede of Scott, Winckler of Scott, Beard of Winneshiek, T. Olson of Linn, Wenthe of Fayette, Kelley of Black Hawk, Petersen of Polk, Wessel-Kroeschell of Story, Thomas of Clayton, Hunter of Polk, Reichert of Muscatine, Cohoon of Des Moines, Palmer of Mahaska, Bailey of Hamilton, Marek of Washington, Reasoner of Union, Whitead of Woodbury, Isenhardt of Dubuque, Mascher of Johnson, Running-Marquardt of Linn, Frevert of Palo Alto, Kuhn Floyd, Kearns of Lee, Mertz of Kossuth, Taylor of Linn, Heddens of Story, Berry of Black Hawk, Lykam of Scott, Bell of Jasper, Swaim of Davis, Abdul-Samad of Polk and Ford of Polk, from the floor and requested division as follows:

H-8656

- 1 Amend Senate File 2389 as amended, passed, and
- 2 reprinted by the Senate, as follows:

H-8656A

- 3 1. Page 75, after line 29 by inserting:
- 4 <Sec. ____ Section 16.193, Code Supplement 2009, is
- 5 amended by adding the following new subsection:
- 6 NEW SUBSECTION. 3. a. During the term of the
- 7 Iowa jobs program, the Iowa finance authority shall
- 8 collect data on all of the projects approved for the

9 program. The department of management and the state
 10 agencies associated with the projects shall assist the
 11 authority with the data collection and in developing
 12 the report required by this subsection. The authority
 13 shall report quarterly to the governor and the general
 14 assembly concerning the data.

15 b. The report shall include but is not limited to
 16 all of the following:

17 (1) The nature of each project and its purpose.

18 (2) The status of each project and the amount and
 19 percentage of program funds expended for the project.

20 (3) The outside funding that is matched or
 21 leveraged by the program funds.

22 (4) The number of jobs created or retained by each
 23 project.

24 (5) For each project, the names of the project
 25 contractors, state of residence of the project
 26 contractors, and the state of residence of the
 27 contractors' employees.

28 c. The authority shall maintain an internet site
 29 that allows citizens to track project data on a
 30 county-by-county basis.>

H-8656B

31 2. Page 80, after line 18 by inserting:
 32 <Sec. _____. EFFECTIVE DATE AND APPLICABILITY. This
 33 section of this division of this Act enacting section
 34 16.193, subsection 3, being deemed of immediate
 35 importance, takes effect upon enactment, and applies to
 36 projects approved on, before, and after the effective
 37 date of the section.>

H-8656

38 3. By renumbering as necessary.

Steckman of Cerro Gordo moved the adoption of amendment
 H-8656A.

Roll call was requested by Paulsen of Linn and Raecker of Polk.

On the question "Shall amendment H-8656A be adopted?" (S.F.
 2389)

The ayes were, 97:

Abdul-Samad
 Bailey
 Berry

Alons
 Baudler
 Bukta

Anderson
 Beard
 Burt

Arnold
 Bell
 Chambers

Cohoon	Cownie	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Grassley	Hagenow
Hanson	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Tymeson
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, 3:

De Boef Gayman Wendt

Amendment H-8656A was adopted.

Steckman of Cerro Gordo asked and received unanimous consent to withdraw amendment H-8656B, filed by her from the floor.

McCarthy of Polk asked and received unanimous consent that Senate File 2389 be deferred and that the bill retain its place on the calendar.

The House stood at ease at 3:44 p.m., until the fall of the gavel.

The House resumed Session at 4:30 p.m., Speaker Murphy in the chair.

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 29, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2379, a bill for an act relating to permits to carry weapons and permits to acquire pistols and revolvers including the dissemination of information relating to persons suffering from mental and substance abuse health-related disorders and the possession of firearms and providing penalties and an effective date.

MICHAEL E. MARSHALL, Secretary

McCarthy of Polk asked and received unanimous consent for the immediate consideration of Senate File 2389.

Cohon of Des Moines offered the following amendment H-8661 filed by him from the floor and moved its adoption:

H-8661

- 1 Amend Senate File 2389, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 13, line 22, by striking <July> and
- 4 inserting <April>
- 5 2. Page 22, after line 17 by inserting:
- 6 <Sec. ____ EFFECTIVE UPON ENACTMENT. The section
- 7 of this division of this Act enacting section 12.88A,
- 8 being deemed of immediate importance, takes effect upon
- 9 enactment.>
- 10 3. Page 72, line 14, by striking <July> and
- 11 inserting <April>
- 12 4. Page 75, by striking line 5 and inserting
- 13 <fiscal year beginning July 1, 2009, ~~and ending June~~
- 14 ~~30, 2010, and ending July 1, 2011.~~>
- 15 5. Page 80, after line 18 by inserting:
- 16 <Sec. ____ EFFECTIVE DATES AND APPLICABILITY.
- 17 1. The section of this division of this Act
- 18 amending section 12.87, being deemed of immediate
- 19 importance, takes effect upon enactment.
- 20 2. The section of this division of this Act
- 21 enacting section 16.193, subsection 3, being deemed of
- 22 immediate importance, takes effect upon enactment, and
- 23 applies to projects approved on, before, and after the
- 24 effective date of the section.>
- 25 6. By renumbering as necessary.

Amendment H-8661 was adopted.

Cohoon of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2389)

The ayes were, 52:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Isenhart	Jacoby	Kearns	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	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, 47:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Huser	Kaufmann	Kelley
Koester	Lukan	May	Mertz
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rayhons	Roberts
Sands	Schulte	Schultz	Soderberg
Sorenson	Struyk	Sweeney	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

Absent or not voting, 1:

Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 2389** be immediately messaged to the Senate.

On motion by McCarthy of Polk, the House was recessed at 5:35 p.m., until 7:30 p.m.

EVENING SESSION

The House reconvened at 7:22 p.m., Speaker Murphy in the chair.

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 29, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2389, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date.

MICHAEL E. MARSHALL, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 29, 2010. Had I been present, I would have voted "aye" on Senate File 2379.

SCHULTE of Linn

AMENDMENTS FILED

H—8655	H.F.	2531	R. Olson of Polk
H—8662	H.F.	2531	Horbach of Tama
H—8663	H.F.	2531	R. Olson of Polk
H—8664	H.F.	2531	Lensing of Johnson
			Koester of Polk
			Pettengill of Benton
			Mascher of Johnson
			Struyk of Pottawattamie

On motion by McCarthy of Polk the House adjourned at 7:22 p.m., until 9:00 a.m., Tuesday, March 30, 2010.

JOURNAL OF THE HOUSE

Seventy-ninth Calendar Day - Fifty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 30, 2010

The House met pursuant to adjournment at 9:05 a.m., Speaker Murphy in the chair.

Prayer was offered by the Honorable Tom Schueller, state representative from Jackson County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by James Taylor, House Page from Mount Vernon.

The Journal of Monday, March 29, 2010 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Frevert of Palo Alto, from one hundred eighty-six constituents of House District 7 favoring a constitutional amendment stating marriage is between one man and one woman only.

By Frevert of Palo Alto, from fifteen constituents of House District 7 favoring “right to carry” legislation.

The House stood at ease at 9:09 a.m., until the fall of the gavel.

The House resumed session at 10:14 a.m., Speaker Murphy in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Wendt of Woodbury on request of McCarthy of Polk.

SENATE AMENDMENT CONSIDERED

Oldson of Polk called up for consideration **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 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, amended by the Senate amendment H-8640:

H-8640

1 Amend House File 2531, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, line 6, by striking <and area education
4 agency>

5 2. Page 4, by striking lines 8 through 13 and
6 inserting:

7 <Sec. ____ INSTRUCTIONAL SUPPORT STATE AID –
8 APPROPRIATION. In lieu of the appropriation provided
9 in section 257.20, there is appropriated from the
10 school infrastructure fund created in section 12.82,
11 subsection 1, to the department of education for the
12 fiscal year beginning July 1, 2010, and ending June 30,
13 2011, the following amount, or so much thereof as is
14 necessary, to be used for the purposes designated:

15 For paying instructional support state aid for
16 fiscal year 2010-2011:

17 \$ 7,500,000

18 Notwithstanding section 257.20, subsection 3, the
19 appropriation made in this lettered paragraph shall
20 be allocated in the same manner as the allocation of
21 the appropriation was made for the same purpose in the
22 previous fiscal year.>

23 3. Page 6, after line 29 by inserting:

24 <Sec. ____ Section 257.35, subsection 5, Code
25 Supplement 2009, is amended to read as follows:

26 5. Notwithstanding subsection 1, and in addition to
27 the reduction applicable pursuant to subsection 2, the
28 state aid for area education agencies and the portion
29 of the combined district cost calculated for these
30 agencies for each fiscal year of the fiscal period
31 beginning July 1, 2008, and ending June 30, ~~2010~~ 2011,
32 shall be reduced by the department of management by two
33 million five hundred thousand dollars. The reduction
34 for each area education agency for each fiscal year of
35 the fiscal period beginning July 1, 2008, and ending
36 June 30, ~~2010~~ 2011, shall be prorated based on the

37 reduction that the agency received in the fiscal year
38 beginning July 1, 2003.>

39 4. Page 10, line 20, by striking <may> and
40 inserting <shall not>

41 5. Page 13, line 21, after <officer,> by inserting
42 <state debt coordinator,>

43 6. Page 28, after line 7 by inserting:

44 <Sec. ____ 2010 Iowa Acts, Senate File 2366,

45 section 16, if enacted, is amended to read as follows:

46 SEC. 16. EFFECTIVE DATE – APPLICABILITY. ~~This~~

47 ~~section~~ The sections of this division of this Act

48 providing for transfers involving the college student

49 aid commission and the department of inspections and

50 appeals are retroactively applicable to December 14,

Page 2

1 2009, and apply in lieu of the transfers made for the
2 same purposes by the executive branch, as reported by
3 the department of management in the transfer notices
4 dated December 14, 2009.>

5 7. Page 29, after line 30 by inserting:

6 <____. The section of this division of this Act

7 amending 2010 Iowa Acts, Senate File 2366, section 16.>

8 8. Page 30, after line 8 by inserting:

9 <Sec. ____ DEPARTMENT OF CULTURAL AFFAIRS –

10 MERCHANT MARINE BONUS FUND. There is appropriated

11 from the merchant marine bonus fund of the state to

12 the department of cultural affairs for the fiscal year

13 beginning July 1, 2010, and ending June 30, 2011, any

14 moneys remaining in the fund after the appropriation

15 made pursuant to 2010 Iowa Acts, House File 2526,

16 to be used for any costs relating to a study of the

17 U.S.S. Iowa and for departmental salaries, support,

18 maintenance, and miscellaneous purposes.

19 Notwithstanding section 8.33, moneys appropriated in

20 this section that remain unencumbered or unobligated

21 at the close of the fiscal year shall not revert but

22 shall remain available for expenditure for the purposes

23 designated until the close of the succeeding fiscal

24 year.>

25 9. Page 30, after line 8 by inserting:

26 <Sec. ____ IOWA COMPREHENSIVE PETROLEUM UNDERGROUND

27 STORAGE TANK FUND – APPROPRIATIONS. There is

28 appropriated from the Iowa comprehensive petroleum

29 underground storage tank fund created in section 455G.3

30 to the following departments and agencies for the

31 fiscal year beginning July 1, 2010, and ending June

32 30, 2011, the following amounts, or so much thereof as

33 is necessary, to be used for the purposes designated,

34 notwithstanding section 455G.3, subsection 1:

35 1. DEPARTMENT OF PUBLIC HEALTH – BOARD OF PHARMACY

36	a. For support of the Iowa pharmacy recovery	
37	network:	
38	.....	\$ 100,000
39	b. For continuation of the pharmaceutical	
40	collection and disposal pilot program established	
41	pursuant to 2009 Iowa Acts, chapter 175, section 9:	
42	.....	\$ 150,000
43	2. DEPARTMENT OF ADMINISTRATIVE SERVICES	
44	For costs associated with providing autism spectrum	
45	disorders coverage pursuant to section 514C.26, as	
46	enacted by this Act:	
47	.....	\$ 140,000
48	3. STATE BOARD OF REGENTS	
49	a. For the state school for the deaf:	
50	.....	\$ 233,000

Page 3

1	b. For Iowa braille and sight saving school:	
2	.....	\$ 137,000
3	4. DEPARTMENT OF EDUCATION – VOCATIONAL	
4	REHABILITATION SERVICES DIVISION	
5	For a program for farmers with disabilities:	
6	.....	\$ 97,000

7 The funds appropriated in this subsection shall
8 be used for the public purpose of providing a grant
9 to a national nonprofit organization with over 80
10 years of experience in assisting children and adults
11 with disabilities and special needs. The funds shall
12 be used for a nationally recognized program that
13 began in 1986 and has been replicated in at least 30
14 other states, but which is not available through any
15 other entity in this state, that provides assistance
16 to farmers with disabilities in all 99 counties to
17 allow the farmers to remain in their own homes and
18 be gainfully engaged in farming through provision
19 of agricultural worksite and home modification
20 consultations, peer support services, services to
21 families, information and referral, and equipment
22 loan services. Notwithstanding section 8.33, moneys
23 appropriated in this section that remain unencumbered
24 or unobligated at the close of the fiscal year shall
25 not revert but shall remain available for expenditure
26 for the purposes designated until the close of the
27 succeeding fiscal year.>

28 _____. DEPARTMENT OF HUMAN SERVICES
29 For restoring for the fiscal year beginning July 1,
30 2010, a portion of the reimbursement rate reduction
31 that was applied in the previous fiscal year to
32 adoption, family foster care, group foster care, and
33 supervised apartment living services providers, to
34 implement appropriations reductions applied pursuant to

35 executive order number 19 issued October 8, 2010:
 36 \$ 1,000,000
 37 The department shall increase the reimbursement
 38 rates otherwise specified in 2010 Iowa Acts, House File
 39 2526, if enacted, for the designated services providers
 40 by an equal percentage in order to fully utilize the
 41 amount appropriated in this subsection.
 42 5. DEPARTMENT OF COMMERCE – DIVISION ___ OF INSURANCE
 43 For costs associated with establishing the Iowa
 44 insurance information exchange pursuant to section
 45 505.32, if enacted by 2010 Iowa Acts, Senate File 2356:
 46 \$ 150,000
 47 10. Page 30, after line 8 by inserting:
 48 <Sec. ____ FISCAL YEAR 2009-2010 –
 49 APPROPRIATIONS. There is appropriated from the
 50 general fund of the state to the following departments

Page 4

1 and agencies for the fiscal year beginning July 1,
 2 2009, and ending June 30, 2010, the following amounts,
 3 or so much thereof as is necessary, to be used for the
 4 purposes designated:
 5 1. DEPARTMENT OF MANAGEMENT
 6 For salaries, support, maintenance, and
 7 miscellaneous purposes:
 8 \$ 200,000
 9 2. DEPARTMENT OF REVENUE
 10 For the duties of the office of the state debt
 11 coordinator established in 2010 Iowa Acts, Senate
 12 File 2383, if enacted, including salaries, support,
 13 maintenance, services, advertising, miscellaneous
 14 purposes, and for not more than the following full-time
 15 equivalent positions:
 16 \$ 300,000
 17 FTEs 3.00
 18 For the period beginning on the effective date of
 19 the section establishing the debt amnesty program in
 20 2010 Iowa Acts, Senate File 2383, through November 30,
 21 2010, or when the program is ended, whichever is later,
 22 an amount of the proceeds collected by the program
 23 equal to the administrative, advertising, and other
 24 costs of the program shall be considered repayment
 25 receipts, as defined in section 8.2, and shall be used
 26 by the office of the state debt coordinator for those
 27 costs.
 28 Notwithstanding section 8.33, moneys appropriated in
 29 this section that remain unencumbered or unobligated
 30 at the close of the fiscal year shall not revert but
 31 shall remain available for expenditure for the purposes
 32 designated until the close of the succeeding fiscal
 33 year.>

34 11. Page 30, after line 21 by inserting:
 35 <Sec. _____. SCHOOL READY CHILDREN GRANT
 36 REQUIREMENT. For the fiscal year beginning July 1,
 37 2010, and ending June 30, 2011, the early childhood
 38 Iowa state board may grant a school ready children
 39 grant waiver as to the required percentage of family
 40 support program to be committed to a home visitation
 41 component to an early childhood Iowa area that is
 42 funding the teaching interventions to empower and
 43 strengthen families program and is more than 10 percent
 44 away from meeting the required percentage.>

45 12. Page 30, after line 21 by inserting:
 46 <Sec. _____. MEDICAID FRAUD ACCOUNT – DEPARTMENT OF
 47 INSPECTIONS AND APPEALS. There is appropriated from
 48 the Medicaid fraud account created in section 249A.7
 49 to the department of inspections and appeals for the
 50 fiscal year beginning July 1, 2010, and ending June 30,

Page 5

1 2011, the following amount or so much thereof as is
 2 necessary, to be used for the purposes designated:
 3 For salaries, support, maintenance, miscellaneous
 4 purposes, administration, and other costs associated
 5 with implementation of 2010 Iowa Acts, Senate File
 6 2333, if enacted:

7 \$ 250,000>

8 13. Page 30, after line 21 by inserting:
 9 <Sec. _____. TAIWAN TRADE OFFICE – IOWA
 10 COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE
 11 TANK FUND. There is appropriated from the Iowa
 12 comprehensive petroleum underground storage tank fund
 13 to the department of economic development for the
 14 fiscal year beginning July 1, 2010, and ending June 30,
 15 2011, the following amount, or so much thereof as is
 16 necessary, to be used for the purposes designated:
 17 Notwithstanding section 455G.3, subsection 1, for
 18 establishing a trade office in Taipei, Taiwan:

19 \$ 100,000

20 If the department cannot arrange for matching moneys
 21 from another source in an amount at least equal to
 22 the appropriation made in this section, the moneys
 23 appropriated in this section shall revert to the Iowa
 24 comprehensive petroleum underground storage tank fund.>

25 14. Page 30, after line 21 by inserting:
 26 <Sec. _____. INSURANCE DIVISION. There is
 27 appropriated from the department of commerce revolving
 28 fund created in section 546.12 to the insurance
 29 division of the department of commerce for the fiscal
 30 year beginning July 1, 2010, and ending June 30,
 31 2011, the following amount, or so much thereof as is
 32 necessary, to be used for the purposes designated:

33 For salaries, support, maintenance, miscellaneous
 34 purposes, and for not more than the following full-time
 35 equivalent positions:
 36 \$ 55,000
 37 FTEs 1.00>

38 15. Page 30, after line 33 by inserting:
 39 <___. DEPARTMENT OF EDUCATION
 40 a. To provide funding in addition to the amount
 41 appropriated in 2010 Iowa Acts, Senate File 2376,
 42 section 6, subsection 14, for allocation to eligible
 43 school districts for the four-year-old preschool
 44 program under chapter 256C:
 45 \$ 4,000,000
 46 b. For school districts to provide direct
 47 services to the most at-risk senior high school
 48 students enrolled in school districts through direct
 49 intervention by a jobs for America's graduates
 50 specialist:

Page 6

1 \$ 540,000
 2 ___. DEPARTMENT OF NATURAL RESOURCES
 3 For operations, notwithstanding restrictions
 4 otherwise applicable under 2010 Iowa Acts, House File
 5 2525, relating to private buildings, if enacted:
 6 \$ 300,000

7 ___. DEPARTMENT OF HUMAN SERVICES
 8 For funding of shelter care in addition to the
 9 amount allocated for this purpose in the appropriation
 10 for child and family services in 2010 Iowa Acts, House
 11 File 2526, if enacted:
 12 \$ 500,000

13 ___. OFFICE OF ENERGY INDEPENDENCE
 14 For deposit in the Iowa power fund:
 15 \$ 2,000,000>

16 16. Page 30, after line 33 by inserting:
 17 <___. IOWA FINANCE AUTHORITY
 18 a. To a county with a population between 189,000
 19 and 196,000 in the last preceding certified federal
 20 census for rehabilitation of a flood damaged public
 21 service center:
 22 \$ 4,500,000

23 b. To a city with a population between 120,500
 24 and 120,800 in the last preceding certified federal
 25 census for rehabilitation and renovation of a federal
 26 courthouse and to meet federal flood mitigation
 27 standards:
 28 \$ 2,100,000>

29 17. Page 31, line 18, after <agreement> by
 30 inserting <executed on or before December 31, 2011>

31 18. Page 31, line 22, after <subsection 8,> by

32 inserting <for its facilities described in section
33 327F.2 governed by the written agreement>
34 19. Page 31, after line 23 by inserting:
35 <Sec. ____. RENEWABLE BIOMASS. It is the intent of
36 the general assembly that the Iowa power fund board
37 and the department of economic development use moneys
38 appropriated to the Iowa power fund and the department
39 of economic development to encourage projects utilizing
40 biomass made from renewable biomass to produce inputs
41 for agricultural purposes that replace products that
42 are produced using fossil fuels as the raw materials.
43 The projects shall include but not be limited to
44 products such as anhydrous ammonia.>
45 20. Page 31, after line 23 by inserting:
46 <Sec. ____. DEPARTMENT OF CULTURAL AFFAIRS. The
47 department of cultural affairs, in its capacity as the
48 state historic preservation officer and consulting
49 party for the purpose of satisfying the requirements of
50 the federal National Historic Preservation Act, shall

Page 7

1 be no more restrictive than the federal agency for
2 which it is acting as such consulting party.>
3 21. Page 32, after line 14 by inserting:
4 <Sec. ____. PUBLIC LIBRARY SUPPORT LEVY – ELECTION
5 DATE.
6 1. Notwithstanding the election date required under
7 section 384.12, subsections 1 and 21, a city may submit
8 a proposition relating to a public library property
9 tax levy to the electorate on a date specified in
10 section 39.2, subsection 4, paragraph "b", if all of
11 the following conditions are met:
12 a. The city is located in whole or in part in an
13 area that the governor proclaimed a disaster emergency
14 or the president of the United States declared a major
15 disaster, as the result of a natural disaster occurring
16 during the period of time beginning May 1, 2008, and
17 ending August 1, 2008.
18 b. The city contains a public library that was
19 damaged by the natural disaster described in paragraph
20 "a".
21 2. An election under subsection 1 shall be held not
22 later than August 2, 2011.>
23 22. Page 32, after line 14 by inserting:
24 <Sec. ____. MH/MR/DD SERVICES FUND
25 TRANSFER. Notwithstanding section 331.424A,
26 subsection 5, and section 331.432, subsection 3, for
27 the fiscal year beginning July 1, 2010, and ending
28 June 30, 2011, a county may transfer moneys from other
29 funds of the county to the county's mental health,
30 mental retardation, and developmental disabilities

31 services fund created in section 331.424A. A county
 32 transferring moneys from other funds of the county to
 33 the county's services fund pursuant to this section
 34 shall submit a report detailing the transfers made and
 35 funds affected. The county shall submit the report
 36 along with the county expenditure and information
 37 report submitted by December 1, 2010, in accordance
 38 with section 331.439.>

39 23. Page 32, after line 27 by inserting:

40 <Sec. ____ LIMITED LIABILITY COMPANIES – BIENNIAL
 41 REPORTS.

42 1. The biennial report fee, as determined by
 43 the secretary of state in accordance with section
 44 490A.1320, subsection 1, received for reports filed
 45 on or after July 1, 2006, shall be credited to the
 46 general fund of the state. The biennial report fee
 47 shall be due at the time the report is filed. On or
 48 after July 1, 2006, such biennial reports shall be
 49 due in even-numbered calendar years during the period
 50 beginning January 1, and ending April 1, and shall

Page 8

1 contain information relating to the two-year period
 2 immediately preceding the calendar year in which the
 3 report is filed.

4 2. a. This section, being deemed of immediate
 5 importance, takes effect upon enactment and applies
 6 retroactively to July 1, 2006.

7 b. A limited liability company that has not filed
 8 the biennial report for 2008 or 2010 shall file such
 9 report on or before June 30, 2010.>

10 24. Page 35, line 26, before <As> by inserting <1.>

11 25. Page 36, after line 15 by inserting:

12 <2. Parties who by agreement are utilizing a
 13 cooperative alternative bargaining process shall, at
 14 the outset of such process, agree upon a method and
 15 schedule for the completion of impasse procedures
 16 should they fail to reach a collective bargaining
 17 agreement through the use of such alternative
 18 bargaining process.>

19 26. Page 38, after line 11 by inserting:

20 <Sec. ____ Section 123.30, subsection 3, paragraph
 21 e, subparagraph (1), Code Supplement 2009, is amended
 22 to read as follows:

23 (1) A class "E" liquor control license may be
 24 issued and shall authorize the holder to purchase
 25 alcoholic liquor from the division only and high
 26 alcoholic content beer from a class "AA" beer permittee
 27 only and to sell the alcoholic liquor and high
 28 alcoholic content beer to patrons for consumption
 29 off the licensed premises and to other liquor control

30 licensees. A class "E" license shall not be issued
31 to premises at which gasoline is sold. A holder of
32 a class "E" liquor control license may hold other
33 retail liquor control licenses or retail wine or beer
34 permits, but the premises licensed under a class "E"
35 liquor control license shall be separate from other
36 licensed premises, though the separate premises may
37 have a common entrance. However, the holder of a class
38 "E" liquor control license may also hold a class "B"
39 wine or class "C" beer permit or both for the premises
40 licensed under a class "E" liquor control license.>

41 27. Page 38, by striking lines 12 through 28 and
42 inserting:

43 <Sec. ____ Section 155A.6A, subsection 3, Code
44 2009, is amended to read as follows:

45 3. a. Beginning ~~July 1, 2009~~ December 31, 2012,
46 a person who is in the process of acquiring national
47 certification as a pharmacy technician and who is
48 in training to become a pharmacy technician shall
49 register with the board as a pharmacy technician. The
50 registration shall be issued for a period not to exceed

Page 9

1 one year and shall not be renewable.

2 b. A person who is registered as a pharmacy
3 technician or a pharmacy technician trainee prior
4 to January 1, 2010, who has worked as a pharmacy
5 technician or pharmacy technician trainee for a minimum
6 of two thousand hours in the previous eighteen months
7 under the direction of a licensed pharmacist shall
8 have until December 31, 2013, to attain certification
9 pursuant to this section. The supervising pharmacist
10 shall be responsible for verifying with the Iowa board
11 of pharmacy that any person affected by this paragraph
12 continues to have a minimum of two thousand hours of
13 supervised training in any eighteen-month period of
14 time between January 1, 2010, and December 31, 2013.>

15 28. Page 39, after line 18 by inserting:

16 <Sec. ____ Section 237.3, subsection 2, paragraph
17 f, Code Supplement 2009, is amended to read as follows:

18 f. Housing, health, safety, and medical care
19 policies for children receiving child foster care. The
20 medical care policies shall include but are not limited
21 to all of the following:

22 (1) Provision by the department to the foster care
23 provider at or before the time of a child's placement
24 of the child's health records and any other information
25 possessed or known about the health of the child or
26 about a member of the child's family that pertains to
27 the child's health.

28 (2) If the health records supplied in accordance

29 with the child's case permanency plan to the foster
 30 care provider are incomplete or the provider requests
 31 specific health information, provision for obtaining
 32 additional health information from the child's
 33 parent or other source and supplying the additional
 34 information to the foster care provider.

35 (3) Provision for emergency health coverage of
 36 the child while the child is engaged in temporary
 37 out-of-state travel with the child's foster family.
 38 Sec. ____ Section 237.3, subsection 2, paragraph
 39 k, subparagraph (1), Code Supplement 2009, is amended
 40 to read as follows:

41 (1) Receiving information prior to the child's
 42 placement regarding risk factors concerning the child
 43 that are known to the department, including but not
 44 limited to notice if the child is required to register
 45 under chapter 692A.>

46 29. By striking page 39, line 33, through page 40,
 47 line 29.

48 30. Page 40, after line 29 by inserting:

49 <Sec. ____ Section 314.17, as amended by 2010 Iowa
 50 Acts, House File 2458, if enacted, is amended by adding

Page 10

1 the following new subsections:

2 NEW SUBSECTION. 7. Within fifty feet of a drainage
 3 tile or tile intake.

4 NEW SUBSECTION. 8. For access to a mailbox or for
 5 other accessibility purposes.

6 NEW SUBSECTION. 9. On rights-of-way adjacent to
 7 agricultural demonstration or research plots.>

8 31. Page 40, after line 29 by inserting:

9 <Sec. ____ Section 321.18, Code Supplement 2009, is
 10 amended by adding the following new subsection:

11 NEW SUBSECTION. 10. Any trailer that is used
 12 exclusively for the transportation, display, and
 13 distribution of flags honoring deceased veterans in
 14 parades or ceremonies held on Memorial Day, Veterans
 15 Day, or other patriotic occasions as authorized by
 16 resolution of the local government of the community
 17 where the parade or ceremony takes place. A trailer
 18 exempt from registration under this subsection shall
 19 only be used on city streets or secondary roads on the
 20 day of a parade or ceremony specified in the local
 21 government's resolution, and a copy of the resolution
 22 shall be carried at all times in the vehicle pulling
 23 the trailer.>

24 32. Page 40, after line 29 by inserting:

25 <Sec. ____ Section 321.463, subsection 5, paragraph
 26 c, Code Supplement 2009, is amended to read as follows:
 27 c. (1) The maximum gross weight allowed to be

28 carried on a ~~livestock or construction~~ commercial
 29 motor vehicle, other than a special truck, on
 30 noninterstate highways, provided the vehicle is
 31 operated by a person with a commercial driver's license
 32 valid for the vehicle operated unless section 321.176A
 33 applies, is as follows:

34 NONINTERSTATE HIGHWAYS
 35 MAXIMUM GROSS WEIGHT TABLE
 36 ~~LIVESTOCK OR CONSTRUCTION~~ COMMERCIAL MOTOR VEHICLE

37	Distance		
38	in feet	6 Axles	7 Axles \$YUL
40	44	80,500	80,500
41	45	81,000	81,500
42	46	81,500	82,500
43	47	82,000	83,500
44	48	83,000	84,000
45	49	83,500	85,000
46	50	84,000	86,000
47	51	84,500	87,000
48	52	85,000	88,000
49	53	86,000	88,500
50	54	86,500	89,500

Page 11

1	55	87,000	90,500
2	56	87,500	91,500
3	57	88,000	92,000
4	58	89,000	93,000
5	59	89,500	94,000
6	60	90,000	95,000
7	61		95,500
8	62		96,000

9 (2) Notwithstanding any provision of this section
 10 to the contrary, the maximum gross weight allowed to
 11 be carried on a noninterstate highway by a livestock
 12 vehicle with five axles, a minimum distance in feet
 13 between the centers of the first and fifth axles of
 14 sixty-one feet, and a minimum distance between the
 15 two rear axles of at least eight feet and one inch is
 16 eighty-six thousand pounds.>

17 33. Page 40, after line 29 by inserting:
 18 <Sec. ____ NEW SECTION. 261D.4 Payment of dues.
 19 On an annual basis, the department of management
 20 shall apportion the dues assessed for membership in the
 21 midwestern higher education compact to various sectors
 22 of education including the department of education, the
 23 community college trustees, the Iowa association of
 24 independent colleges and universities, and the state
 25 board of regents. The apportionment shall be based on
 26 actual savings achieved in the previous fiscal year
 27 by each sector of education in a manner determined

28 by the department of management. The department of
 29 management shall make payment on behalf of the state
 30 to the midwestern higher education compact commission
 31 and shall seek reimbursement from each sector of
 32 education based on the apportionment determined by the
 33 department.>

34 34. Page 40, after line 29 by inserting:

35 <Sec. ____ Section 321.482A, unnumbered paragraph
 36 1, Code 2009, is amended to read as follows:

37 Notwithstanding section 321.482, a person who is
 38 convicted of operating a motor vehicle in violation of
 39 section 321.256, 321.257, section 321.275, subsection
 40 4, section 321.297, 321.298, 321.299, 321.302, 321.303,
 41 321.304, 321.305, 321.306, 321.307, 321.308, section
 42 321.309, subsection 2, or section 321.311, 321.319,
 43 321.320, 321.321, 321.322, 321.323, 321.323A, 321.324,
 44 321.324A, 321.327, 321.329, or 321.333 causing serious
 45 injury to or the death of another person may be subject
 46 to the following penalties in addition to the penalty
 47 provided for a scheduled violation in section 805.8A or
 48 any other penalty provided by law:>

49 35. Page 40, after line 29 by inserting:

50 <Sec. ____ Section 421.27, subsection 6, Code 2009,

Page 12

1 is amended to read as follows:

2 6. Improper receipt of refund or credit. A person
 3 who makes an erroneous application for refund or
 4 credit shall be liable for any overpayment received
 5 or tax liability reduced plus interest at the rate
 6 in effect under section 421.7. In addition, a
 7 person who willfully makes a false or frivolous
 8 application for refund or credit with intent to evade
 9 tax or with intent to receive a refund or credit
 10 to which the person is not entitled is guilty of
 11 a fraudulent practice and is liable for a penalty
 12 equal to seventy-five percent of the refund or credit
 13 being claimed. ~~Repayments~~ Payments, penalties, and
 14 interest due under this subsection may be collected and
 15 enforced in the same manner as the tax imposed.>

16 36. Page 40, after line 29 by inserting:

17 <Sec. ____ Section 421C.3, subsection 15, if
 18 enacted by 2010 Iowa Acts, Senate File 2383, is amended
 19 to read as follows:

20 15. a. The director of revenue shall establish an
 21 account and shall deposit in the account all receipts
 22 received under the program established by the state
 23 debt coordinator. Not later than the fifteenth day of
 24 each month, the director shall deposit amounts received
 25 with the treasurer of state for deposit in the general
 26 fund of the state.

27 b. Of the amount of debt actually collected
28 pursuant to the program, the department of revenue
29 shall retain an amount, not to exceed the amount
30 collected, that is sufficient to pay for salaries,
31 support, maintenance, services, advertising, and other
32 costs incurred by the coordinator relating to the
33 program. Revenues retained by the office pursuant to
34 this lettered paragraph shall be considered repayment
35 receipts as defined in section 8.2.>

36 37. Page 42, after line 5 by inserting:
37 <Sec. ____ Section 600C.1, Code 2009, is amended by
38 striking the section and inserting in lieu thereof the
39 following:

40 600C.1 Grandparent and great-grandparent visitation.

41 1. The grandparent or great-grandparent of a
42 minor child may petition the court for grandchild or
43 great-grandchild visitation when the parent of the
44 minor child, who is the child of the grandparent or the
45 grandchild of the great-grandparent, is deceased.

46 2. The court shall consider a fit parent's
47 objections to granting visitation under this section.
48 A rebuttable presumption arises that a fit parent's
49 decision to deny visitation to a grandparent or
50 great-grandparent is in the best interest of a minor

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1 child.

2 3. The court may grant visitation to the
3 grandparent or great-grandparent under this section
4 if the court finds all of the following by clear and
5 convincing evidence:

6 a. It is in the best interest of the child to grant
7 such visitation.

8 b. The grandparent or great-grandparent has
9 established a substantial relationship with the child
10 prior to the filing of the petition.

11 c. That the presumption that the parent who is
12 being asked to temporarily relinquish care, custody,
13 and control of the child to provide visitation is fit
14 to make the decision regarding visitation is overcome
15 by demonstrating one of the following:

16 (1) The parent is unfit to make such decision.

17 (2) The parent's judgment has been impaired and the
18 relative benefit to the child of granting visitation
19 greatly outweighs any effect on the parent-child
20 relationship. Impaired judgment of a parent may be
21 evidenced by any of, but not limited to, the following:

22 (a) Neglect of the child.

23 (b) Abuse of the child.

24 (c) Violence toward the child.

25 (d) Indifference or absence of feeling toward the

26 child.

27 (e) Demonstrated unwillingness and inability to
28 promote the emotional and physical well-being of the
29 child.

30 (f) Drug abuse.

31 (g) A diagnosis of mental illness.

32 4. In determining the best interest of the child,
33 the court shall consider all of the following:

34 a. The prior interaction and interrelationships of
35 the child with the child's parents, siblings, and other
36 persons related by consanguinity or affinity, compared
37 to the child's relationship with the grandparent or
38 great-grandparent.

39 b. The geographical location of the grandparent's
40 or great-grandparent's residence and the distance
41 between the grandparent's or great-grandparent's
42 residence and the child's residence.

43 c. The child's and parent's available time,
44 including but not limited to the parent's employment
45 schedule, the child's school schedule, the amount of
46 time that will be available for the child to spend with
47 siblings, and the child's and the parent's holiday and
48 vacation schedules.

49 d. The age of the child.

50 e. If the court has interviewed the child in

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1 chambers as provided in this section regarding the
2 wishes and concerns of the child as to visitation
3 by the grandparent or great-grandparent or as to a
4 specific visitation schedule, the wishes and concerns
5 of the child, as expressed to the court.

6 f. The health and safety of the child.

7 g. The mental and physical health of all parties.

8 h. Whether the grandparent or great-grandparent
9 previously has been convicted of or pleaded guilty to
10 any criminal offense involving any act that resulted
11 in a child being an abused child or a neglected child;
12 whether the grandparent or great-grandparent previously
13 has been convicted of or pleaded guilty to a crime
14 involving a victim who at the time of the commission
15 of the offense was a member of the family or household
16 that is the subject of the current proceeding; and
17 whether there is reason to believe that the grandparent
18 or great-grandparent has acted in a manner resulting in
19 a child having ever been found to be an abused child
20 or a neglected child.

21 i. The wishes and concerns of the child's parent,
22 as expressed by the parent to the court.

23 j. Any other factor in the best interest of the
24 child.

25 5. For the purposes of this subsection "substantial
26 relationship" includes but is not limited to any of the
27 following:

28 a. The child has lived with the grandparent or
29 great-grandparent for at least six months.

30 b. The grandparent or great-grandparent has
31 voluntarily and in good faith supported the child
32 financially in whole or in part for a period of not
33 less than six months.

34 c. The grandparent or great-grandparent has had
35 frequent visitation including occasional overnight
36 visitation with the child for a period of not less than
37 one year.

38 6. If the court interviews any child concerning
39 the child's wishes and concerns regarding parenting
40 time or visitation, the interview shall be conducted
41 in chambers, and only the child, the child's attorney,
42 the judge, any necessary court personnel, and, in the
43 judge's discretion, the attorney of the parent shall
44 be permitted to be present in the chambers during the
45 interview. A person shall not obtain or attempt to
46 obtain from a child a written or recorded statement or
47 affidavit setting forth the wishes and concerns of the
48 child regarding parenting time or visitation.

49 7. For the purposes of this section, "court" means
50 the district court or the juvenile court if that court

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1 currently has jurisdiction over the child in a pending
2 action. If an action is not pending, the district
3 court has jurisdiction.

4 8. Notwithstanding any provision of this chapter
5 to the contrary, venue for any action to establish,
6 enforce, or modify visitation under this section shall
7 be in the county where the child resides if no final
8 custody order determination relating to the grandchild
9 or great-grandchild has been entered by any other
10 court. If a final custody order has been entered by
11 any other court, venue shall be located exclusively in
12 the county where the most recent final custody order
13 was entered. If any other custodial proceeding is
14 pending when an action to establish, enforce, or modify
15 visitation under this section is filed, venue shall be
16 located exclusively in the county where the pending
17 custodial proceeding was filed.

18 9. Notice of any proceeding to establish, enforce,
19 or modify visitation under this section shall be
20 personally served upon the parent of the child
21 whose interests are affected by a proceeding brought
22 pursuant to this section and all grandparents or
23 great-grandparents who have previously obtained a final

24 order or commenced a proceeding under this section.
 25 10. The court shall not enter any temporary order
 26 to establish, enforce, or modify visitation under this
 27 section.

28 11. An action brought under this section is subject
 29 to chapter 598B, and in an action brought to establish,
 30 enforce, or modify visitation under this section,
 31 each party shall submit in its first pleading or in an
 32 attached affidavit all information required by section
 33 598B.209.

34 12. A grandparent or great-grandparent shall not
 35 petition for visitation under this section more than
 36 once every two years absent a showing of good cause.

37 13. The court shall not issue an order restricting
 38 the movement of the child if such restriction is
 39 solely for the purpose of allowing the grandparent
 40 or great-grandparent the opportunity to exercise the
 41 grandparent's or great-grandparent's visitation under
 42 this section.>

43 38. Page 42, after line 5 by inserting:

44 <Sec. ____ NEW SECTION. 514C.26 Autism spectrum
 45 disorders coverage.

46 1. Notwithstanding the uniformity of treatment
 47 requirements of section 514C.6, a group plan
 48 established pursuant to chapter 509A for employees
 49 of the state providing for third-party payment or
 50 prepayment of health, medical, and surgical coverage

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1 benefits shall provide coverage benefits to covered
 2 individuals under twenty-one years of age for the
 3 diagnostic assessment of autism spectrum disorders and
 4 for the treatment of autism spectrum disorders.

5 2. As used in this section, unless the context
 6 otherwise requires:

7 a. "Applied behavioral analysis" means the design,
 8 implementation, and evaluation of environmental
 9 modifications, using behavioral stimuli and
 10 consequences, to produce socially significant
 11 improvement in human behavior or to prevent loss of
 12 attained skill or function, including the use of direct
 13 observation, measurement, and functional analysis of
 14 the relations between environment and behavior.

15 b. "Autism service provider" means a person, or
 16 group providing treatment of autism spectrum disorders.
 17 An autism service provider that provides treatment
 18 of autism spectrum disorders that includes applied
 19 behavioral analysis shall be certified as a behavior
 20 analyst by the behavior analyst certification board or
 21 shall be a health professional licensed under chapter
 22 147.

- 23 c. "Autism spectrum disorders" means any of
24 the pervasive developmental disorders including
25 autistic disorder, Asperger's disorder, and pervasive
26 developmental disorders not otherwise specified. The
27 commissioner, by rule, shall define "autism spectrum
28 disorders" consistent with definitions provided in
29 the most recent edition of the American psychiatric
30 association's diagnostic and statistical manual of
31 mental disorders, as such definitions may be amended
32 from time to time. The commissioner may adopt the
33 definitions provided in such manual by reference.
- 34 d. "Diagnostic assessment of autism spectrum
35 disorders" means medically necessary assessment,
36 evaluations, or tests performed by a licensed
37 physician, licensed physician assistant, licensed
38 psychologist, or licensed registered nurse practitioner
39 to diagnose whether an individual has an autism
40 spectrum disorder.
- 41 e. "Pharmacy care" means medications prescribed by
42 a licensed physician, licensed physician assistant,
43 or licensed registered nurse practitioner and any
44 assessment, evaluation, or test prescribed or ordered
45 by a licensed physician, licensed physician assistant,
46 or licensed registered nurse practitioner to determine
47 the need for or effectiveness of such medications.
- 48 f. "Psychiatric care" means direct or consultative
49 services provided by a licensed physician who
50 specializes in psychiatry.

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- 1 g. "Psychological care" means direct or consultative
2 services provided by a licensed psychologist.
- 3 h. "Rehabilitative care" means professional services
4 and treatment programs, including applied behavioral
5 analysis, provided by an autism service provider to
6 produce socially significant improvement in human
7 behavior or to prevent loss of attained skill or
8 function.
- 9 i. "Therapeutic care" means services provided by
10 a licensed speech pathologist, licensed occupational
11 therapist, or licensed physical therapist.
- 12 j. "Treatment of autism spectrum disorders" means
13 treatment that is identified in a treatment plan and
14 includes medically necessary pharmacy care, psychiatric
15 care, psychological care, rehabilitative care, and
16 therapeutic care that is one of the following:
- 17 (1) Prescribed, ordered, or provided by a licensed
18 physician, licensed physician assistant, licensed
19 psychologist, licensed social worker, or licensed
20 registered nurse practitioner.
- 21 (2) Provided by an autism service provider.

22 (3) Provided by a person, entity, or group that
23 works under the direction of an autism service
24 provider.

25 k. "Treatment plan" means a plan for the treatment
26 of autism spectrum disorders developed by a licensed
27 physician or licensed psychologist pursuant to a
28 comprehensive evaluation or reevaluation performed
29 in consultation with the patient and the patient's
30 representative.

31 3. Coverage is required pursuant to this section in
32 a maximum benefit amount of not more than thirty-six
33 thousand dollars per year but shall not be subject
34 to any limits on the number of visits to an autism
35 service provider for treatment of autism spectrum
36 disorders. Beginning in 2014, the commissioner
37 shall, on or before April 1 of each calendar year,
38 publish an adjustment to the maximum benefit required
39 equal to the percentage change in the United States
40 department of labor consumer price index for all urban
41 consumers in the preceding year, and the published
42 adjusted maximum benefit shall be applicable to group
43 policies, contracts, or plans subject to this section
44 that are issued or renewed on or after January 1 of
45 the following calendar year. Payments made under a
46 group plan subject to this section on behalf of a
47 covered individual for treatment of a health condition
48 unrelated to or distinguishable from the individual's
49 autism spectrum disorder shall not be applied toward
50 any maximum benefit established under this subsection.

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1 4. Coverage required pursuant to this section shall
2 be subject to copayment, deductible, and coinsurance
3 provisions, and any other general exclusions or
4 limitations of a group plan to the same extent as other
5 medical or surgical services covered by the group plan.

6 5. Coverage required by this section shall be
7 provided in coordination with coverage required for the
8 treatment of autistic disorders pursuant to section
9 514C.22.

10 6. This section shall not be construed to limit
11 benefits which are otherwise available to an individual
12 under a group plan.

13 7. This section shall not be construed to require
14 coverage by a group plan of any service solely based on
15 inclusion of the service in an individualized education
16 program. Consistent with federal or state law and
17 upon consent of the parent or guardian of a covered
18 individual, the treatment of autism spectrum disorders
19 may be coordinated with any services included in an
20 individualized education program. However, coverage

21 for the treatment of autism spectrum disorders shall
22 not be contingent upon coordination of services with an
23 individualized education program.

24 8. This section shall not apply to accident-only,
25 specified disease, short-term hospital or medical,
26 hospital confinement indemnity, credit, dental, vision,
27 Medicare supplement, long-term care, basic hospital
28 and medical-surgical expense coverage as defined
29 by the commissioner, disability income insurance
30 coverage, coverage issued as a supplement to liability
31 insurance, workers' compensation or similar insurance,
32 or automobile medical payment insurance, or individual
33 accident and sickness policies issued to individuals or
34 to individual members of a member association.

35 9. A plan established pursuant to chapter 509A for
36 employees of the state may manage the benefits provided
37 through common methods including but not limited to
38 providing payment of benefits or providing care and
39 treatment under a capitated payment system, prospective
40 reimbursement rate system, utilization control system,
41 incentive system for the use of least restrictive and
42 costly levels of care, a preferred provider contract
43 limiting choice of specific providers, or any other
44 system, method, or organization designed to assure
45 services are medically necessary and clinically
46 appropriate.

47 10. An insurer may review a treatment plan for
48 treatment of autism spectrum disorders once every six
49 months, subject to its utilization review requirements,
50 including case management, concurrent review, and

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1 other managed care provisions. A more or less frequent
2 review may be agreed upon by the insured and the
3 licensed physician or licensed psychologist developing
4 the treatment plan.

5 11. For the purposes of this section, the results
6 of a diagnostic assessment of autism spectrum disorder
7 shall be valid for a period of not less than twelve
8 months, unless a licensed physician or licensed
9 psychologist determines that a more frequent assessment
10 is necessary.

11 12. The commissioner shall adopt rules pursuant to
12 chapter 17A to implement and administer this section.

13 13. This section applies to plans established
14 pursuant to chapter 509A for employees of the state
15 that are delivered, issued for delivery, continued, or
16 renewed in this state on or after January 1, 2011.>

17 39. Page 42, after line 20 by inserting:

18 <Sec. ____ 2010 Iowa Acts, House File 2526, section
19 11, subsection 24, paragraph b, relating to the medical

20 assistance waiver for the Iowa family planning network,
21 if enacted, is amended to read as follows:

22 b. Implementation of this subsection is contingent
23 upon approval of the medical assistance waiver for
24 the Iowa family planning network by the centers for
25 Medicare and Medicaid services of the United States
26 department of health and human services ~~and upon~~
27 ~~availability of funding as determined by the director~~
28 ~~of the department of human services.>~~

29 40. Page 42, after line 20 by inserting:

30 <Sec. ____ 2010 Iowa Acts, Senate File 2378,

31 section 15, if enacted, is amended to read as follows:

32 SEC. 15. GAMING ENFORCEMENT. There is appropriated

33 from the gaming enforcement revolving fund created in

34 section 80.43 to the department of public safety for

35 the fiscal year beginning July 1, 2010, and ending June

36 30, 2011, the following amount, or so much thereof as

37 is necessary, to be used for the purposes designated:

38 For any direct and indirect support costs for

39 agents and officers of the division of criminal

40 investigation's excursion gambling boat, gambling

41 structure, and racetrack enclosure enforcement

42 activities, including salaries, support, maintenance,

43 miscellaneous purposes, and for not more than the

44 following full-time equivalent positions:

45 \$ ~~8,851,775~~

46 9,315,306

47 FTEs 115.00

48 However, for each additional license to conduct

49 gambling games on an excursion gambling boat, gambling

50 structure, or racetrack enclosure issued during the

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1 period beginning July 1, 2009, through June 30, 2011,

2 there is appropriated from the gaming enforcement fund

3 to the department of public safety for the fiscal year

4 beginning July 1, 2010, and ending June 30, 2011, an

5 additional amount of not more than \$521,000 to be used

6 for not more than 6.00 additional full-time equivalent

7 positions.>

8 41. Page 42, after line 20 by inserting:

9 <Sec. ____ REPEAL. 2010 Iowa Acts, House File

10 2525, section 6, is repealed.>

11 42. Page 42, after line 25 by inserting:

12 <Sec. ____ EFFECTIVE UPON ENACTMENT. This

13 provision of this division of this Act amending section

14 155A.6A, being deemed of immediate importance, takes

15 effect upon enactment.>

16 43. Page 42, after line 25 by inserting:

17 <Sec. ____ EFFECTIVE UPON ENACTMENT. The provision

18 of this division of this Act appropriating moneys from

19 the general fund of the state to the department of
20 management and to the department of revenue for fiscal
21 year 2009-2010, being deemed of immediate importance,
22 takes effect upon enactment.>

23 44. Page 42, after line 25 by inserting:
24 <Sec. ____ EFFECTIVE UPON ENACTMENT AND RETROACTIVE
25 APPLICABILITY. The provision of this division of this
26 Act amending section 123.30, subsection 3, paragraph
27 "e", subparagraph (1), being deemed of immediate
28 importance, takes effect upon enactment, and is
29 retroactively applicable to March 10, 2010.>

30 45. Page 42, after line 25 by inserting:
31 <Sec. ____ EFFECTIVE DATE. The provision of this
32 division of this Act amending section 421.3, if enacted
33 by 2010 Iowa Acts, Senate File 2383, takes effect on
34 the effective date of section 421C.3.>

35 46. Page 42, after line 25 by inserting:
36 <Sec. ____ EFFECTIVE UPON ENACTMENT. The
37 provision of this division of this Act relating to the
38 instructional support income surtax, being deemed of
39 immediate importance, takes effect upon enactment.>

40 47. By striking page 43, line 8, through page 44,
41 line 28.

42 48. Page 45, line 1, after <of Iowa,> by inserting
43 <the Iowa renewable fuels association.>

44 49. Page 46, after line 5 by inserting:
45 <DIVISION _____
46 PUBLIC SAFETY ADVISORY BOARD
47 Sec. ____ DEPARTMENT OF HUMAN RIGHTS – DIVISION
48 OF CRIMINAL AND JUVENILE JUSTICE PLANNING. There is
49 appropriated from the Iowa comprehensive petroleum
50 underground storage tank fund established in section

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1 455G.3 to the department of human rights for the
2 fiscal year beginning July 1, 2010, and ending June
3 30, 2011, the following amount, or so much thereof as
4 is necessary, to be used for the purposes designated,
5 notwithstanding section 455G.3, subsection 1:

6 For the division of criminal and juvenile justice
7 planning, including salaries, support, maintenance,
8 miscellaneous purposes, and for not more than the
9 following full-time equivalent positions for the public
10 safety advisory board established in section 216A.133A:

11 \$ 140,000
12 FTEs 2.00

13 Sec. ____ Section 216A.131, Code 2009, is amended
14 by adding the following new subsection:
15 NEW SUBSECTION. 1A. "Board" means the public
16 safety advisory board.

17 Sec. ____ Section 216A.132, Code 2009, is amended

18 to read as follows:

19 216A.132 Council established – terms –
20 compensation.

21 1. A criminal and juvenile justice planning
22 advisory council is established consisting of
23 twenty-three members.

24 a. The governor shall appoint seven members each
25 for a four-year term beginning and ending as provided
26 in section 69.19 and subject to confirmation by the
27 senate as follows:

28 (1) Three persons, each of whom is a county
29 supervisor, county sheriff, mayor, ~~city chief of~~
30 ~~police, or county attorney~~ nonsupervisory police
31 officer, or a chief of police of a department with less
32 than eleven police officers.

33 ~~(2) Two persons who represent the general public~~
34 ~~and are not employed in any law enforcement, judicial,~~
35 ~~or corrections capacity.~~

36 ~~(3)~~ (2) Two persons who are knowledgeable about
37 Iowa's juvenile justice system.

38 (3) One person who represents the general public
39 and is not employed in any law enforcement, judicial,
40 or corrections capacity.

41 (4) One person who is either a crime victim, or who
42 represents a crime victim organization.

43 b. The departments of human services, corrections,
44 and public safety, the division on the status of
45 African-Americans, the Iowa department of public
46 health, the chairperson of the board of parole, the
47 attorney general, the state public defender, and the
48 governor's office of drug control policy, ~~and the chief~~
49 ~~justice of the supreme court~~ shall each designate a
50 person to serve on the council. ~~The person appointed~~

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1 ~~by the Iowa department of public health shall be from~~
2 ~~the departmental staff who administer the comprehensive~~
3 ~~substance abuse program under chapter 125.~~

4 c. The chief justice of the supreme court shall
5 ~~appoint two additional members currently serving~~
6 ~~as district judges~~ designate one member who is a
7 district judge and one member who is either a district
8 associate judge or associate juvenile judge. ~~Two~~
9 ~~members of the senate and two members of the house of~~
10 ~~representatives shall be ex officio members and shall~~
11 ~~be appointed by the majority and minority leaders~~
12 ~~of the senate and the speaker and minority leader~~
13 ~~of the house of representatives pursuant to section~~
14 ~~69.16 and shall serve terms as provided in section~~
15 ~~69.16B. The chairperson and ranking member of the~~
16 senate committee on judiciary shall be members. In

17 alternating four-year intervals, the chairperson and
 18 ranking member of the house committee on judiciary
 19 or of the house committee on public safety shall be
 20 members, with the chairperson and ranking member of the
 21 house committee on public safety serving during the
 22 initial interval. Nonlegislative members appointed
 23 pursuant to this paragraph shall serve for four-year
 24 terms beginning and ending as provided in section 69.19
 25 unless the member ceases to serve as a district court
 26 judge.

27 d. The Iowa county attorneys association shall
 28 designate a person to serve on the council.

29 2. Members of the council shall receive
 30 reimbursement from the state for actual and necessary
 31 expenses incurred in the performance of their official
 32 duties. Members may also be eligible to receive
 33 compensation as provided in section 7E.6.

34 Sec. ____. Section 216A.133, subsection 1, Code
 35 2009, is amended to read as follows:

36 1. Identify issues and analyze the operation and
 37 impact of present criminal and juvenile justice policy
 38 and make recommendations for policy changes, ~~including~~
 39 ~~recommendations pertaining to efforts to curtail~~
 40 ~~criminal gang activity.~~

41 Sec. ____. Section 216A.133, Code 2009, is amended
 42 by adding the following new subsections:

43 NEW SUBSECTION. 8. Determine members of the public
 44 safety advisory board pursuant to section 216A.133A.

45 NEW SUBSECTION. 9. Coordinate with the
 46 administrator to develop and make recommendations to
 47 the department director pursuant to section 216A.2.

48 NEW SUBSECTION. 10. Serve as a liaison between the
 49 general public and the division.

50 NEW SUBSECTION. 11. Establish advisory committees

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1 to study special issues.

2 Sec. ____. NEW SECTION. 216A.133A Public safety
 3 advisory board –
 4 duties.

5 1. A public safety advisory board is established
 6 whose membership shall be determined by the criminal
 7 and juvenile justice planning advisory council and
 8 shall consist of current members of the council. Any
 9 actions taken by the board shall be considered separate
 10 and distinct from the council.

11 2. The purpose of the board is to provide the
 12 general assembly with an analysis of current and
 13 proposed criminal code provisions.

14 3. The duties of the board shall consist of the
 15 following:

16 a. Reviewing and making recommendations relating
17 to current sentencing provisions. In reviewing such
18 provisions the board shall consider the impact on all
19 of the following:

20 (1) Potential disparity in sentencing.

21 (2) Truth in sentencing.

22 (3) Victims.

23 (4) The proportionality of specific sentences.

24 (5) Sentencing procedures.

25 (6) Costs associated with the implementation
26 of criminal code provisions, including costs to
27 the judicial branch, department of corrections, and
28 judicial district departments of correctional services,
29 costs for representing indigent defendants, and costs
30 incurred by political subdivisions of the state.

31 (7) Best practices related to the department of
32 corrections including recidivism rates, safety and
33 efficient use of correctional staff, and compliance
34 with correctional standards set by the federal
35 government and other jurisdictions.

36 (8) Best practices related to the Iowa child death
37 review team established in section 135.43 and the Iowa
38 domestic abuse death review team established in section
39 135.109.

40 b. Reviewing and making recommendations relating to
41 proposed legislation, in accordance with paragraph "a",
42 as set by rule by the general assembly or as requested
43 by the executive or judicial branch proposing such
44 legislation.

45 c. Providing expertise and advice to the
46 legislative services agency, the department of
47 corrections, the judicial branch, and others charged
48 with formulating fiscal, correctional, or minority
49 impact statements.

50 d. Reviewing data supplied by the division, the

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1 department of management, the legislative services
2 agency, the Iowa supreme court, and other departments
3 or agencies for the purpose of determining the
4 effectiveness and efficiency of the collection of such
5 data.

6 4. The board may call upon any department, agency,
7 or office of the state, or any political subdivision
8 of the state, for information or assistance as needed
9 in the performance of its duties. The information or
10 assistance shall be furnished to the extent that it is
11 within the resources and authority of the department,
12 agency, office, or political subdivision. This section
13 does not require the production or opening of any
14 records which are required by law to be kept private

15 or confidential.

16 5. The board shall report to the legislative
17 government oversight committee all sources of funding
18 by December 1 of each year.

19 6. Membership on the board shall be bipartisan
20 as provided in section 69.16 and gender balanced as
21 provided in section 69.16A.

22 7. Meetings of the board shall be open to the
23 public as provided in chapter 21.

24 8. Members of the board shall receive reimbursement
25 from the state for actual and necessary expenses
26 incurred in the performance of their official duties.
27 Members may also be eligible to receive compensation as
28 provided in section 7E.6.

29 Sec. ____ Section 216A.135, unnumbered paragraph 1,
30 Code 2009, is amended to read as follows:

31 Beginning in 1989, and every five years thereafter,
32 the division shall develop a twenty-year criminal
33 and juvenile justice plan for the state which shall
34 include ten-year, fifteen-year, and twenty-year
35 goals and a comprehensive five-year plan for criminal
36 and juvenile justice programs. The five-year plan
37 shall be updated annually and each twenty-year plan
38 and annual updates of the five-year plan shall be
39 submitted to the governor and the general assembly by
40 ~~February~~ December 1.

41 Sec. ____ APPOINTMENTS TO CRIMINAL AND JUVENILE
42 JUSTICE PLANNING ADVISORY COUNCIL. The applicable
43 provisions of chapter 69 shall apply to vacant
44 positions on the criminal and juvenile justice planning
45 advisory council occurring on or after July 1, 2010.>

46 50. Page 46, after line 5 by inserting:

47 <DIVISION _____
48 IOWA PUBLIC INFORMATION BOARD
49 <Sec. ____ Section 21.6, subsection 3, paragraph d,
50 Code 2009, is amended to read as follows:

Page 25

1 d. Shall issue an order removing a member of a
2 governmental body from office if that member has
3 engaged in a prior violation of this chapter for which
4 damages were assessed against the member during the
5 member's term. In making this determination, the court
6 shall recognize violations for which damages were
7 assessed by the Iowa public information board created
8 in section 23.3.

9 Sec. ____ Section 22.10, subsection 3, paragraph d,
10 Code 2009, is amended to read as follows:

11 d. Shall issue an order removing a person from
12 office if that person has engaged in a prior violation
13 of this chapter for which damages were assessed against

14 the person during the person's term. In making this
 15 determination, the court shall recognize violations
 16 for which damages were assessed by the Iowa public
 17 information board created in section 23.3.

18 Sec. ____ NEW SECTION. 23.1 Citation and purpose.

19 This chapter may be cited as the "Iowa Public
 20 Information Board Act". The purpose of this chapter
 21 is to provide an alternative means by which to secure
 22 compliance with and enforcement of the requirements of
 23 chapters 21 and 22 through the provision by the Iowa
 24 public information board to all interested parties of
 25 an efficient, informal, and cost-effective process for
 26 resolving disputes.

27 Sec. ____ NEW SECTION. 23.2 Definitions.

28 1. "Board" means the Iowa public information board
 29 created in section 23.3.

30 2. "Complainant" means a person who files a
 31 complaint with the board.

32 3. "Complaint" means a written and signed document
 33 filed with the board alleging a violation of chapter
 34 21 or 22.

35 4. "Custodian" means a government body, government
 36 official, or government employee designated as the
 37 lawful custodian of a government record pursuant to
 38 section 22.1.

39 5. "Government body" means the same as defined in
 40 section 22.1.

41 6. "Person" means an individual, partnership,
 42 association, corporation, legal representative,
 43 trustee, receiver, custodian, government body, or
 44 official, employee, agency, or political subdivision of
 45 this state.

46 7. "Respondent" means any agency or other unit
 47 of state or local government, custodian, government
 48 official, or government employee who is the subject of
 49 a complaint.

50 Sec. ____ NEW SECTION. 23.3 Board appointed.

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1 1. An Iowa public information board is created
 2 consisting of five members appointed by the governor,
 3 subject to confirmation by the senate. Membership
 4 shall be balanced as to political affiliation as
 5 provided in section 69.16 and gender as provided in
 6 section 69.16A. Members appointed to the board shall
 7 serve staggered, four-year terms, beginning and ending
 8 as provided by section 69.19. A quorum shall consist
 9 of three members.

10 2. A vacancy on the board shall be filled by the
 11 governor by appointment for the unexpired part of the
 12 term. A board member may be removed from office by the

13 governor for good cause. The board shall select one
14 of its members to serve as chair and shall employ a
15 director who shall serve as the executive officer of
16 the board.

17 Sec. ____ NEW SECTION. 23.4 Compensation and
18 expenses.

19 Board members shall be paid a per diem as specified
20 in section 7E.6 and shall be reimbursed for actual and
21 necessary expenses incurred while on official board
22 business. Per diem and expenses shall be paid from
23 funds appropriated to the board.

24 Sec. ____ NEW SECTION. 23.5 Election of remedies.

25 1. An aggrieved person, any taxpayer to or citizen
26 of this state, the attorney general, or any county
27 attorney may seek enforcement of the requirements of
28 chapters 21 and 22 by electing either to file an action
29 pursuant to section 17A.19, 21.6, or 22.10, whichever
30 is applicable, or in the alternative, to file a timely
31 complaint with the board.

32 2. If more than one person seeks enforcement of
33 chapter 21 or 22 with respect to the same incident
34 involving an alleged violation, and one or more of
35 such persons elects to do so by filing an action under
36 section 17A.19, 21.6, or 22.10 and one or more of such
37 persons elects to do so by filing a timely complaint
38 with the board, the court in which the action was filed
39 shall dismiss the action without prejudice, authorizing
40 the complainant to file a complaint with respect to
41 the same incident with the board without regard to the
42 timeliness of the filing of the complaint at the time
43 the action in court is dismissed.

44 3. If a person files an action pursuant to section
45 22.8 seeking to enjoin the inspection of a public
46 record, the respondent or person requesting access to
47 the record which is the subject of the request for
48 injunction may remove the proceeding to the board for
49 its determination by filing, within thirty days of the
50 commencement of the judicial proceeding, a complaint

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1 with the board alleging a violation of chapter 22 in
2 regard to the same matter.

3 Sec. ____ NEW SECTION. 23.6 Board powers and
4 duties.

5 The board shall have all of the following powers and
6 duties:

7 1. Employ such employees as are necessary to
8 execute its authority, including administrative law
9 judges, and attorneys to prosecute respondents in
10 proceedings before the board and to represent the board
11 in proceedings before a court. Notwithstanding section

12 8A.412, all of the board's employees, except for the
13 executive director and attorneys, shall be employed
14 subject to the merit system provisions of chapter 8A,
15 subchapter IV.

16 2. Adopt rules with the force of law pursuant to
17 chapter 17A calculated to implement, enforce, and
18 interpret the requirements of chapters 21 and 22 and to
19 implement any authority delegated to the board by this
20 chapter.

21 3. Issue, consistent with the requirements of
22 section 17A.9, declaratory orders with the force of law
23 determining the applicability of chapter 21 or 22 to
24 specified fact situations and issue informal advice to
25 any person concerning the applicability of chapters 21
26 and 22.

27 4. Receive complaints alleging violations of
28 chapter 21 or 22, seek resolution of such complaints
29 through informal assistance or through mediation and
30 settlement, formally investigate such complaints,
31 decide after such an investigation whether there is
32 probable cause to believe a violation of chapter 21
33 or 22 has occurred, and if probable cause has been
34 found prosecute the respondent before the board in a
35 contested case proceeding conducted according to the
36 provisions of chapter 17A.

37 5. Request and receive from a government body
38 assistance and information as necessary in the
39 performance of its duties. The board may examine
40 a record of a government body that is the subject
41 matter of a complaint, including any record that is
42 confidential by law. Confidential records provided
43 to the board by a governmental body shall continue
44 to maintain their confidential status. Any member or
45 employee of the board is subject to the same policies
46 and penalties regarding the confidentiality of the
47 document as an employee of the government body.

48 6. Issue subpoenas enforceable in court for the
49 purpose of investigating complaints and to facilitate
50 the prosecution and conduct of contested cases before

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1 the board.

2 7. After appropriate board proceedings, issue
3 orders with the force of law, determining whether there
4 has been a violation of chapter 21 or 22, requiring
5 compliance with specified provisions of those chapters,
6 imposing civil penalties equivalent to and to the same
7 extent as those provided for in section 21.6 or 22.10,
8 as applicable, on a respondent who has been found in
9 violation of chapter 21 or 22, and imposing any other
10 appropriate remedies calculated to declare, terminate,

11 or remediate any violation of those chapters.

12 8. Represent itself in judicial proceedings
13 to enforce or defend its orders and rules through
14 attorneys on its own staff, through the office of the
15 attorney general, or through other attorneys retained
16 by the board, at its option.

17 9. Make training opportunities available to lawful
18 custodians, government bodies, and other persons
19 subject to the requirements of chapters 21 and 22 and
20 require, in its discretion, appropriate persons who
21 have responsibilities in relation to chapters 21 and 22
22 to receive periodic training approved by the board.

23 10. Disseminate information calculated to inform
24 members of the public about the public's right to
25 access government information in this state including
26 procedures to facilitate this access and including
27 information relating to the obligations of government
28 bodies under chapter 21 and lawful custodians under
29 chapter 22 and other laws dealing with this subject.

30 11. Prepare and transmit to the governor and to the
31 general assembly, at least annually, reports describing
32 complaints received, board proceedings, investigations,
33 hearings conducted, decisions rendered, and other work
34 performed by the board.

35 12. Make recommendations to the governor and the
36 general assembly by proposing legislation relating
37 to issues involving public access to meetings of a
38 governmental body and to records of a government body
39 including but not limited to recommendations relating
40 to the following issues:

41 a. The categorization of government records.

42 b. Public employment applications.

43 c. Information unduly invading personal privacy
44 including personal information on mailing lists and
45 opt-in provisions relating to such lists and personal
46 information in confidential personnel records of a
47 government body.

48 d. Tentative, preliminary, or draft material.

49 e. Serial meetings of less than a majority of a
50 governmental body.

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1 f. Definitions of what constitutes a governmental
2 body for purposes of chapter 21 and what constitutes a
3 government body for purposes of chapter 22.

4 13. Aid the general assembly in evaluating the
5 impact of legislation affecting public access to
6 government information.

7 14. Conduct public hearings, conferences,
8 workshops, and other meetings as necessary to address
9 problems and suggest solutions concerning access to

10 government information and proceedings.

11 15. Review the collection, maintenance, and use of
12 government records by lawful custodians to ensure that
13 confidential records and information are handled to
14 adequately protect personal privacy interests.

15 Sec. ____ NEW SECTION. 23.7 Filing of complaints
16 with the board.

17 1. The board shall adopt rules with the force
18 of law and pursuant to chapter 17A providing for the
19 timing, form, content, and means by which any aggrieved
20 person, any taxpayer to or citizen of this state,
21 the attorney general, or any county attorney may file
22 a complaint with the board alleging a violation of
23 chapter 21 or 22. The complaint must be filed within
24 sixty days from the time the alleged violation occurred
25 or the complainant could have become aware of the
26 violation with reasonable diligence. All complaints
27 filed with the board shall be public records.

28 2. All board proceedings in response to the filing
29 of a complaint shall be conducted as expeditiously as
30 possible.

31 3. The board shall not charge a complainant any
32 fee in relation to the filing of a complaint, the
33 processing of a complaint, or any board proceeding or
34 judicial proceeding resulting from the filing of a
35 complaint.

36 Sec. ____ NEW SECTION. 23.8 Initial processing of
37 complaint.

38 Upon receipt of a complaint alleging a violation
39 of chapter 21 or 22, the board shall do either of the
40 following:

41 1. Determine that, on its face, the complaint
42 is within the board's jurisdiction, appears legally
43 sufficient, and could have merit. In such a case the
44 board shall accept the complaint, and shall notify the
45 parties of that fact in writing.

46 2. Determine that, on its face, the complaint is
47 outside its jurisdiction, is legally insufficient, is
48 frivolous, is without merit, involves harmless error,
49 or relates to a specific incident that has previously
50 been finally disposed of on its merits by the board or

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1 a court. In such a case the board shall decline to
2 accept the complaint. If the board refuses to accept a
3 complaint, the board shall provide the complainant with
4 a written order explaining its reasons for the action.

5 Sec. ____ NEW SECTION. 23.9 Informal assistance –
6 mediation and settlement.

7 1. After accepting a complaint, the board shall
8 promptly work with the parties through its employees

9 to reach an informal, expeditious resolution of the
10 complaint. If an informal resolution satisfactory to
11 the parties cannot be reached, the board or the board's
12 designee shall offer the parties an opportunity to
13 resolve the dispute through mediation and settlement.

14 2. The mediation and settlement process shall
15 enable the complainant to attempt to resolve the
16 dispute with the aid of a neutral mediator employed and
17 selected by the board, in its discretion, from either
18 its own staff or an outside source.

19 3. Mediation shall be conducted as an informal,
20 nonadversarial process and in a manner calculated
21 to help the parties reach a mutually acceptable and
22 voluntary settlement agreement. The mediator shall
23 assist the parties in identifying issues and shall
24 foster joint problem solving and the exploration of
25 settlement alternatives.

26 Sec. ____ NEW SECTION. 23.10 Enforcement.

27 1. If any party declines mediation or settlement or
28 if mediation or settlement fails to resolve the matter
29 to the satisfaction of all parties, the board shall
30 initiate a formal investigation concerning the facts
31 and circumstances set forth in the complaint. The
32 board shall, after an appropriate investigation, make
33 a determination as to whether the complaint is within
34 the board's jurisdiction and whether there is probable
35 cause to believe that the facts and circumstances
36 alleged in the complaint constitute a violation of
37 chapter 21 or 22.

38 2. If the board finds the complaint is outside the
39 board's jurisdiction or there is no probable cause to
40 believe there has been a violation of chapter 21 or 22,
41 the board shall issue a written order explaining the
42 reasons for the board's conclusions and dismissing the
43 complaint, and shall transmit a copy to the complainant
44 and to the party against whom the complaint was filed.

45 3. a. If the board finds the complaint is within
46 the board's jurisdiction and there is probable cause
47 to believe there has been a violation of chapter 21
48 or 22, the board shall issue a written order to that
49 effect and shall commence a contested case proceeding
50 under chapter 17A against the respondent. An attorney

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1 selected by the director of the board shall prosecute
2 the respondent in the contested case proceeding. At
3 the termination of the contested case proceeding the
4 board shall, by a majority vote of its members, render
5 a final decision as to the merits of the complaint. If
6 the board finds that the complaint has merit, the board
7 may issue any appropriate order to ensure enforcement

8 of chapter 21 or 22 including but not limited to
 9 an order requiring specified action or prohibiting
 10 specified action and any appropriate order to remedy
 11 any failure of the respondent to observe any provision
 12 of those chapters.

13 b. If the board determines, by a majority vote of
 14 its members, that the respondent has violated chapter
 15 21 or 22, the board may also do any or all of the
 16 following:

17 (1) Require the respondent to pay damages as
 18 provided for in section 21.6 or 22.10, whichever is
 19 applicable, to the extent that provision would make
 20 such damages payable if the complainant had sought to
 21 enforce a violation in court instead of through the
 22 board.

23 (2) Void any action taken in violation of chapter
 24 21 if a court would be authorized to do so in similar
 25 circumstances pursuant to section 21.6.

26 c. The board shall not have the authority to remove
 27 a person from public office for a violation of chapter
 28 21 or 22. The board may file an action under chapter
 29 21 or 22 to remove a person from office for violations
 30 that would subject a person to removal under those
 31 chapters.

32 d. A final board order resulting from such
 33 proceedings may be enforced by the board in court
 34 and is subject to judicial review pursuant to section
 35 17A.19.

36 Sec. __. NEW SECTION. 23.11 Defenses in a
 37 contested case proceeding.

38 A respondent may defend against a proceeding before
 39 the board charging a violation of chapter 21 or 22
 40 on the ground that if such a violation occurred it
 41 was only harmless error or that clear and convincing
 42 evidence demonstrated that grounds existed to justify
 43 a court to issue an injunction against disclosure
 44 pursuant to section 22.8.

45 Sec. __. NEW SECTION. 23.12 Jurisdiction.

46 The board shall not have jurisdiction over the
 47 judicial or legislative branches of state government or
 48 any entity, officer, or employee of those branches, or
 49 over the governor or the office of the governor.

50 Sec. __. IOWA PUBLIC INFORMATION BOARD –

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1 TRANSITION PROVISIONS.

2 1. The initial members of the Iowa public
 3 information board established pursuant to this Act
 4 shall be appointed by September 1, 2010.

5 2. Notwithstanding any provision of this Act to the
 6 contrary, the director of the board and employees of

7 the board shall not be hired prior to July 1, 2011.
 8 3. Prior to January 15, 2011, the board shall
 9 submit a report to the governor and the general
 10 assembly. The report shall include a job description
 11 for the executive director of the board, goals for
 12 board operations, and performance measures to measure
 13 achievement of the board's goals.
 14 4. Implementation of the Iowa public information
 15 board is limited to the extent of the funding
 16 available. The legislative services agency shall
 17 provide transitional administrative support to the
 18 board for the fiscal year beginning July 1, 2010, and
 19 ending June 30, 2011.

20 Sec. ____ EFFECTIVE DATE. Except for the section
 21 of this Act establishing transition provisions for the
 22 Iowa public information board, this division of this
 23 Act takes effect July 1, 2011.>

24 51. Page 46, after line 5 by inserting:

25 <DIVISION _____

26 WORKPLACE ACCOMODATIONS

27 Sec. ____ NEW SECTION. 91F.1 Short title.
 28 This chapter shall be known and may be cited as the
 29 "Family Friendly Workplace Act".

30 Sec. ____ NEW SECTION. 91F.2 Definitions.

31 1. "Employer" means a person engaged in a business
 32 who has one or more employees and also includes the
 33 state of Iowa, a department or agency thereof, and any
 34 political subdivision of the state.

35 2. "Reasonable efforts" means any effort that would
 36 not impose an undue hardship on the operation of the
 37 employer's business.

38 3. "Undue hardship" means any action that requires
 39 significant difficulty, compromises the safety of other
 40 employees, requires temporary facility closure, or
 41 results in expenditures exceeding five hundred dollars,
 42 exclusive of the costs of additional labor or unpaid
 43 leave costs.

44 Sec. ____ NEW SECTION. 91F.3 Right to express
 45 breast milk in workplace – private location.

46 1. An employer shall provide reasonable unpaid
 47 break time or permit an employee to use paid break
 48 time, meal time, or both, each day, to allow the
 49 employee to express breast milk for the employee's
 50 nursing child for up to two years after the child's

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1 birth.

2 2. The employer shall make reasonable efforts
 3 to provide a place, other than a toilet stall, which
 4 is shielded from view and free from intrusion from
 5 coworkers and the public, that may be used by an

6 employee to express breast milk in privacy.

7 3. An employer who makes reasonable efforts
8 to accommodate an employee who chooses to express
9 breast milk in the workplace shall be deemed to be in
10 compliance with the requirements of this section.

11 4. The department of workforce development shall
12 provide on its internet site information and links
13 to other internet sites where employers can access
14 information regarding methods to accommodate employees
15 who express breast milk in the workplace. The
16 department shall consult with appropriate organizations
17 or associations to determine the appropriate
18 information and internet site links so as to provide
19 employers with the most accurate and useful information
20 available.

21 Sec. ____ Section 91.5, Code 2009, is amended to
22 read as follows:

23 91.5 Other duties – jurisdiction in general.

24 The commissioner shall have jurisdiction and it
25 shall be the commissioner's duty to supervise the
26 enforcement of:

27 1. All laws relating to safety appliances
28 and inspection thereof and health conditions in
29 manufacturing and mercantile establishments, workshops,
30 machine shops, other industrial concerns within the
31 commissioner's jurisdiction and sanitation and shelter
32 for railway employees.

33 2. All laws of the state relating to child labor.

34 3. All laws relating to employment agencies.

35 4. All laws relating to expressing breast milk in
36 the workplace.

37 ~~4. 5.~~ Such other provisions of law as are now
38 or shall hereafter be within the commissioner's
39 jurisdiction.>

40 52. Page 46, after line 5 by inserting:

41 <DIVISION _____
42 INCOME TAX CHECKOFFS

43 Sec. ____ Section 235A.2, subsection 1, Code 2009,
44 is amended to read as follows:

45 1. A child abuse prevention program fund is
46 created in the state treasury under the control of the
47 department of human services. The fund is composed of
48 moneys appropriated or available to and obtained or
49 accepted by the treasurer of state for deposit in the
50 fund. The fund shall include moneys transferred to

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1 the fund as provided in section ~~422.12K~~ 422.12F. All
2 interest earned on moneys in the fund shall be credited
3 to and remain in the fund. Section 8.33 does not apply
4 to moneys in the fund.

5 Sec. ____ NEW SECTION. 422.12F Income tax checkoff
6 for child abuse prevention program fund.

7 1. A person who files an individual or a joint
8 income tax return with the department of revenue under
9 section 422.13 may designate one dollar or more to be
10 paid to the child abuse prevention program fund created
11 in section 235A.2. If the refund due on the return or
12 the payment remitted with the return is insufficient to
13 pay the additional amount designated by the taxpayer
14 to the child abuse prevention program fund, the
15 amount designated shall be reduced to the remaining
16 amount remitted with the return. The designation of a
17 contribution to the child abuse prevention program fund
18 under this section is irrevocable.

19 2. The director of revenue shall draft the income
20 tax form to allow the designation of contributions
21 to the child abuse prevention program fund on the
22 tax return. The department of revenue, on or before
23 January 31, shall transfer the total amount designated
24 on the tax return forms due in the preceding calendar
25 year to the child abuse prevention program fund.
26 However, before a checkoff pursuant to this section
27 shall be permitted, all liabilities on the books of
28 the department of administrative services and accounts
29 identified as owing under section 8A.504 and the
30 political contribution allowed under section 68A.601
31 shall be satisfied.

32 3. The department of human services may authorize
33 payment of moneys from the child abuse prevention
34 program fund, in accordance with section 235A.2.

35 4. The department of revenue shall adopt rules to
36 administer this section.

37 5. This section is subject to repeal under section
38 422.12E.

39 Sec. ____ NEW SECTION. 422.12G Joint income tax
40 refund checkoff for veterans trust fund and volunteer
41 fire fighter preparedness fund.

42 1. A person who files an individual or a joint
43 income tax return with the department of revenue under
44 section 422.13 may designate one dollar or more to
45 be paid jointly to the veterans trust fund created
46 in section 35A.13 and to the volunteer fire fighter
47 preparedness fund created in section 100B.13. If the
48 refund due on the return or the payment remitted with
49 the return is insufficient to pay the additional amount
50 designated by the taxpayer, the amount designated

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1 shall be reduced to the remaining amount of refund or
2 the remaining amount remitted with the return. The
3 designation of a contribution under this section is

4 irrevocable.

5 2. The director of revenue shall draft the income
6 tax form to allow the designation of contributions
7 to the veterans trust fund and to the volunteer fire
8 fighter preparedness fund as one checkoff on the
9 tax return. The department of revenue, on or before
10 January 31, shall transfer one-half of the total
11 amount designated on the tax return forms due in the
12 preceding calendar year to the veterans trust fund and
13 the remaining one-half to the volunteer fire fighter
14 preparedness fund. However, before a checkoff pursuant
15 to this section shall be permitted, all liabilities on
16 the books of the department of administrative services
17 and accounts identified as owing under section 8A.504
18 and the political contribution allowed under section
19 68A.601 shall be satisfied.

20 3. The department of revenue shall adopt rules to
21 administer this section.

22 4. This section is subject to repeal under section
23 422.12E.

24 Sec. ____ REPEAL. Section 422.12L, Code 2009, is
25 repealed.

26 Sec. ____ REPEAL. Section 422.12K, Code Supplement
27 2009, is repealed.

28 Sec. ____ RETROACTIVE APPLICABILITY. This division
29 of this Act applies retroactively to January 1, 2010,
30 for tax years beginning on or after that date.

31 53. Page 46, after line 5 by inserting:

32 <DIVISION _____

33 WINE

34 Section 1. Section 123.183, Code 2009, is amended
35 to read as follows:

36 123.183 Wine gallonage tax and related funds.

37 1. In addition to the annual permit fee to be paid
38 by each class "A" wine permittee, a wine gallonage tax
39 shall be levied and collected from each class "A" wine
40 permittee on all wine manufactured for sale and sold
41 in this state at wholesale and on all wine imported
42 into this state for sale at wholesale and sold in this
43 state at wholesale. A wine gallonage tax shall also
44 be levied and collected on the direct shipment of wine
45 pursuant to section 123.187. The rate of the wine
46 gallonage tax is one dollar and seventy-five cents for
47 each wine gallon. The same rate shall apply for the
48 fractional parts of a wine gallon. The wine gallonage
49 tax shall not be levied or collected on wine sold by
50 one class "A" wine permittee to another class "A" wine

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1 permittee.

2 2. a. Revenue collected from the wine gallonage

3 tax on wine manufactured for sale and sold in this
 4 state, and on wine subject to direct shipment as
 5 provided in section 123.187 by a wine manufacturer
 6 licensed or permitted pursuant to laws regulating
 7 alcoholic beverages in this state, shall be deposited
 8 in the wine gallonage tax fund as created in this
 9 section.

10 b. A wine gallonage tax fund is created in the
 11 office of the treasurer of state. Moneys deposited in
 12 the fund are appropriated to the department of economic
 13 development as provided in section 15E.117. Moneys in
 14 the fund are not subject to section 8.33.

15 3. The revenue collected from the wine gallonage
 16 tax on wine imported into this state for sale at
 17 wholesale and sold in this state at wholesale, and on
 18 wine subject to direct shipment as provided in section
 19 123.187 by a wine manufacturer licensed or permitted
 20 pursuant to laws regulating alcoholic beverages in
 21 another state, shall be deposited in the beer and
 22 liquor control fund created in section 123.53.

23 Sec. ____ Section 123.187, subsection 4, as enacted
 24 by 2010 Iowa Acts, Senate File 2088, section 100, is
 25 amended to read as follows:

26 4. a. In addition to the annual license fee,
 27 a wine direct shipper licensee shall remit to the
 28 division an amount equivalent to the wine gallonage
 29 tax on wine subject to direct shipment at the rate
 30 specified in section 123.183 for deposit as provided in
 31 section 123.183, subsections 2 and 3. The amount shall
 32 be remitted at the same time and in the same manner
 33 as provided in section 123.184, and the ten percent
 34 penalty specified therein shall be applicable.

35 b. Shipment of wine pursuant to this subsection
 36 does not require a refund value for beverage container
 37 control purposes under chapter 455C.>

38 54. Page 46, after line 5 by inserting:

39 <DIVISION _____

40 MEDICATION THERAPY MANAGEMENT

41 Sec. ____ MEDICATION THERAPY MANAGEMENT – PILOT –
 42 REPEAL.

43 1. As used in this section unless the context
 44 otherwise requires:

45 a. "Eligible employee" means an employee of the
 46 state, with the exception of an employee of the state
 47 board of regents or institutions under the state board
 48 of regents, for whom group health plans are established
 49 pursuant to chapter 509A providing for third-party
 50 payment or prepayment for health or medical expenses.

1 b. "Medication therapy management" means a

2 systematic process performed by a licensed pharmacist,
3 designed to optimize therapeutic outcomes through
4 improved medication use and reduced risk of adverse
5 drug events, including all of the following services:

6 (1) A medication therapy review and in-person
7 consultation relating to all medications, vitamins, and
8 herbal supplements currently being taken by an eligible
9 individual.

10 (2) A medication action plan, subject to the
11 limitations specified in this section, communicated
12 to the individual and the individual's primary care
13 physician or other appropriate prescriber to address
14 safety issues, inconsistencies, duplicative therapy,
15 omissions, and medication costs. The medication action
16 plan may include recommendations to the prescriber for
17 changes in drug therapy.

18 (3) Documentation and follow-up to ensure
19 consistent levels of pharmacy services and positive
20 outcomes.

21 2. a. Prior to July 1, 2010, the department of
22 administrative services shall utilize a request for
23 proposals process to contract for the provision of
24 medication therapy management services beginning July
25 1, 2010, for eligible employees who meet any of the
26 following criteria:

27 (1) An individual who takes four or more
28 prescription drugs to treat or prevent two or more
29 chronic medical conditions.

30 (2) An individual with a prescription drug therapy
31 problem who is identified by the prescribing physician
32 or other appropriate prescriber, and referred to a
33 pharmacist for medication therapy management services.

34 (3) An individual who meets other criteria
35 established by the third-party payment provider
36 contract, policy, or plan.

37 b. The department of administrative services shall
38 utilize an advisory committee comprised of an equal
39 number of physicians and pharmacists to provide advice
40 and oversight regarding the request for proposals and
41 evaluation processes. The department shall appoint the
42 members of the advisory council based upon designees
43 of the Iowa pharmacy association, the Iowa medical
44 society, and the Iowa osteopathic medical association.

45 c. The contract shall require the company to
46 provide annual reports to the general assembly
47 detailing the costs, savings, estimated cost avoidance
48 and return on investment, and patient outcomes
49 related to the medication therapy management services
50 provided. The company shall guarantee demonstrated

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1 annual savings, including any savings associated with
2 cost avoidance at least equal to the program's costs
3 with any shortfall amount refunded to the state. As
4 a proof of concept in the program for the period
5 beginning July 1, 2010, and ending June 30, 2011, the
6 company shall offer a dollar-for-dollar guarantee for
7 drug product costs savings alone. Prior to entering
8 into a contract with a company, the department and
9 the company shall agree on the terms, conditions,
10 and applicable measurement standards associated
11 with the demonstration of savings. The department
12 shall verify the demonstrated savings reported by
13 the company was performed in accordance with the
14 agreed upon measurement standards. The company shall
15 be prohibited from using the company's employees to
16 provide the medication therapy management services and
17 shall instead be required to contract with licensed
18 pharmacies, pharmacists, or physicians.

19 d. The fees for pharmacist-delivered medication
20 therapy management services shall be separate from
21 the reimbursement for prescription drug product or
22 dispensing services; shall be determined by each
23 third-party payment provider contract, policy, or plan;
24 and must be reasonable based on the resources and time
25 required to provide the service.

26 e. A fee shall be established for physician
27 reimbursement for services delivered for medication
28 therapy management as determined by each third-party
29 payment provider contract, policy, or plan, and must be
30 reasonable based on the resources and time required to
31 provide the service.

32 f. If any part of the medication therapy management
33 plan developed by a pharmacist incorporates services
34 which are outside the pharmacist's independent scope
35 of practice including the initiation of therapy,
36 modification of dosages, therapeutic interchange, or
37 changes in drug therapy, the express authorization
38 of the individual's physician or other appropriate
39 prescriber is required.

40 3. This section is repealed December 31, 2011.

41 Sec. ____. DEPARTMENT OF ADMINISTRATIVE SERVICES –
42 IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE
43 TANK FUND. There is appropriated from the Iowa
44 comprehensive petroleum underground storage tank
45 fund created in section 455G.3 to the department of
46 administrative services for the fiscal year beginning
47 July 1, 2010, and ending June 30, 2011, the following
48 amount, or so much thereof as is necessary, to be used
49 for the purposes of this division, notwithstanding
50 section 455G.3, subsection 1:

1 \$ 543,000

2 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
3 of this Act, being deemed of immediate importance,
4 takes effect upon enactment.>

5 55. Page 46, after line 5 by inserting:

6 <DIVISION ____
7 IOWA COMPREHENSIVE PETROLEUM
8 UNDERGROUND STORAGE TANK FUND

9 Sec. ____ Section 455B.474, subsection 1, paragraph
10 d, subparagraph (2), unnumbered paragraph 1, Code
11 Supplement 2009, is amended to read as follows:

12 A site shall be classified as either high risk,
13 low risk, or no action required, as determined by a
14 certified groundwater professional.

15 Sec. ____ Section 455B.474, subsection 1, paragraph
16 d, subparagraph (2), subparagraph division (a),
17 unnumbered paragraph 1, Code Supplement 2009, is
18 amended to read as follows:

19 A site shall be considered high risk when ~~it is~~
20 ~~determined a certified groundwater professional~~
21 determines that contamination from the site presents an
22 unreasonable risk to public health and safety or the
23 environment under any of the following conditions:

24 Sec. ____ Section 455B.474, subsection 1, paragraph
25 d, subparagraph (2), subparagraph division (b),
26 unnumbered paragraph 1, Code Supplement 2009, is
27 amended to read as follows:

28 A site shall be considered low risk ~~under any of~~
29 ~~the following conditions~~ when a certified groundwater
30 professional determines that low risk conditions exist
31 as follows:

32 Sec. ____ Section 455B.474, subsection 1, paragraph
33 d, subparagraph (2), subparagraph divisions (c) and
34 (e), Code Supplement 2009, are amended to read as
35 follows:

36 (c) A site shall be considered no action required
37 ~~if and a no further action certificate shall be~~
38 issued by the department when a certified groundwater
39 professional determines that contamination is below
40 action level standards and high or low risk conditions
41 do not exist and are not likely to occur.

42 (e) A site cleanup report which classifies a
43 site as either high risk, low risk, or no action
44 required shall be submitted by a groundwater
45 professional to the department with a certification
46 that the report complies with the provisions of this
47 chapter and rules adopted by the department. The
48 report shall be determinative of the appropriate
49 classification of the site. ~~However, if the report~~
50 ~~is found to be~~ and the site shall be classified as

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1 indicated by the groundwater professional unless,
2 within ninety days of receipt by the department,
3 the department identifies material information in
4 the report that is inaccurate or incomplete, and
5 ~~if based upon inaccurate or incomplete information~~
6 in the report the risk classification of the site
7 cannot be reasonably determined by the department
8 based upon industry standards, ~~the department shall,~~
9 If the department determines that the site cleanup
10 report is inaccurate or incomplete, the department
11 shall notify the groundwater professional of the
12 inaccurate or incomplete information within ninety
13 days of receipt of the report and shall work with
14 the groundwater professional to obtain ~~the correct~~
15 information or additional information necessary
16 to appropriately classify the site. However, from
17 July 1, 2010, through June 30, 2011, the department
18 shall have one hundred twenty days to notify the
19 certified groundwater professional when a report is
20 not accepted based on material information that is
21 found to be inaccurate or incomplete. A groundwater
22 professional who knowingly or intentionally makes a
23 false statement or misrepresentation which results in
24 a mistaken classification of a site shall be guilty of
25 a serious misdemeanor and shall have the groundwater
26 professional's certification revoked under this
27 section.

28 Sec. ____ Section 455B.474, subsection 1, paragraph
29 f, subparagraphs (5), (6), and (7), Code Supplement
30 2009, are amended to read as follows:

31 (5) A corrective action design report submitted by
32 a groundwater professional shall be accepted by the
33 department and shall be primarily relied upon by the
34 department to determine the corrective action response
35 requirements of the site. However, if ~~the corrective~~
36 ~~action design report is found to be within ninety days~~
37 of receipt of a corrective action design report, the
38 department identifies material information in the
39 corrective action design report that is inaccurate or
40 incomplete, and if based upon information in the report
41 the appropriate corrective action response cannot be
42 reasonably determined by the department based upon
43 industry standards, the department shall notify the
44 groundwater professional that the corrective action
45 design report is not accepted, and the department
46 shall work with the groundwater professional to correct
47 the material information or to obtain the additional
48 information necessary to appropriately determine the
49 corrective action response requirements as soon as
50 practicable. However, from July 1, 2010, through June

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1 30, 2011, the department shall have one hundred twenty
2 days to notify the certified groundwater professional
3 when a corrective action design report is not accepted
4 based on material information that is found to be
5 inaccurate or incomplete. A groundwater professional
6 who knowingly or intentionally makes a false statement
7 or misrepresentation which results in an improper or
8 incorrect corrective action response shall be guilty of
9 a serious misdemeanor and shall have the groundwater
10 professional's certification revoked under this
11 section.

12 (6) Low risk sites shall be monitored as deemed
13 necessary by the department consistent with industry
14 standards. Monitoring shall not be required on a site
15 which has received a no further action certificate.
16 A site that has maintained less than the applicable
17 target level for four consecutive sampling events shall
18 be reclassified as a no action required site regardless
19 of exit monitoring criteria and guidance.

20 (7) An owner or operator may elect to proceed with
21 additional corrective action on the site. However,
22 any action taken in addition to that required pursuant
23 to this paragraph "f" shall be solely at the expense
24 of the owner or operator and shall not be considered
25 corrective action for purposes of section 455G.9,
26 unless otherwise previously agreed to by the board
27 and the owner or operator pursuant to section 455G.9,
28 subsection 7. Corrective action taken by an owner or
29 operator due to the department's failure to meet the
30 time requirements provided in subparagraph (5), shall
31 be considered corrective action for purposes of section
32 455G.9.

33 Sec. _____. Section 455B.474, subsection 1, paragraph
34 h, subparagraphs (1) and (3), Code Supplement 2009, are
35 amended to read as follows:

36 (1) A no further action certificate shall be
37 issued by the department for a site which has been
38 classified as a no further action site or which
39 has been reclassified pursuant to completion of a
40 corrective action plan or monitoring plan to be a no
41 further action site by a groundwater professional,
42 unless within ninety days of receipt of the report
43 submitted by the groundwater professional classifying
44 the site, the department notifies the groundwater
45 professional that the report and site classification
46 are not accepted and the department identifies
47 material information in the report that is inaccurate
48 or incomplete which causes the department to be
49 unable to accept the classification of the site.
50 An owner or operator shall not be responsible for

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1 additional assessment, monitoring, or corrective
2 action activities at a site that is issued a no further
3 action certificate unless it is determined that the
4 certificate was issued based upon false material
5 statements that were knowingly or intentionally made
6 by a groundwater professional and the false material
7 statements resulted in the incorrect classification of
8 the site.

9 (3) A certificate shall be recorded with the county
10 recorder. The owner or operator of a site who has been
11 issued a certificate under this paragraph "h" or a
12 subsequent purchaser of the site shall not be required
13 to perform further corrective action ~~solely~~ because
14 action standards are changed at a later date. A
15 certificate shall not prevent the department from
16 ordering corrective action of a new release.

17 Sec. ____ Section 455B.479, Code 2009, is amended
18 to read as follows:

19 455B.479 Storage tank management fee.

20 An owner or operator of an underground storage
21 tank shall pay an annual storage tank management fee
22 of sixty-five dollars per tank of over one thousand
23 one hundred gallons capacity. ~~Twenty three percent~~
24 ~~of the~~ The fees collected shall be deposited in the
25 storage tank management account of the groundwater
26 protection fund. ~~Seventy seven percent of the fees~~
27 ~~collected shall be deposited in the Iowa comprehensive~~
28 ~~petroleum underground storage tank fund created in~~
29 ~~chapter 455G.~~

30 Sec. ____ Section 455E.11, subsection 2, paragraph
31 d, Code Supplement 2009, is amended to read as follows:

32 d. A storage tank management account. All fees
33 collected pursuant to section 455B.473, subsection 5,
34 and section 455B.479, shall be deposited in the storage
35 tank management account, ~~except those moneys deposited~~
36 ~~into the Iowa comprehensive petroleum underground~~
37 ~~storage tank fund pursuant to section 455B.479. Funds,~~
38 Moneys deposited in the account shall be expended for
39 the following purposes:

40 (1) One thousand dollars is appropriated annually
41 to the Iowa department of public health to carry out
42 departmental duties under section 135.11, subsections
43 19 and 20, and section 139A.21.

44 (2) ~~Twenty three percent of the proceeds of the~~
45 ~~fees imposed pursuant to section 455B.473, subsection~~
46 ~~5, and section 455B.479 shall be deposited in the~~
47 ~~account annually, up to a maximum of three hundred~~
48 ~~fifty thousand dollars. If twenty three percent of the~~
49 ~~proceeds exceeds three hundred fifty thousand dollars,~~
50 ~~the excess shall be deposited into the fund created in~~

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1 ~~section 455G.3. Three hundred fifty thousand dollars~~
 2 ~~is~~ The moneys remaining in the account after the
 3 appropriation in subparagraph (1) are appropriated from
 4 the storage tank management account to the department
 5 of natural resources for the administration of a state
 6 storage tank program pursuant to chapter 455B, division
 7 IV, part 8, and for programs which reduce the potential
 8 for harm to the environment and the public health from
 9 storage tanks.

10 (3) ~~The remaining funds in the account are~~
 11 ~~appropriated annually to the Iowa comprehensive~~
 12 ~~petroleum underground storage tank fund. Each fiscal~~
 13 ~~year, the department of natural resources shall enter~~
 14 ~~into an agreement with the Iowa comprehensive petroleum~~
 15 ~~underground storage tank fund for the completion~~
 16 ~~of administrative tasks during the fiscal year~~
 17 ~~directly related to the evaluation and modification~~
 18 ~~of risk based corrective action rules as necessary~~
 19 ~~and processes that affect the administration in~~
 20 ~~subparagraph (2).~~

21 Sec. __. Section 455G.3, Code 2009, is amended by
 22 adding the following new subsections:

23 NEW SUBSECTION. 6. For the fiscal year beginning
 24 July 1, 2010, and each fiscal year thereafter, there
 25 is appropriated from the Iowa comprehensive petroleum
 26 underground storage tank fund to the department of
 27 natural resources two hundred thousand dollars for
 28 purposes of technical review support to be conducted
 29 by nongovernmental entities for leaking underground
 30 storage tank assessments.

31 NEW SUBSECTION. 7. For the fiscal year beginning
 32 July 1, 2010, there is appropriated from the Iowa
 33 comprehensive petroleum underground storage tank fund
 34 to the department of natural resources one hundred
 35 thousand dollars for purposes of database modifications
 36 necessary to accept batched external data regarding
 37 underground storage tank inspections conducted by
 38 nongovernmental entities.

39 NEW SUBSECTION. 8. For the fiscal year beginning
 40 July 1, 2010, and each fiscal year thereafter, there
 41 is appropriated from the Iowa comprehensive petroleum
 42 underground storage tank fund to the department of
 43 agriculture and land stewardship two hundred fifty
 44 thousand dollars for the sole and exclusive purpose
 45 of inspecting fuel quality at pipeline terminals
 46 and renewable fuel production facilities, including
 47 salaries, support, maintenance, and miscellaneous
 48 purposes.

49 NEW SUBSECTION. 9. Beginning September 1, 2010,
 50 the board shall administer safety training, hazardous

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1 material training, environmental training, and
2 underground storage tank operator training in the
3 state to be provided by an entity approved by the
4 department of natural resources. The training provided
5 pursuant to this subsection shall be available to any
6 tank operator in the state at an equal and reasonable
7 cost and shall not be conditioned upon any other
8 requirements. Each fiscal year, the board shall not
9 expend more than two hundred fifty thousand dollars
10 from the Iowa comprehensive petroleum underground
11 storage tank fund for purposes of administering this
12 subsection.

13 Sec. ____ Section 455G.4, subsection 1, paragraph
14 a, subparagraphs (3) and (5), Code Supplement 2009, are
15 amended to read as follows:

16 ~~(3) The commissioner of insurance, or the~~
17 ~~commissioner's designee. An employee of the department~~
18 ~~of management who has been designated as a risk manager~~
19 ~~by the director of the department of management.~~

20 (5) Two owners or operators appointed by the
21 governor. ~~One of the owners or operators appointed~~
22 ~~pursuant to this subparagraph shall have been a~~
23 ~~petroleum systems insured through the underground~~
24 ~~storage tank insurance fund as it existed on June 30,~~
25 ~~2004, or a successor to the underground storage tank~~
26 ~~insurance fund and shall have been an insured through~~
27 ~~the insurance account of the comprehensive petroleum~~
28 ~~underground storage tank fund on or before October~~
29 ~~26, 1990. One of the owners or operators appointed~~
30 ~~pursuant to this subparagraph shall be self insured. as~~
31 ~~follows:~~

32 ~~(a) One member shall be an owner or operator who is~~
33 ~~self-insured.~~

34 ~~(b) One member shall be a member of the petroleum~~
35 ~~marketers and convenience stores of Iowa or its~~
36 ~~designee.~~

37 Sec. ____ Section 455G.8, subsection 3, Code 2009,
38 is amended by striking the subsection.

39 Sec. ____ Section 455G.9, subsection 1, paragraphs
40 d, k, and l, Code 2009, are amended to read as follows:

41 d. One hundred percent of the costs of corrective
42 action and third-party liability for a release situated
43 on property acquired by a county for delinquent taxes
44 pursuant to chapters 445 through 448, for which a
45 responsible owner or operator able to pay, other
46 than the county, cannot be found. A county is not
47 a "responsible party" for a release in connection
48 with property which it acquires in connection with
49 delinquent taxes, and does not become a responsible
50 party by sale or transfer of property so acquired. In

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1 such situations, the board may act as an agent for
2 the county. Actual corrective action on the site
3 shall be overseen by the department, the board, and
4 a certified groundwater professional. Third-party
5 liability specifically excludes any claim, cause of
6 action, or suit, for personal injury including, but
7 not limited to, loss of use or of private enjoyment,
8 mental anguish, false imprisonment, wrongful entry or
9 eviction, humiliation, discrimination, or malicious
10 prosecution. Reasonable acquisition costs do not
11 include any taxes or costs related to the collection
12 of taxes.

13 k. Pursuant to an agreement between the board and
14 the department of natural resources, assessment and
15 corrective action arising out of releases at sites for
16 which a no further action certificate has been issued
17 pursuant to section 455B.474, when the department
18 determines that an unreasonable risk to public health
19 and safety may still exist or that previously reported
20 upon applicable target levels have been exceeded. At
21 a minimum, the agreement shall address eligible costs,
22 contracting for services, and conditions under which
23 sites may be reevaluated.

24 l. Costs Up to fifteen thousand dollars for the
25 permanent closure of an underground storage tank
26 system ~~that was in place on the date an eligible claim~~
27 ~~was submitted under paragraph "a" that does not meet~~
28 performance standards for new or upgraded tanks or
29 is otherwise required to be closed pursuant to rules
30 adopted by the environmental protection commission
31 pursuant to section 455B.474. Reimbursement is limited
32 to costs approved by the board prior to the closure
33 activities.

34 Sec. ____ Section 455G.9, subsection 4, Code 2009,
35 is amended to read as follows:

36 4. Minimum copayment schedule.

37 a. An owner or operator shall be required to pay
38 the greater of five thousand dollars or eighteen
39 percent of the first eighty thousand dollars of the
40 total costs of corrective action for that release,
41 except for claims pursuant to section 455G.21, where
42 the claimant is not a responsible party or potentially
43 responsible party for the site for which the claim is
44 filed.

45 b. If a site's actual expenses exceed eighty
46 thousand dollars, the remedial account shall pay the
47 remainder, as required by federal regulations, of
48 the total costs of the corrective action for that
49 release, not to exceed one million dollars, except that
50 a county shall not be required to pay a copayment in

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1 connection with a release situated on property acquired
2 in connection with delinquent taxes, as provided in
3 subsection 1, paragraph "d", unless subsequent to
4 acquisition the county actively operates a tank on the
5 property for purposes other than risk assessment, risk
6 management, or tank closure.

7 Sec. ____ Section 455G.9, subsection 7, Code 2009,
8 is amended to read as follows:

9 7. Expenses of cleanup not required. When an
10 owner or operator who is eligible for benefits under
11 this chapter is allowed by the department of natural
12 resources to monitor in place, the expenses incurred
13 for cleanup beyond the level required by the department
14 of natural resources ~~are not may be~~ covered under any
15 of the accounts established under the fund only if
16 approved by the board as cost-effective relative to
17 the department accepted monitoring plan or relative
18 to the repeal date specified in section 424.19. The
19 cleanup expenses incurred for work completed beyond
20 what is required is the responsibility of the person
21 contracting for the excess cleanup. The board shall
22 seek to terminate the responsible party's environmental
23 liabilities at such sites prior to the board ceasing
24 operation.

25 Sec. ____ Section 455G.9, subsection 10, Code 2009,
26 is amended to read as follows:

27 10. Expenses incurred by governmental subdivisions
28 and public works utilities. The board ~~may shall~~ adopt
29 rules for reimbursement for reasonable expenses
30 incurred by a governmental subdivision or public
31 works utility for sampling, treating, handling,
32 or disposing, as required by the department, of
33 petroleum-contaminated soil and groundwater encountered
34 in a public right-of-way during installation,
35 maintenance, or repair of a utility or public
36 improvement. The board ~~may~~ seek full recovery from
37 a responsible party liable for the release for such
38 expenses and for all other costs and reasonable
39 attorney fees and costs of litigation for which moneys
40 are expended by the fund. Any expense described in
41 this subsection incurred by the fund constitutes a lien
42 upon the property from which the release occurred.
43 A lien shall be recorded and an expense shall be
44 collected in the same manner as provided in section
45 424.11.

46 Sec. ____ EFFECTIVE UPON ENACTMENT AND RETROACTIVE
47 APPLICABILITY. The section of this division of this
48 Act amending section 455G.9, subsection 4, being deemed
49 of immediate importance, takes effect upon enactment
50 and applies retroactively to January 1, 2010.

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DIVISION _____
BONDING AUTHORITY

3 Sec. ____ Section 455G.2, subsection 1, Code 2009,
4 is amended by striking the subsection.

5 Sec. ____ Section 455G.2, subsection 3, Code 2009,
6 is amended to read as follows:

7 3. "Bond" means a bond, note, or other obligation
8 issued by the ~~authority~~ treasurer of state for the fund
9 and the purposes of this chapter.

10 Sec. ____ Section 455G.3, subsection 2, Code 2009,
11 is amended to read as follows:

12 2. The board shall assist Iowa's owners and
13 operators of petroleum underground storage tanks in
14 complying with federal environmental protection agency
15 technical and financial responsibility regulations
16 by establishment of the Iowa comprehensive petroleum
17 underground storage tank fund. The ~~authority~~ treasurer
18 of state may issue its bonds, or series of bonds, to
19 assist the board, as provided in this chapter.

20 Sec. ____ Section 455G.6, subsections 7 through 9,
21 Code Supplement 2009, are amended to read as follows:

22 7. The board may contract with the
23 ~~authority~~ treasurer of state for the
24 ~~authority~~ treasurer of state to issue bonds and do
25 all things necessary with respect to the purposes
26 of the fund, as set out in the contract between the
27 board and the ~~authority~~ treasurer of state. The
28 board may delegate to the ~~authority~~ treasurer of
29 state and the ~~authority~~ treasurer of state shall
30 then have all of the powers of the board which are
31 necessary to issue and secure bonds and carry out the
32 purposes of the fund, to the extent provided in the
33 contract between the board and the ~~authority~~ treasurer
34 of state. The ~~authority~~ treasurer of state may
35 issue the ~~authority's~~ treasurer of state's bonds
36 in principal amounts which, in the opinion of the
37 board, are necessary to provide sufficient funds for
38 the fund, the payment of interest on the bonds, the
39 establishment of reserves to secure the bonds, the
40 costs of issuance of the bonds, other expenditures
41 of the ~~authority~~ treasurer of state incident to and
42 necessary or convenient to carry out the bond issue
43 for the fund, and all other expenditures of the board
44 necessary or convenient to administer the fund.
45 The bonds are investment securities and negotiable
46 instruments within the meaning of and for purposes of
47 the uniform commercial code, chapter 554.

48 8. Bonds issued under this section are payable
49 solely and only out of the moneys, assets, or revenues
50 of the fund, all of which may be deposited with

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1 trustees or depositories in accordance with bond
2 or security documents and pledged by the board to
3 the payment thereof, and are not an indebtedness
4 of this state ~~or the authority~~, or a charge against
5 the general credit or general fund of the state ~~or~~
6 ~~the authority~~, and the state shall not be liable for
7 any financial undertakings with respect to the fund.
8 Bonds issued under this chapter shall contain on their
9 face a statement that the bonds do not constitute an
10 indebtedness of the state ~~or the authority~~.

11 9. The proceeds of bonds issued by the
12 ~~authority~~ treasurer of state and not required for
13 immediate disbursement may be deposited with a trustee
14 or depository as provided in the bond documents
15 and invested in any investment approved by the
16 ~~authority~~ treasurer of state and specified in the trust
17 indenture, resolution, or other instrument pursuant
18 to which the bonds are issued without regard to any
19 limitation otherwise provided by law.

20 Sec. ____ Section 455G.6, subsection 10, paragraph
21 b, Code Supplement 2009, is amended to read as follows:

22 b. Negotiable instruments under the laws of
23 the state and may be sold at prices, at public or
24 private sale, and in a manner, as prescribed by the
25 ~~authority~~ treasurer of state. Chapters 73A, 74, 74A
26 and 75 do not apply to their sale or issuance of the
27 bonds.

28 Sec. ____ Section 455G.6, subsection 12, Code
29 Supplement 2009, is amended to read as follows:

30 12. Bonds must be authorized by a trust
31 indenture, resolution, or other instrument of the
32 ~~authority~~ treasurer of state, approved by the board.
33 However, a trust indenture, resolution, or other
34 instrument authorizing the issuance of bonds may
35 delegate to an officer of the issuer the power to
36 negotiate and fix the details of an issue of bonds.

37 Sec. ____ Section 455G.7, Code Supplement 2009, is
38 amended to read as follows:

39 455G.7 Security for bonds – capital reserve fund –
40 irrevocable contracts.

41 1. a. For the purpose of securing one or more
42 issues of bonds for the fund, the ~~authority~~ treasurer
43 of state, with the approval of the board, may authorize
44 the establishment of one or more special funds, called
45 "capital reserve funds". The ~~authority~~ treasurer
46 of state may pay into the capital reserve funds the
47 proceeds of the sale of its bonds and other money
48 which may be made available to the ~~authority~~ treasurer
49 of state from other sources for the purposes of the
50 capital reserve funds. Except as provided in this

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1 section, money in a capital reserve fund shall be used
2 only as required for any of the following:

3 ~~a. (1)~~ The payment of the principal of and
4 interest on bonds or of the sinking fund payments with
5 respect to those bonds.

6 ~~b. (2)~~ The purchase or redemption of the bonds.

7 ~~c. (3)~~ The payment of a redemption premium
8 required to be paid when the bonds are redeemed before
9 maturity.

10 b. However, money in a capital reserve fund shall
11 not be withdrawn if the withdrawal would reduce the
12 amount in the capital reserve fund to less than the
13 capital reserve fund requirement, except for the
14 purpose of making payment, when due, of principal,
15 interest, redemption premiums on the bonds, and making
16 sinking fund payments when other money pledged to the
17 payment of the bonds is not available for the payments.
18 Income or interest earned by, or increment to, a
19 capital reserve fund from the investment of all or part
20 of the capital reserve fund may be transferred by the
21 ~~authority~~ treasurer of state to other accounts of the
22 fund if the transfer does not reduce the amount of the
23 capital reserve fund below the capital reserve fund
24 requirement.

25 2. If the ~~authority~~ treasurer of state decides
26 to issue bonds secured by a capital reserve fund,
27 the bonds shall not be issued if the amount in the
28 capital reserve fund is less than the capital reserve
29 fund requirement, unless at the time of issuance of
30 the bonds the ~~authority~~ treasurer of state deposits
31 in the capital reserve fund from the proceeds of the
32 bonds to be issued or from other sources, an amount
33 which, together with the amount then in the capital
34 reserve fund, is not less than the capital reserve fund
35 requirement.

36 3. In computing the amount of a capital reserve
37 fund for the purpose of this section, securities in
38 which all or a portion of the capital reserve fund
39 is invested shall be valued by a reasonable method
40 established by the ~~authority~~ treasurer of state.
41 Valuation shall include the amount of interest earned
42 or accrued as of the date of valuation.

43 4. In this section, "capital reserve fund
44 requirement" means the amount required to be on
45 deposit in the capital reserve fund as of the date of
46 computation.

47 5. To assure maintenance of the capital reserve
48 funds, the ~~authority~~ treasurer of state shall, on
49 or before July 1 of each calendar year, make and
50 deliver to the governor the ~~authority's~~ treasurer of

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1 state's certificate stating the sum, if any, required
2 to restore each capital reserve fund to the capital
3 reserve fund requirement for that fund. Within
4 thirty days after the beginning of the session of the
5 general assembly next following the delivery of the
6 certificate, the governor may submit to both houses
7 printed copies of a budget including the sum, if any,
8 required to restore each capital reserve fund to the
9 capital reserve fund requirement for that fund. Any
10 sums appropriated by the general assembly and paid
11 to the ~~authority~~ treasurer of state pursuant to this
12 section shall be deposited in the applicable capital
13 reserve fund.

14 6. All amounts paid by the state pursuant to this
15 section shall be considered advances by the state and,
16 subject to the rights of the holders of any bonds of
17 the ~~authority~~ treasurer of state that have previously
18 been issued or will be issued, shall be repaid to the
19 state without interest from all available revenues of
20 the fund in excess of amounts required for the payment
21 of bonds of the ~~authority~~ treasurer of state, the
22 capital reserve fund, and operating expenses.

23 7. If any amount deposited in a capital reserve
24 fund is withdrawn for payment of principal, premium,
25 or interest on the bonds or sinking fund payments with
26 respect to bonds thus reducing the amount of that fund
27 to less than the capital reserve fund requirement, the
28 ~~authority~~ treasurer of state shall immediately notify
29 the governor and the general assembly of this event and
30 shall take steps to restore the capital reserve fund
31 to the capital reserve fund requirement for that fund
32 from any amounts designated as being available for such
33 purpose.

34 Sec. ____ Section 455G.8, subsection 2, Code 2009,
35 is amended to read as follows:

36 2. Statutory allocations fund. The moneys
37 credited from the statutory allocations fund under
38 section 321.145, subsection 2, paragraph "a", shall
39 be allocated, consistent with this chapter, among
40 the fund's accounts, for debt service and other fund
41 expenses, according to the fund budget, resolution,
42 trust agreement, or other instrument prepared or
43 entered into by the board or ~~authority~~ treasurer of
44 state under direction of the board.

45 Sec. ____ REPEAL. Section 16.151, Code 2009, is
46 repealed.

47 Sec. ____ REPEAL. 1989 Iowa Acts, chapter 131,
48 section 63, as amended by 2009 Iowa Acts, chapter 184,
49 section 39, is repealed.

50 Sec. ____ EFFECTIVE UPON ENACTMENT. This division

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1 of this Act, being deemed of immediate importance,
2 takes effect upon enactment.>

3 56. Page 46, after line 5 by inserting:

4 <DIVISION _____

5 UNEMPLOYMENT INSURANCE BENEFITS

6 Sec. ____ CASH RESERVE APPROPRIATION –

7 UNEMPLOYMENT TRUST FUND ACCOUNT.

8 1. On or before August 15, 2010, following the
9 computation date required pursuant to section 96.7,
10 subsection 2, paragraph "d", subparagraph (1),
11 unnumbered paragraph 1, as amended by this Act, and
12 upon the approval of the director of the department of
13 management, there is appropriated from the cash reserve
14 fund created in section 8.56 to the unemployment
15 trust fund account of the unemployment compensation
16 fund for the fiscal year beginning July 1, 2010, and
17 ending June 30, 2011, up to \$20 million. This loan is
18 contingent upon being necessary to reach contribution
19 rate table 3 rather than contribution rate table 2 for
20 calendar year 2011. Any moneys appropriated pursuant
21 to this subsection shall be considered a loan for the
22 payment of unemployment insurance benefits and the
23 repayment of such moneys to the cash reserve fund
24 shall occur pursuant to subsection 2. If the amount
25 necessary to prevent table 2 from being applied is more
26 than \$20 million, this section is repealed. Section
27 8.56, subsections 3 and 4, shall not apply to the
28 appropriation in this section.

29 2. Following the fiscal year beginning July 1,
30 2010, and ending June 30, 2011, the department of
31 workforce development, in coordination with the
32 department of management, shall develop a plan for the
33 transfer of an amount equal to the amount appropriated
34 pursuant to subsection 1 from the unemployment trust
35 fund account of the unemployment compensation fund to
36 the cash reserve fund without adversely impacting the
37 solvency of the unemployment trust fund account.

38 3. By December 1, 2011, the director of the
39 department of workforce development shall submit to
40 the general assembly, with the report required under
41 section 96.35, the director's recommendations regarding
42 the transfer of moneys as required under subsection 2.

43 Sec. ____ Section 96.7, subsection 2, paragraph
44 d, subparagraph (1), unnumbered paragraph 1, Code
45 Supplement 2009, is amended to read as follows:

46 The current reserve fund ratio is computed by
47 dividing the total funds available for payment of
48 benefits, on the computation date or on August 15
49 following the computation date if the total funds
50 available for payment of benefits is a higher amount

1 on August 15, by the total wages paid in covered
 2 employment excluding reimbursable employment wages
 3 during the first four calendar quarters of the five
 4 calendar quarters immediately preceding the computation
 5 date. However, in computing the current reserve fund
 6 ratio the following amounts shall be added to the
 7 total funds available for payment of benefits on the
 8 following computation dates:>

9 57. Page 46, after line 5 by inserting:

10 <DIVISION _____
 11 TERRACE HILL

12 Sec. ____ TERRACE HILL OPERATIONS – CASH RESERVE
 13 FUND – DEPARTMENT OF ADMINISTRATIVE SERVICES. There
 14 is appropriated from the cash reserve fund created
 15 in section 8.56 to the department of administrative
 16 services for the fiscal year beginning July 1, 2010,
 17 and ending June 30, 2011, the following amount, or
 18 so much thereof as is necessary, to be used for the
 19 purposes designated:

20 For salaries, support, maintenance, and
 21 miscellaneous purposes necessary for the operation of
 22 Terrace Hill:

23 \$ 168,494

24 Sec. ____ TERRACE HILL – GENERAL FUND –
 25 DEPARTMENT OF ADMINISTRATIVE SERVICES. There is
 26 appropriated from the general fund of the state to
 27 the department of administrative services for the
 28 fiscal year beginning July 1, 2009, and ending June 30,
 29 2010, the following amount, or so much thereof as is
 30 necessary, to be used for the purposes designated:

31 For salaries, support, maintenance, and
 32 miscellaneous purposes necessary for the operation
 33 of Terrace Hill, and for not more than the following
 34 full-time equivalent positions:

35 \$ 263,329
 36 FTEs 6.38

37 Sec. ____ TERRACE HILL QUARTERS. The amount
 38 appropriated from the general fund of the state to the
 39 offices of the governor and the lieutenant governor
 40 for Terrace Hill quarters pursuant to 2010 Iowa Acts,
 41 Senate File 2367, for the fiscal year beginning July 1,
 42 2010, and ending June 30, 2011, is reduced by \$263,329.
 43 The number of full-time equivalent positions authorized
 44 pursuant to 2010 Iowa Acts, Senate File 2367, for
 45 purposes of Terrace Hill quarters for the fiscal year
 46 beginning July 1, 2010, and ending June 30, 2011, is
 47 reduced by 8.12 full-time equivalent positions.>

48 58. Page 46, after line 5 by inserting:

49 <DIVISION _____

50 HEALTHCARE PROGRAMS AND APPROPRIATIONS

Page 53

1 Section 1. Section 249J.7, Code 2009, is amended to
2 read as follows:

3 249J.7 Expansion population provider network.
4 1. a. Expansion population members shall only
5 be eligible to receive expansion population services
6 through a provider included in the expansion population
7 provider network. Except as otherwise provided
8 in this chapter, the expansion population provider
9 network shall be limited to a publicly owned acute care
10 teaching hospital located in a county with a population
11 over three hundred fifty thousand, the university of
12 Iowa hospitals and clinics, ~~and the state hospitals~~
13 ~~for persons with mental illness designated pursuant~~
14 ~~to section 226.1 with the exception of the programs~~
15 ~~at such state hospitals for persons with mental~~
16 ~~illness that provide substance abuse treatment, serve~~
17 ~~gero psychiatric patients, or treat sexually violent~~
18 ~~predators and a regional provider network utilizing~~
19 ~~the federally qualified health centers or federally~~
20 ~~qualified health center look-alikes in the state, to~~
21 ~~provide primary care to members.~~

22 b. (1) The department shall develop a plan to
23 phase-in the regional provider network by determining
24 the most highly underserved areas on a statewide
25 and regional basis, and targeting these areas for
26 prioritization in implementing the regional provider
27 network. In developing the phase-in plan the
28 department shall consult with the medical assistance
29 projections and assessment council created in section
30 249J.20. Any plan developed shall be approved by
31 the council prior to implementation. The phase-in of
32 the regional provider network shall be implemented
33 in a manner that ensures that program expenditures
34 do not exceed budget neutrality limits and funded
35 program capacity, and that ensures compliance with the
36 eligibility maintenance of effort requirements of the
37 federal American Recovery and Reinvestment Act of 2009.

38 (2) Payment shall only be made to designated
39 participating primary care providers for eligible
40 primary care services provided to a member.

41 (3) The department shall adopt rules pursuant to
42 chapter 17A, in collaboration with the medical home
43 advisory council established pursuant to section
44 135.159, specifying requirements for medical homes
45 including certification, with which regional provider
46 network participating providers shall comply, as
47 appropriate.

48 (4) The department may also designate other private
49 providers and hospitals to participate in the regional
50 provider network, to provide primary and specialty

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1 care, subject to the availability of funds.
2 (5) Notwithstanding any provision to the contrary,
3 the department shall develop a methodology to reimburse
4 regional provider network participating providers
5 designated under this subsection.
6 c. Tertiary care shall only be provided to eligible
7 expansion population members residing in any county
8 in the state at the university of Iowa hospitals and
9 clinics.
10 d. Until such time as the publicly owned acute
11 care teaching hospital located in a county with a
12 population over three hundred fifty thousand notifies
13 the department that such hospital has reached service
14 capacity, the hospital and the university of Iowa
15 hospitals and clinics shall remain the only expansion
16 population providers for the residents of such county.
17 2. Expansion population services provided to
18 expansion population members by ~~providers included in~~
19 ~~the expansion population provider network~~ the publicly
20 owned acute care teaching hospital located in a county
21 with a population over three hundred fifty thousand and
22 the university of Iowa hospitals and clinics shall be
23 payable at the full benefit recipient rates.
24 3. Providers included in the expansion population
25 provider network shall submit clean claims within
26 twenty days of the date of provision of an expansion
27 population service to an expansion population member.
28 4. Unless otherwise prohibited by law, a provider
29 under the expansion population provider network may
30 deny care to an individual who refuses to apply for
31 coverage under the expansion population.
32 5. Notwithstanding the provision of section
33 347.16, subsection 2, requiring the provision of free
34 care and treatment to the persons described in that
35 subsection, the publicly owned acute care teaching
36 hospital described in subsection 1 may require any sick
37 or injured person seeking care or treatment at that
38 hospital to be subject to financial participation,
39 including but not limited to copayments or premiums,
40 and may deny nonemergent care or treatment to any
41 person who refuses to be subject to such financial
42 participation.
43 6. The department shall utilize up to seven million
44 three hundred thousand dollars in certified public
45 expenditures at the university of Iowa hospitals
46 and clinics to maximize the availability of state
47 funding to provide necessary access to both primary
48 and specialty physician care to expansion population
49 members. The resulting savings to the state shall
50 be utilized to reimburse physician services provided

1 to expansion population members at the university of
 2 Iowa hospitals and clinics and to reimburse providers
 3 designated to participate in the regional provider
 4 network for services provided to expansion population
 5 members.

6 7. The department shall adopt rules to establish
 7 clinical transfer and referral protocols to be used by
 8 providers included in the expansion population provider
 9 network.

10 Sec. ____ 2010 Iowa Acts, Senate File 2156, section
 11 5, if enacted, is repealed.

12 Sec. ____ 2010 Iowa Acts, Senate File 2356, section
 13 2, amending section 249J.7, if enacted, is repealed.

14 Sec. ____ 2010 Iowa Acts, House File 2526, section
 15 11, subsection 13, if enacted, is amended to read as
 16 follows:

17 13. The university of Iowa hospitals and clinics
 18 shall either certify public expenditures or transfer to
 19 the medical assistance appropriation an amount equal
 20 to provide the nonfederal share for increased medical
 21 assistance payments for inpatient hospital services of
 22 ~~\$7,500,000~~ up to \$9,900,000. The university of Iowa
 23 hospitals and clinics shall receive and retain 100
 24 percent of the total increase in medical assistance
 25 payments.

26 Sec. ____ 2010 Iowa Acts, House File 2526, section
 27 41, subsection 3, unnumbered paragraph 2, if enacted,
 28 is amended to read as follows:

29 For salaries, support, maintenance, equipment, and
 30 miscellaneous purposes for the provision of medical and
 31 surgical treatment of indigent patients, for provision
 32 of services to members of the expansion population
 33 pursuant to chapter 249J, and for medical education:

34 ~~\$12,000,000~~ 14,000,000

35 Sec. ____ 2010 Iowa Acts, House File 2526, section
 36 41, subsection 6, if enacted, is amended to read as
 37 follows:

38 ~~6. Contingent upon enactment of 2010 Iowa Acts,~~
 39 ~~Senate File 2356, there is appropriated from the~~
 40 ~~Iowa Care account created in section 249J.24 to the~~
 41 ~~department of human services for the fiscal year~~
 42 ~~beginning July 1, 2010, and ending June 30, 2011, the~~
 43 ~~following amount, or so much thereof as is necessary to~~
 44 ~~be used for the purposes designated:~~

45 ~~For payment to nonparticipating providers for~~
 46 ~~covered services provided in accordance with section~~
 47 ~~249J.24A:~~

48 \$ 2,000,000

49 Sec. ____ HOSPITAL HEALTH CARE ACCESS TRUST FUND –
 50 APPROPRIATIONS. There is appropriated from the

1 hospital health care access trust fund created in
 2 section 249M.4, if enacted by 2010 Iowa Acts, Senate
 3 File 2388, to the department of human services for the
 4 fiscal year beginning July 1, 2010, and ending June 30,
 5 2011, the following amounts, or so much thereof as is
 6 necessary, for the purposes designated:

7 1. For the medical assistance program:
 8 \$ 39,406,000

9 Of the funds appropriated in this subsection,
 10 \$20,542,883 shall be used for reimbursement of
 11 hospitals under the medical assistance program in
 12 accordance with section 249M.4, if enacted by 2010 Iowa
 13 Acts, Senate File 2388.

14 2. For deposit in the nonparticipating provider
 15 reimbursement fund created in section 249J.24A for the
 16 purposes of the fund:
 17 \$ 594,000

18 Sec. __. NONPARTICIPATING PROVIDER REIMBURSEMENT
 19 FUND – APPROPRIATION. Contingent upon enactment of
 20 2010 Iowa Acts, Senate File 2388, there is appropriated
 21 from the nonparticipating provider reimbursement
 22 fund created in section 249J.24A to the department of
 23 human services for the fiscal year beginning July 1,
 24 2010, and ending June 30, 2011, the following amount,
 25 or so much thereof as is necessary, for the purposes
 26 designated:

27 To reimburse nonparticipating providers in
 28 accordance with section 249J.24A:
 29 \$ 2,000,000

30 Sec. __. MEDICAL ASSISTANCE PROGRAM –
 31 APPROPRIATION REDUCTION. Contingent upon enactment of
 32 2010 Iowa Acts, Senate File 2388, the appropriation
 33 from the general fund of the state to the department
 34 of human services for the medical assistance program
 35 for the fiscal year beginning July 1, 2010, and ending
 36 June 30, 2011, as specified in 2010 Iowa Acts, House
 37 File 2526, section 11, if enacted, is reduced by
 38 \$18,863,117.

39 Sec. __. CONTINGENT IMPLEMENTATION.
 40 Implementation of the provisions of this division
 41 of this Act making appropriations from the hospital
 42 health care access trust fund and the nonparticipating
 43 provider reimbursement fund and reducing the medical
 44 assistance program appropriation are contingent upon
 45 the department of human services receiving approval of
 46 the requests relating to medical assistance waivers
 47 and state plan amendments necessary to implement the
 48 hospital health care access trust fund if enacted by
 49 2010 Iowa Acts, Senate File 2388.>

50 59. Page 46, after line 5 by inserting:

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1 <DIVISION _____
 2 WAIVER OF PENALTIES AND INTEREST
 3 Sec. ____ WAIVER OF PENALTIES AND INTEREST –
 4 DISASTER-RELATED LOSSES – REFUNDS.
 5 1. Notwithstanding sections 421.8, 421.27, and
 6 422.25, if a taxpayer has filed a return for tax year
 7 2008 relying in good faith on the expectation that the
 8 state of Iowa would conform to the federal treatment
 9 of disaster-related casualty losses under section
 10 165(h) of the Internal Revenue Code, as modified by
 11 the Heartland Disaster Relief Act of 2008, Pub. L.
 12 No. 110-343, in computing net income for state tax
 13 purposes, the director of revenue shall, for any
 14 taxpayer amending the return in the time permitted by
 15 statute, waive any penalty or interest due as a result
 16 of either a failure to timely pay the tax due or the
 17 filing of a defective or incorrect return.
 18 2. If, prior to the effective date of this division
 19 of this Act, a taxpayer paid penalties or interest as a
 20 result of a good-faith reliance on the state conforming
 21 to section 165(h) of the Internal Revenue Code, the
 22 department of revenue shall refund such penalties and
 23 interest to the taxpayer.
 24 Sec. ____ EFFECTIVE UPON ENACTMENT AND RETROACTIVE
 25 APPLICABILITY. This division of this Act, being deemed
 26 of immediate importance, takes effect upon enactment
 27 and applies retroactively to January 1, 2008, for
 28 tax years beginning on or after that date and before
 29 January 1, 2009.>
 30 60. By renumbering, redesignating, and correcting
 31 internal references as necessary.
 32 61. By renumbering as necessary.

Wenthe of Fayette asked and received unanimous consent that amendment H–8666 be deferred.

Rants of Woodbury asked and received unanimous consent to withdraw amendment H–8643, to Senate amendment H–8640, filed by him on March 27, 2010, placing out of order amendment H–8669 filed by Wenthe of Fayette from the floor.

Oldson of Polk offered the following amendment H–8667, to the Senate amendment H–8640, filed by her from the floor and moved its adoption:

H-8667

1 Amend the Senate amendment, H-8640, to House File
2 2531, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, after line 22 by inserting:

5 <___. Page 6, after line 8 by inserting:

6 <Sec. ___. FEDERAL RECOVERY AND REINVESTMENT FUND –
7 ADDITIONAL FUNDING FOR FISCAL YEAR 2010-2011.

8 1. In lieu of 2010 Iowa Acts, House File 2519,
9 section 19, if additional funding designated for
10 education stabilization is made available for the
11 fiscal year beginning July 1, 2010, through the state
12 fiscal stabilization fund established pursuant to the
13 federal American Recovery and Reinvestment Act of 2009,
14 Pub. L. No. 111-5, such funding shall be credited to
15 the federal recovery and reinvestment fund created in
16 section 8.41A and is appropriated for the fiscal year
17 beginning July 1, 2010, and ending June 30, 2011, to
18 the departments and agencies that received the funding
19 designated for education stabilization in 2009 Iowa
20 Acts, chapter 183, section 61, subsection 1.

21 2. a. Except as otherwise provided in paragraph
22 "b", the amounts of the individual appropriations made
23 in subsection 1 shall be in the same proportion as the
24 individual appropriations in 2009 Iowa Acts, chapter
25 183, section 61, subsection 1, bear to the total amount
26 appropriated in that provision.

27 b. (1) The amount appropriated pursuant to
28 subsection 1 for state foundation aid to schools shall
29 not exceed the difference between the amount determined
30 for the standing appropriation for state foundation
31 aid for the fiscal year pursuant to section 257.16,
32 subsection 1, and the amount the standing appropriation
33 was limited to pursuant to this division of this Act.

34 (2) The amount appropriated for the fiscal year
35 pursuant to subsection 1 for instructional support
36 state aid under section 257.20 shall not exceed
37 \$5,609,950, shall be in addition to the appropriation
38 made in this division of this Act for the same purpose
39 from the school infrastructure fund, and shall be
40 allocated as provided in the school infrastructure fund
41 appropriation.

42 3. a. Except as provided in subsection 2 for
43 instructional support state aid, the distribution of
44 each appropriation made pursuant to subsection 1 to
45 subunits of the departments and agencies shall also be
46 in the same proportion as the distribution to subunits
47 of the individual appropriations in 2009 Iowa Acts,
48 chapter 183, section 61, subsection 1. However, state
49 foundation aid to school districts shall be distributed
50 based on 2010 Iowa Acts, House File 2519, section 20,

Page 2

1 subsection 1.

2 b. If good cause exists, as determined by
3 the departments of education and management, in
4 coordination with the office of the governor,
5 adjustments may be made to distribution proportions to
6 the subunits other than as provided in paragraph "a".

7 4. The department of management shall report to the
8 chairpersons and ranking members of the appropriations
9 committees of the senate and house of representatives
10 and the legislative services agency concerning any
11 appropriations and distributions made pursuant to this
12 section, within two weeks of such appropriations and
13 distributions being made. >>

14 2. Page 1, after line 42 by inserting:

15 <__. Page 16, after line 29 by inserting:

16 <Sec. __. Section 16.181A, subsection 1, as
17 enacted by 2010 Iowa Acts, Senate File 2389, is amended
18 to read as follows:

19 1. There is appropriated from the rebuild Iowa
20 infrastructure fund to the Iowa finance authority for
21 deposit in the housing trust fund created in section
22 16.181, for the fiscal year beginning July 1, 2009, and
23 ~~ending~~ beginning July 1, 2011, and for each succeeding
24 fiscal year, the sum of three million dollars.>

25 __. Page 21, after line 14 by inserting:

26 <Sec. __. Section 421C.2, subsection 8, paragraph
27 b, if enacted by 2010 Iowa Acts, Senate File 2383, is
28 amended to read as follows:

29 b. "Third party" means an individual, institution,
30 corporation, or public or private agency which is or
31 may be liable to pay all or part of a debtor's monetary
32 claim. "Third party" does not include a financial
33 institution as defined in section ~~572.2~~ 527.2. >>

34 3. Page 2, by striking lines 36 through 38.

35 4. Page 6, after line 44 by inserting:

36 <__. Page 31, after line 23 by inserting:

37 <Sec. __. IOWA PHARMACY RECOVERY NETWORK. The
38 board of pharmacy may use fees retained by the board
39 pursuant to the authority granted in section 147.82
40 for purposes of supporting the Iowa pharmacy recovery
41 network. >>

42 5. By striking page 10, line 24, through page 11,
43 line 16.

44 6. Page 20, by striking lines 35 through 39.

45 7. By renumbering, redesignating, and correcting
46 internal references as necessary.

Amendment H-8667 was adopted.

Rants of Woodbury offered the following amendment H-8644, to the Senate amendment H-8640, filed by him and moved its adoption:

H-8644

- 1 Amend the Senate amendment, H-8640, to House File
- 2 2531, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, after line 38 by inserting:
- 5 <__. Page 10, by striking line 19 and inserting
- 6 <the fiscal year ending June 30, 2010, shall be
- 7 increased by 2 percent for the pay period beginning
- 8 June 25, 2010, and increased by 1 percent for the pay
- 9 period beginning December 24, 2010, and any additional
- 10 changes in the pay plans shall be approved by the
- 11 governor.>>
- 12 2. Page 1, by striking lines 39 and 40.
- 13 3. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Raecker of Polk.

On the question "Shall amendment H-8644 to the Senate amendment H-8640 be adopted?" (H.F. 2531)

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Huser	Kaufmann	Kelley
Koester	Lukan	May	Mertz
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rayhons	Roberts
Sands	Schulte	Schultz	Soderberg
Sorenson	Struyk	Sweeney	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

The nays were, 51:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Frevert	Gaskill	Gayman
Hanson	Heddens	Hunter	Isenhardt
Jacoby	Kearns	Kressig	Kuhn
Lensing	Lykam	Marek	Mascher
McCarthy	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Running-Marquardt

Schueller	Shomshor	Smith	Steckman
Swaim	Taylor	Thede	Thomas
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Zirkelbach	Mr. Speaker Murphy	

Absent or not voting, 2:

Ford Wendt

Amendment H-8644 lost.

Horbach of Tama offered the following amendment H-8662, to the Senate amendment H-8640, filed by him and moved its adoption:

H-8662

1 Amend the Senate amendment, H-8640, to House File
 2 2531, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 6, after line 33 by inserting:
 5 <__. Page 31, after line 23 by inserting:
 6 <Sec. __. IMPASSE PROCEDURE AND MEDIATION INTERIM
 7 STUDY. The legislative council is requested to approve
 8 an interim study committee for purposes of examining
 9 the issues related to sections 20.19 and 20.20 and
 10 rural water systems. >>
 11 2. Page 8, by striking lines 10 through 18 and
 12 inserting:
 13 <__. By striking page 35, line 23, through page
 14 37, line 11.>
 15 3. By renumbering as necessary.

Roll call was requested by Raecker of Polk and Deyoe of Story.

Rule 75 was invoked.

On the question "Shall amendment H-8662 to the Senate amendment H-8640 be adopted?" (H.F. 2531)

The ayes were, 48:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Kelley	Koester
Lukan	Marek	May	Mertz

Miller, L.	Olson, S.	Paulsen	Pettengill
Quirk	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

The nays were, 50:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Frevert	Gaskill	Gayman
Hanson	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Miller, H.	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	Winckler
Zirkelbach	Mr. Speaker Murphy		

Absent or not voting, 2:

Ford	Wendt
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Amendment H-8662 lost.

Soderberg of Plymouth offered the following amendment H-8665, to the Senate amendment H-8640, filed by him from the floor and moved its adoption:

H-8665

1 Amend the Senate amendment, H-8640, to House File
 2 2531, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 8, after line 9 by inserting:
 5 <__. Page 35, after line 22 by inserting:
 6 <Sec. __. Section 469.9, Code Supplement 2009, is
 7 amended by adding the following new subsection:
 8 NEW SUBSECTION. 4A. a. During the period of
 9 funding for the Iowa power fund as provided in section
 10 469.10, the office of energy independence shall collect
 11 data on all grants and loans approved for funding.
 12 The department of management and the state agencies
 13 associated with the grants and loans shall assist the
 14 office with the data collection and in developing

15 the report required by this subsection. The office
 16 shall report quarterly to the governor and the general
 17 assembly concerning the data.

18 b. The report shall include but is not limited to
 19 all of the following:

20 (1) The nature of each grant or loan and its
 21 purpose.

22 (2) The status of each grant or loan and the amount
 23 and percentage of power fund moneys expended for the
 24 grant or loan.

25 (3) The outside funding that is matched or
 26 leveraged by power fund moneys.

27 (4) The number of jobs created or retained due to
 28 each grant or loan.

29 (5) For each grant or loan, the names of the grant
 30 or loan contractors, their state of residence, and the
 31 state of residence of the contractors' employees.

32 c. The office shall maintain an internet site that
 33 allows citizens to track data on a county-by-county
 34 basis. >>

35 2. Page 20, after line 39 by inserting:

36 <__. Page 42, after line 25 by inserting:

37 <Sec. __. EFFECTIVE DATE AND APPLICABILITY. The
 38 section of this division of this Act enacting section
 39 469.9, subsection 4A, being deemed of immediate
 40 importance, takes effect upon enactment, and applies
 41 to grants or loans approved on, before, and after the
 42 effective date of the section. >>

43 3. By renumbering as necessary.

Roll call was requested by Soderberg of Plymouth and Abdul-Samad of Polk.

On the question "Shall amendment H-8665 to the Senate amendment H-8640 be adopted?" (H.F. 2531)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy

Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor	Thede	Thomas	Tjepkes
Tymeson	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, 2:

Ford Wendt

Amendment H-8665 was adopted.

Isenhart of Dubuque offered the following amendment H-8651, to the Senate amendment H-8640, filed by him and moved its adoption:

H-8651

1 Amend the Senate amendment, H-8640, to House File
2 2531, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 9, after line 47 by inserting:
5 <__. Page 40, after line 29 by inserting:
6 <Sec. __. Section 256.9, Code Supplement 2009, is
7 amended by adding the following new subsection:
8 NEW SUBSECTION. 18A. The department shall compile
9 the financial information related to chapters 423E
10 and 423F from the certified annual reports of each
11 school district received pursuant to section 291.10,
12 subsection 2, and shall submit the information to the
13 general assembly in an annual report each February 1.
14 Sec. __. Section 291.10, Code 2009, is amended to
15 read as follows:
16 291.10 Reports by secretary.
17 1. The school district shall file an annual report
18 with the director of the department of education on
19 forms prepared for that purpose.
20 2. The annual report shall include the financial
21 information required in section 423F.5, subsection 1,
22 as related to moneys received under chapter 423E or

23 423F, as applicable, for each budget year. >>

24 2. By renumbering as necessary.

Roll call was requested by Forristall of Pottawattamie and Raecker of Polk.

On the question "Shall amendment H-8651 to the Senate amendment H-8640 be adopted?" (H.F. 2531)

The ayes were, 86:

Abdul-Samad	Arnold	Bailey	Baudler
Beard	Bell	Berry	Bukta
Burt	Chambers	Cphoon	Cownie
Deyoe	Drake	Ficken	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Schueller	Schulte
Shomshor	Smith	Soderberg	Steckman
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Wagner	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, 12:

Alons	Anderson	De Boef	Dolecheck
May	Pettengill	Sands	Schultz
Sorenson	Tymeson	Watts	Windschitl

Absent or not voting, 2:

Ford	Wendt
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Amendment H-8651 was adopted.

R. Olson of Polk asked and received unanimous consent to withdraw amendment H-8655, to the Senate amendment H-8640, filed by him on March 29, 2010.

R. Olson of Polk asked and received unanimous consent to withdraw amendment H-8663, to the Senate amendment H-8640, filed by him on March 29, 2010.

R. Olson of Polk asked and received unanimous consent to withdraw amendment H-8649, to the Senate amendment H-8640, filed by him on March 27, 2010.

Lensing of Johnson offered the following amendment H-8668, to the Senate amendment H-8640, filed by her and Koester of Polk from the floor and moved its adoption:

H-8668

- 1 Amend the Senate amendment, H-8640, to House File
- 2 2531, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. By striking page 24, line 46, through page 32,
- 5 line 23.
- 6 2. By renumbering as necessary.

Amendment H-8668 was adopted.

Tymeson of Madison offered the following amendment H-8647, to the Senate amendment H-8640, filed by her and moved its adoption:

H-8647

- 1 Amend the Senate amendment, H-8640, to House File
- 2 2531, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. By striking page 32, line 24, through page 33,
- 5 line 39.
- 6 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 50, nays 49.

Amendment H-8647 was adopted, placing out of order amendment H-8648 filed by Tymeson of Madison on March 27, 2010.

Steckman of Cerro Gordo asked and received unanimous consent to withdraw amendment H-8646, to the Senate amendment H-8640, filed by her on March 27, 2010.

Pettengill of Benton offered the following amendment H-8642, to the Senate amendment H-8640, filed by her and moved its adoption:

H-8642

1 Amend the Senate amendment, H-8640, to House File
2 2531, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 57, by striking lines 1 through 29 and
5 inserting:

6 <DIVISION _____

7 DISASTER-RELATED DEDUCTIONS

8 Sec. ____ DISASTER-RELATED PERSONAL CASUALTY
9 LOSS DEDUCTIONS. A taxpayer is allowed to take the
10 deduction for disaster-related casualty losses under
11 section 165(h) of the Internal Revenue Code, as
12 modified by the Heartland Disaster Relief Act of 2008,
13 Pub. L. No. 110-343, in computing net income for state
14 tax purposes.

15 Sec. ____ EFFECTIVE UPON ENACTMENT AND RETROACTIVE
16 APPLICABILITY. This division of this Act, being deemed
17 of immediate importance, takes effect upon enactment
18 and applies retroactively to January 1, 2008, for
19 tax years beginning on or after that date and before
20 January 1, 2009.>

21 2. By renumbering as necessary.

Roll call was requested by Pettengill of Benton and Paulsen of Linn.

On the question "Shall amendment H-8642 to the Senate amendment H-8640 be adopted?" (H.F. 2531)

The ayes were, 45:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Jacoby	Kaufmann	Koester
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rayhons	Roberts	Sands	Schulte
Schultz	Soderberg	Sorenson	Struyk
Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

The nays were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	Isenhardt	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Running-Marquardt	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor	Thede	Thomas	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Zirkelbach	Mr. Speaker		
	Murphy		

Absent or not voting, 1:

Wendt

Amendment H-8642 lost.

Lensing of Johnson asked and received unanimous consent to withdraw amendment H-8664, to the Senate amendment H-8640, filed by Lensing, et al., on March 29, 2010.

Wenthe of Fayette offered the following amendment H-8666, previously deferred, to the Senate amendment H-8640, filed by him from the floor and moved its adoption:

H-8666

1 Amend the Senate amendment, H-8640, to House File
 2 2531, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, after line 2 by inserting:
 5 <___. Page 3, line 20, by striking
 6 <Notwithstanding> and inserting:
 7 1. Notwithstanding>
 8 ___. Page 3, line 27, by striking <2,494,057,875>
 9 and inserting <2,499,157,875>
 10 ___. Page 3, after line 27 by inserting:
 11 <2. There is appropriated from the Iowa
 12 comprehensive petroleum underground storage tank fund
 13 for state foundation aid for the fiscal year beginning
 14 July 1, 2010, and ending June 30, 2011, the following
 15 amount, or so much thereof as is necessary to be used
 16 for the purposes designated:
 17 In lieu of an equal amount appropriated from the

18 general fund for state foundation aid under section
 19 257.16, subsection 1, as limited by subsection 1
 20 of this section, notwithstanding section 455G.3,
 21 subsection 1:
 22 \$ 5,100,000>
 23 ____ Page 3, line 28, by striking <1.> and
 24 inserting <3. a.>
 25 ____ Page 4, line 1, by striking <2.> and inserting
 26 <b.>
 27 ____ Page 4, by striking line 2 and inserting
 28 <subsection 1, after the allocation made in paragraph
 29 "a" is>>
 30 2. By renumbering as necessary.

Amendment H-8666 was adopted.

Oldson of Polk moved the adoption of the Senate amendment H-8640, as amended.

The motion prevailed and the House concurred in the Senate amendment H-8640, as amended.

Oldson of Polk moved that the bill, as amended by the Senate further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2531)

The ayes were, 51:

Abdul-Samad	Beard	Bell	Berry
Bukta	Burt	Cphoon	Ficken
Ford	Frevert	Gaskill	Gayman
Hanson	Heddens	Hunter	Isenhart
Jacoby	Kearns	Kressig	Kuhn
Lensing	Lykam	Marek	Mascher
McCarthy	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, 48:

Alons	Anderson	Arnold	Bailey
Baudler	Chambers	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Grassley	Hagenow	Heaton	Helland
Horbach	Huseman	Huser	Kaufmann
Kelley	Koester	Lukan	May
Mertz	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

Absent or not voting, 1:

Wendt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2531** be immediately messaged to the Senate.

REMARKS BY MINORITY LEADER PAULSEN

Paulsen of Linn offered the following remarks:

Thank you Mr. Speaker. Mr. Speaker, ladies and gentleman of the House,

As we close another General Assembly, I want to begin by thanking the members of the Republican caucus. Thank you for your service, for your thoughtfulness in lawmaking and for your trust and friendship. It's an honor to serve as your leader. Thanks to this year's leadership team: Rod Roberts, Jeff Kaufmann, Steve Lukan, Matt Windschitl, Dave Deyoe, Erik Helland and Renee Schulte. Your efforts leading our caucus, on behalf of Iowans, are very much appreciated. A special thank you to the Republican Whip, Linda Upmeyer. You're always willing to take on new challenges and your excellent leadership and commitment to House Republicans and the State of Iowa are much appreciated.

There are numerous staff members who make this building operate. Thank you for all for your hard work. Specifically, I want to thank the House Republican staff: Noreen, Jeff, Josie, Lew, Lon, Brad, Ann, Matt, Tony, Kristi and Jason. I continue to be impressed at how hard you work to keep us informed and focused. You are the best caucus staff in the building. Thanks to our page, Daxton Oberreuter— you helped our office run smoothly, we appreciated your work this year and wish you luck next year at UNI.

Representatives May, Rants, Roberts, Sorenson, Struyk, and Tymeson, the House Republican caucus is better for your service. Thank you to all House retirees. The state of Iowa is a better place because of your service and we all wish you the best of luck.

Thank you also to Speaker Murphy and Leader McCarthy. You committed to include Republicans in the process and in the ways you could, you followed through on your promise. I appreciated that. You heard us out on our proposal to reorganize government. While Republicans think the final bill did not go far enough to find savings, we believe Iowans were better served because both parties were included in the process and worked together towards a common goal. In the end, we were left with a bill that was a step in the right direction.

At the start of the session I said that House Republicans would focus on three things. 1– Creating an environment which welcomes employers and encourages them to invest in our workforce. 2– Passing an affordable and responsible budget and 3– Standing up to the creeping federal intrusion into the lives of Iowans.

Unfortunately, 111,000 Iowans remain out of work and instead of working with employers, this body saddled them with more regulation and targeted them with property tax increases. Instead, we spent time on cowl lamps and lead wheel weights. This body even took the time to debate and spend money on heated sidewalks.

In this chamber, Republicans offered over \$290 million in savings this session. Not a single one of those ideas were adopted. I understand Democrats looked at our list of savings and questioned the amount. Fair enough. But what if you had adopted just 10 percent of those savings? \$29 million. How many of Iowa's 2,500 teachers being laid off would be saved from that fate if we would have prioritized teachers over state owned cars?

The Legislature convened with a \$1.1 billion hole in the state budget. We are adjourning with a \$1 billion hole. Much to the dismay of House Republicans, it is a disappointing and frustrating result of the session. Balancing the budget is not good enough if it is on the backs of the property taxpayer and that's what this body did.

To be clear, we are adjourning with a \$6.2 billion budget. You've decided to spend \$5.3 billion in ongoing revenue, \$700 million in one time money and nearly \$200 million in transfers to the property taxpayer. Over a three year period, \$532 million of general fund spending has been shifted to Iowa property tax payers.

The creeping federal intrusion is about to become even more rampant. While the federal government's take over of health care is advancing, Republican efforts in this chamber to stand up for our 10th Amendment rights and to fight for Iowans' health care freedom were defeated.

If you haven't noticed, a movement was created over the last 15 months. Massive federal intervention in the form of bailouts and takeovers have many Iowans feeling frustrated...powerless...helpless. Then they watched this body ignore them on things like marriage, tax policy and government spending. Frustration and exasperation with their government has made them pay attention. It is time to give Iowan's their state back.

Instead of turning our backs on Iowans, instead of assuming we know what is best for the people of this state, we must stop and listen. As true representatives, we must find more issues where Republicans and Democrats can come together and get to the business of solving problems. Iowans deserve a government that is transparent, responsive and one that operates on the idea of restraint. Government involvement is not the answer to every question.

In summary, there are a few things to be pleased with – we strengthened second amendment rights and we protected Iowans' right to deduct their federal income taxes. However, House Republicans believe Gov. Culver and this Legislature spent too much, saved too little and raised property taxes. In fact, I believe the number one thing this year will be remembered for is the massive property tax increase passed onto Iowans.

Let us learn from the past two years. Let us stop and go home. Let us go home and listen. The future of our state depends on us doing better.

Thank you.

MOTION TO RECONSIDER WITHDRAWN
(House File 2522)

McCarthy of Polk asked and received unanimous consent to withdraw the motion to reconsider **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, filed by him on March 25, 2010.

MOTION TO RECONSIDER WITHDRAWN
(Senate File 2367)

McCarthy of Polk asked and received unanimous consent to withdraw the motion to reconsider **Senate File 2367**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date and retroactive applicability provisions, filed by him on March 26, 2010.

MOTION TO RECONSIDER WITHDRAWN
(Senate File 2376)

McCarthy of Polk asked and received unanimous consent to withdraw the motion to reconsider **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, filed by him on March 26, 2010.

MOTION TO RECONSIDER WITHDRAWN
(Senate File 2377)

McCarthy of Polk asked and received unanimous consent to withdraw the motion to reconsider **Senate File 2377**, a bill for an act relating to and making appropriations to the judicial branch, filed by him on March 17, 2010.

MOTION TO RECONSIDER WITHDRAWN
(Senate File 2378)

McCarthy of Polk asked and received unanimous consent to withdraw the motion to reconsider **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, filed by him on March 25, 2010.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2522** and **Senate Files 2367, 2376, 2377** and **2378**.

REMARKS BY MAJORITY LEADER MCCARTHY

McCarthy of Polk offered the following remarks:

Thank you, Mr. Speaker. Mr. Speaker, ladies and gentlemen of the House, I did not get a chance to prepare a speech this morning, so I will just be very brief.

Just a few thank yous. Thank you to Brian Meyer and Andrea Jansa and my staff. Thank you to the Speaker's staff: Carolyn, Ed, and Dean. Thank you to you, Mr. Speaker. I think we worked very well this year as a team. We were able to accomplish quite a bit. Thank you to Representative Paulsen and Noreen and the people that we've worked with on budget issues: Lon and Jeff Mitchell and others. So, thank you to your staff.

Thank you to the Chief Clerk and to the Chief Clerk's staff, LSA and all of the work that they have done late at night – many times all night – preparing our work for us so that we can get our work done the next day when we arrive back. And, thank you to all of the clerks and the pages and all they have done.

Also, to the leadership team that we have here. Representative Bukta and Representative Jacoby, Representative Abdul-Samad and Gayman and Steckman: Thank you for all of your work this year and for helping to move the process forward.

And to all of the retiring legislators. I believe we have fourteen retiring legislators. So, at a minimum next year we will have a 14% change, and that will certainly change the tone and dynamic about how we operate. And that's a good thing.

I was somewhat moved at Representative Rants' retirement speech the other day in the sense that he had that picture on his desk he said when he first got elected and it said "facing the five-hundred and whatever it was, over half-billion dollar shortfall coming into the session and all of the big controversial issues." And, here we are, many, many, many years later. What did he say? Was it 18, 20 years later? Whatever it was we're back here again and we're facing a lot of the same issues, but we get our work done, and contrary to a lot of popular belief, we do most of it in a pretty strong bipartisan fashion.

I was talking to a colleague of mine in another state, a legislative leader from another state. We were chatting about their particular state and our particular state and we really, really should be proud here in Iowa. In other states they literally tear each other apart over issues like health care; over issues of renewable energy, and in this state, in our health care work there has been a pretty strong bipartisan effort. We haven't gone at each others' throats on all sorts of issues.

Representative Heddens works well with Representative Heaton, and Representative Upmeyer works well with Representative Smith. We get our work done and sometimes there are no votes on the board, but we get our work done in a bipartisan fashion – not what we see on TV at night about Washington D.C... This colleague in another state said, "You guys are actually able to have a balanced budget."

We hear arguments about budgeting. The fact of the matter is that we have a non partisan entity that scores our budget and our budget is balanced and that's something that we should be very proud of. Also, we're one of about five states in the country that have a surplus. Between our cash reserve funds and our ending budget we're at about a third of a billion dollars right now. So, given the context that we just went through and are kind of coming out of the biggest national economic crunch since the Great Depression, to have a state that's budget is balanced with a few hundred million dollar surplus, working well in a bipartisan fashion, adjourning on the 79th day of session, we should be darn proud. We should be very proud.

A couple of the thoughts here, something that I want congratulate both parties on: the government reorganization costs savings measure. Mary Mascher and Doug Struyk led the largest cost saving measure ever passed by the Iowa legislature, either as a dollar amount or as a percentage...ever passed. So, we might have been able to do more, but it's the largest ever passed. We should be proud of that. It looks like we are moving out of our economic crunch here in Iowa. Receipts on a day to day basis are now slowly creeping upwards. We picked up \$33 million at our last REC. I predict

some significant progress in our state receipts come the next REC, probably around in July.

I think the water cooler conversations in this state will be that of recovery this summer and fall; recovery. What will this legislature be remembered for? This probably will not be politically popular to say, you're supposed to come up with a big slogan: What will this session be remembered for? I think, if you step back and look globally at the United States, the crunch that this country has felt, forty five, forty six states facing billions of dollars deficit; tens of thousands of layoffs. This session may not be remembered too much five or six years from now. It really might not be remembered too much, and given the context of the national crunch that we went through, that is a testament to our success because we did our work, it's not too flashy in the face of some difficult, difficult circumstances.

We're going to be done here today and then we are going to be back out on the campaign trail. A few folks have primaries and the rest of us will all be up either on the ballot or having an opponent and will take our case to the voters again, and then we'll come back next year and we'll read articles from Jason Clayworth about budget challenges and we'll have some fights about different issues, but we'll get our work done again. We'll get our work done again. It's been a pleasure to serve with all of you. Thank you for all of your work, and thank you again Mr. Speaker, and thank you Representative Paulsen. I think I thanked your staff, I didn't thank you so thank you; we've had a very good working relationship again this year. And I look forward to seeing you all hopefully this afternoon as we celebrate. Thank you.

REMARKS BY SPEAKER MURPHY

Speaker Murphy offered the following remarks:

First of all, I just want to talk briefly about this session. We said that we'd do it in 80 days and it looks like we're going to do it in 79 unless I get in a run of words for the next eleven hours and fifty-five minutes.

There were two curves that were thrown this year: I lost my mother, and we had Roger Wendt who came down with cancer and was unfortunately unable to finish the session. But I will say for Roger and for me, the well-wishing and cards we got from everybody in this chamber. We always have the people on the right and the left here talking about us, but we're Iowans first and I saw that first-hand so thank you.

I also want to talk about the people who are saying farewell. We have people that are leaving here today with over 150 years of experience that won't be back. To Christopher Rants, Mike May, Ken Sorenson, Rod Roberts, Jodi Tymeson, Doug Struyk, Marcie Frevert, Wes, Mark Kuhn, Elisha Gayman, Polly Bukta, Dolores, Wayne, thank you for your service. Thank you very much. There's only 86 other individuals in this room that have any idea the service you've given, so thank you again.

We came into this session knowing that we had a tough budget crunch, but we leave here today with what we talked about the first day of the session: balancing the budget and not raising taxes. \$382 million dollars will be in our reserve accounts this year, which is great. But a lot of thanks goes out in a bipartisan effort because we wouldn't be where we are at today if it wasn't for state reorganization, which was led

by Representative Mascher and Representative Struyk. Their bipartisan effort gave us two-thirds of what we have in our reserve account because of cost savings they have made that, quite frankly, Iowans aren't going to notice the difference in their service – it's going to be the same – but the things we did behind the scenes to save money saved us \$265 million. Thank you for your work.

We will be spending less in general fund money than we did the current year we're in. We'll be a little over \$5.2 million, less than the current budget, which is a little over 5.3. Again, thank you for those opportunities where we are able to work in a bipartisan session. Rep. Paulson, thank you for cooperating with us and working on the budget bills that we were able to get out of here in 80 days.

We also did a number of public safety bills. And like any session, I can sit here and talk about what we're going to do on the first day of session, but there are those things that come up that I had no idea we were going to do. I think one thing that we did do this year was on gun safety and if you would have asked me on the first day of session I would have said there would be no way it would be accomplished. Representative Baudler, Representative Rick Olson, Representative Lykam and others that were involved in those issues, Representative Andersen, thank you for your work. We have one: taken people that act in a violent way in domestic situations, we have taken guns away from them, but we've also standardized permits for all 99 counties. I know that doesn't make everybody happy, but I think those bills were the right thing to do and we were able to do them in a bipartisan effort this year.

We also had the opportunity to do some other bills as well. Representative Hanson and Representative Tjepkes, one that gets a lot of attention is the whole issue of texting and operating your vehicle at the same time. We were able to get a bill done, and with the Senate in a bipartisan and bicameral action.

We also wanted to keep a focus on what we could do to help middle class families. We continue to invest in I-JOBS. We continue to rebuild the state's infrastructure. We're stimulating the economy. We're rebuilding those disaster-affected communities around the state that were affected by the floods of '08, and we will continue to put Iowans back to work with good paying jobs with the dollars that are in those programs. But we're also helping other communities to help fix problems that they have as well.

For Representative Swaim, Jacoby, Representative Tyler Olson, Representative Quirk, Representative Lensing, Burt and Beard, thank you for working behind the scenes this year on our Save Our Small Business fund that we passed yesterday. I think that's going to do a number of things to stimulate our economy and help small businesses get the assistance they need when they can't get it anywhere else.

And we were also able to work on the WARN act this year, which gives workers advance notice of layoffs. We also continue to fund, and I want to thank Representatives Kressig and Thomas for their work the SBDC's, for the blood bank initiative we did that will help create 70 or 80 jobs in Eastern Iowa.

In the area of education, we increased state aid to K-12 schools by \$150 million. We also expanded our statewide preschool initiative to hit our \$60 million goal over four years. We reached the national average for teacher pay and went from 46th to 22nd in four years.

In the area of health care, again, Representative McCarthy said it best: we have people that work in a bipartisan effort. Representative Upmeyer, Representative Heddens, Representative Smith and others: you've helped make IowaCare available across the state. We've expanded HAWK-I. Representative Petersen, you've done a wonderful job on advanced notice to consumers of premium rate increases.

But we also made a big difference for people like Roger Wendt who, if they need to get into cancer clinical trials, can do it without fear of losing their health insurance coverage. And for people like Ray Zirkelbach, who were able to get a bill passed on mental health parity for veterans. Those are just a few of our accomplishments this year.

At the beginning of session, both parties talked about was promoting accountable and accessible government, making sure it was transparent so that Iowans could see what was going on. We've done a number of initiatives this year to make sure we have the oversight needed so Iowans know how their dollars were spent and that they're spent wisely. I thank you all for your bipartisan work on that this year.

The other thing that I didn't think we'd be doing this year with the shortness of funds, and I have to give Ray Zirkelbach credit for, is, if you go ten for ten in baseball, you're going to make a heck of a free agent, and Representative Zirkelbach went ten for ten on the top priorities of veterans this year. I really do appreciate everything you've done for veterans. And for those people who serve on the Veterans Committee, Representative Chambers, Representative Tymeson, Representative Zirkelbach, Representative Sweeney, you've all done a great job on working with Representative Zirkelbach on most of these issues. They were not partisan and they were able to get signed into law.

The last thing I want to do is thank the staff. I want to thank Kevin McCarthy, he's been a great teammate. He's been able to take a lot of things and just run with them so that I don't have to do them. And your staff, I want to thank them as well. They work well with the Speaker's office, and, quite frankly, it's very transparent there.

Representative Paulsen, I want to thank you for the work that you've done with our caucus this year on numerous different issues, and Noreen Otto in your office as well. Noreen has always been great for our staffs to work with and to work with her. I don't want to miss the Republican caucus staff because Jeff Mitchell's on staff. I just have one question to ask the caucus staff over there, have we supplied enough liquid refreshment for you between now and next January?

I want to also thank my staff: Carolyn, Ed, Dean, especially because they prepared my remarks today, or I'd be sitting up here trying to figure out what I'm saying. They make things work behind the scenes and I never have to worry about what's getting done. And especially to the interns. The interns were a huge help in our office this year. Thank you for your help.

I want to also mention, I know I'm biased in this, but I think we have the best caucus staff, the Democratic caucus staff. And for the first time we have somebody retiring. I just want to take this moment to say to Paulee Lipsman. Paulee, every legislator has a little bit of an ego, and you've had to deal with hundreds of them over the last twenty-some odd years. Thank you for working with all of them and thank you

for everything you've done. Enjoy your retirement. Make sure you come up here next year and get a few laughs watching how we work and remembering what it was like. I know we won't be able to get somebody as capable as Paulee, but we will get somebody who's taller. Other than that, I won't make any guarantees.

To Mark Brandsgard, Dave Schrader, and their staff, thank you for everything that you do for the House. This year, the only problem we had with your office was the computer system on the voting machine. If it wasn't for that, I don't think anybody would notice the job that you do, and that's a sign of the great job that you do. Thank you for everything you do for us.

The other group I'd like to recognize is LSA, I know most of them aren't here. They're out drafting amendments for what we just did to the standings bill that's going over to the Senate. But they're another group that we don't see everyday. They make us all look good. They always make sure we have the right amendments at the right time, and if we don't, they always correct it quickly. To Glen Dickinson, Holly Lyons, Rich Johnson, their entire staff, thank you for everything you do behind the scenes making this place run efficiently.

The last group I want to mention in this chamber, though, are the young people, the pages. People always worry about our future, but when I see the pages we have here, I think our future is in good hands. Thank you. And I forgot to especially point out Macki Ditch for working here alongside me this whole year. She gets a lot of experiences in the Speaker's office, some that are probably not that memorable, but at the same time makes our office work so efficiently. We really do need to feel proud of our young pages that have worked here. Plus, for the first time since I've been here in 21 years, the women get the pick of the litter, not the men, because there's more male pages this year than there are female pages, which I think is great that we have more of them getting active, so thank you to all of you. I'm sure the girls enjoy the fact that there were lots of boys to pick over instead of the other way around this year.

The last thing I want to do is thank my wife and family for the opportunity to serve here, and to my caucus and the entire chamber for the opportunity to serve as speaker. It's a very unique job, some days it's very long, sometimes it's very stressful, but I will tell you I sleep well every night due to the stress that I get. So I want to thank you, it's been a unique opportunity to serve as Speaker for both my caucus and the chamber and the state. But it's now time for us to move on, to move forward. All of us have lives out of here. We've all had a long winter. When we came here in January it was nice and cold, but I can't think of a better time to adjourn than over the lunch hour when it's 72 degrees outside. So I think with that, it's time for us to move on and move to the other parts of our lives. For those retiring members, again, thank you for all your time, your generosity, and your service to this state. Thank you.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 109

McCarthy of Polk asked and received unanimous consent for the immediate consideration of **House Concurrent Resolution 109**, and moved its adoption as follows:

HOUSE CONCURRENT RESOLUTION 109

By McCarthy and Paulsen

- 1 A concurrent resolution to provide for adjournment sine
- 2 die.
- 3 *Be It Resolved By The House Of Representatives,*
- 4 *The Senate Concurring,* That when adjournment is had
- 5 on Tuesday, March 30, 2010, it shall be the final
- 6 adjournment of the 2010 Regular Session of the
- 7 Eighty-third General Assembly.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House Concurrent Resolution 109** be immediately messaged to the Senate.

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 18, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2519, a bill for an act relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants, the federal American Recovery and Reinvestment Act of 2009, and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, and including effective date and retroactive applicability provisions.

Also: That the Senate has on March 26, 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 2525, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and including effective date provisions.

Also: That the Senate has on March 27, 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 2526, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions.

Also: That the Senate has on March 30, 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 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.

Also: That the Senate has on March 30, 2010, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 109, a concurrent resolution to provide for adjournment sine die.

MICHAEL E. MARSHALL, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday, March 29, 2010. Had I been present, I would have voted "aye" on amendment H-8652 to Senate File 2379 and "aye" to final passage of Senate File 2379. I would also have voted "aye" on amendments H-8656A and H-8660A to Senate File 2389.

DE BOEF of Keokuk

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 30th day of March, 2010: House Files 674, 726, 788, 823, 2193, 2197, 2200, 2229, 2284, 2294, 2310, 2370, 2377, 2399, 2409, 2414, 2418, 2432, 2437, 2438, 2454, 2456, 2458, 2459, 2473, 2483, 2484, 2485, 2487, 2496, 2512, 2518, 2519, 2522, 2525, 2526, 2531 and 2532.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

FINAL ADJOURNMENT

By virtue of House Concurrent Resolution 109, duly adopted, the day of March 30, 2010 having arrived, the Speaker of the House of Representatives declared the 2010 Regular Session of the Eighty-third General Assembly adjourned sine die at 12:22 p.m.

SUPPLEMENT TO HOUSE JOURNAL**BILLS APPROVED, VETOED, OR ITEM VETOED
SUBSEQUENT TO ADJOURNMENT**

The following is a record of the action of the Governor on the bills passed by the 2010 Regular Session of the Eighty-third General Assembly and which action was had subsequent to the date of final adjournment.

- H.F. 674— Relating to reporting the treatment of serious wounds received as the result of a crime to a law enforcement agency and making penalties applicable. Approved 4-12-10.
- H.F. 726— Providing for unincorporated nonprofit associations, and providing for fees and penalties. Approved 4-7-10.
- H.F. 788— Concerning alcohol beverage control, relating to minors and public intoxication or possession of alcohol and prohibiting certain liquor control, wine, or beer licensees or permittees from knowingly permitting or engaging in criminal activity in areas adjacent to the licensed premises and making penalties applicable. Approved 4-12-10.
- H.F. 823— Requiring public schools, community colleges, institutions under the control of the state board of regents, and state agencies to comply with an environmentally preferable cleaning and maintenance policy unless specified conditions for noncompliance are satisfied. Approved 4-23-10.
- H.F. 2193— Relating to emergency medical care providers, emergency medical care service programs and emergency medical care services training programs, and providing penalties. Approved 4-21-10.
- H.F. 2197— Providing veterans a holiday for veterans day and making penalties applicable. Approved 4-27-10.
- H.F. 2200— Relating to the carrying of a gun in or on a vehicle on a public highway and making penalties applicable. Approved 4-7-10.
- H.F. 2229— Prohibiting the imposition by a dental plan of fee schedules for the provision of dental services that are not covered by the plan. Approved 4-29-10.
- H.F. 2284— Relating to various activities regulated and programs administered by the department of public health, including fetal death certification, and optometry, cosmetology, and barbering licensure. Approved 4-23-10.

- H.F. 2294— Relating to the distribution of moneys from the disaster aid individual assistance grant fund. Approved 4-21-10.
- H.F. 2310— Relating to raising or releasing pen-reared pheasants originating from a hatchery approved by the department of natural resources. Approved 4-29-10.
- H.F. 2370— Relating to enterprise zones by extending the application deadline for certification of enterprise zones and by updating certain fiscal year limitations. Approved 4-14-10.
- H.F. 2377— Relating to extending a period of probation and including applicability provisions. Approved 4-28-10.
- H.F. 2399— Requiring certain rate-regulated public utilities to undertake analyses of and preparation for the possible construction of low carbon emitting nuclear generating facilities in this state, permitting all rate-regulated public utilities to make significant alterations to an existing generating facility, and including effective date provisions. Approved 4-28-10.
- H.F. 2409— Eliminating specified mortgage loan disclosure statement filing requirements applicable to financial institutions. Approved 4-7-10.
- H.F. 2414— Relating to service in an honor guard unit on public property. Approved 4-27-10.
- H.F. 2418— Relating to periodic evaluations of certain air quality standards. Approved 4-7-10.
- H.F. 2432— Relating to a study of the opportunities for recruiting racial and ethnic minority teachers. Approved 4-13-10.
- H.F. 2437— Relating to private sewage disposal system inspections and groundwater hazard statements as part of certain property transfers. Approved 4-8-10.
- H.F. 2438— Relating to the criminal offense of enticing or attempting to entice a minor and providing penalties. Approved 4-12-10.
- H.F. 2454— Providing for the development of programs to attract qualified disabled veterans for job opportunities in state government. Approved 4-27-10.
- H.F. 2456— Concerning the use of electronic communication devices while driving, and providing penalties. Approved 4-1-10.
- H.F. 2458— Relating to restrictions on mowing within the right-of-way of interstates, primary highways, and secondary roads. Approved 4-23-10.
- H.F. 2459— Relating to watersheds. Approved 4-7-10.

- H.F. 2473— Relating to criminal offense definitions, penalties, and the forfeiture of an unsecured appearance bond in a criminal proceeding. Approved 4-12-10.
- H.F. 2483— Relating to trusts and estates including provisions relating to state inheritance tax, uniform transfers to minors, and medical assistance claims, and including an applicability provision. Approved 4-14-10.
- H.F. 2484— Exempting certain boat harbors from certain dock requirements and including effective date provisions. Approved 4-10-10.
- H.F. 2485— Relating to public employee collective bargaining. Approved 4-23-10.
- H.F. 2487— Relating to the allocation, issuance, reporting, recapture, and reallocation of recovery zone bonds, and including effective date provisions. Approved 4-7-10.
- H.F. 2496— Relating to recycling initiatives. Approved 4-23-10.
- H.F. 2512— Concerning weight limits for certain commercial motor vehicles on noninterstate highways. Approved 4-15-10.
- H.F. 2518— Concerning public retirement systems, including the public safety peace officers' retirement system, and the statewide fire and police retirement system, making appropriations, and including effective date and retroactive applicability provisions. Approved 4-23-10.
- H.F. 2519— Relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants, the federal American Recovery and Reinvestment Act of 2009, and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, and including effective date and retroactive applicability provisions. Approved 4-28-10.
- H.F. 2522— 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. Approved 4-28-10.
- H.F. 2525— Relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and including effective and applicability date provisions. Approved 4-29-10 with the exception of Sections 13 and 14. See Governor's Item Veto Message.

- H.F. 2526— Relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions. Approved 4-29-10 with the exception of Sections 72 and 80. See Governor's Item Veto Message.
- H.F. 2531— Relating to state and local finances by providing for funding of property tax credits and reimbursements, 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. Approved 4-29-10 with the exception of Section 106; Section 112, subsection 3, paragraph a. See Governor's Item Veto Message.
- H.F. 2532— Exempting from the computation of the state individual income tax certain amounts received from the veterans trust fund and including a retroactive applicability provision. Approved 4-6-10.
- S.J.R. 2007— Supporting the preservation efforts for the Battleship Iowa, BB-61. Approved 4-12-10.
- S.F. 153— To allow medical or osteopathic physicians, and physician assistants to form limited liability companies or professional corporations. Approved 4-13-10.
- S.F. 285— Relating to magistrate jurisdiction, specifying certain traffic-related offenses as simple misdemeanors, making other related changes to simple misdemeanor offenses, and providing a penalty. Approved 4-21-10.
- S.F. 393— Relating to access to obscene materials and child in need of assistance proceedings and child abuse reporting. Approved 4-23-10.
- S.F. 431— Relating to the reorganization of operating-while-intoxicated criminal offenses, making related changes, and providing an effective date. Approved 4-12-10.
- S.F. 2156— Relating to the IowaCare program, and providing for repeals. Approved 4-21-10.
- S.F. 2158— Relating to child support recovery including child support provisions for minor parents, medical support, and the review and adjustment process. Approved 4-21-10.
- S.F. 2175— Providing for representation of military veterans on certain mental health policy bodies. Approved 4-6-10.

- S.F. 2192— Prohibiting the running of a transfer fee covenant with the title to real property and including effective date and applicability provisions. Approved 4-23-10.
- S.F. 2199— Relating to the collection of the use tax on manufactured housing, the licensing of manufactured home retailers, amending statutory references to certain types of home dealers, establishing titling procedures for certain manufactured and mobile homes, making penalties applicable, and including effective date provisions. Approved 4-7-10.
- S.F. 2200— Relating to transfer of guardianship for a child in need of assistance to the probate court. Approved 4-21-10.
- S.F. 2201— 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, a health care and insurance cost work group, applications for health insurance rate increases, an internet consumer guide, examination of insurance companies, life insurance companies and associations, special health and accident insurance coverages, 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 and including effective date provisions. Approved 4-9-10.
- S.F. 2215— Relating to the use of genetic information and samples for genetic testing and providing for civil and administrative enforcement and providing penalties. Approved 4-23-10.
- S.F. 2216— Allowing certain game birds to be shot when released on a licensed hunting preserve and providing a penalty. Approved 4-23-10.
- S.F. 2220— Relating to the contents of certain motor carrier transportation contracts by declaring certain indemnity provisions to be unlawful and void. Approved 4-23-10.
- S.F. 2226— Relating to custody, physical care, and visitation provisions relating to a child of a parent who is serving active duty in the military service of the United States and including effective date provisions. Approved 4-27-10.
- S.F. 2250— Creating the criminal offense of aggravated theft, and providing a penalty. Approved 4-12-10.
- S.F. 2254— Relating to the powers and duties of county treasurers to assess certain property associated with fence disputes and water districts and to keep certain records. Approved 4-8-10.

- S.F. 2267— Relating to the home modification requirements under the Medicaid home and community-based services waiver for the elderly. Approved 4-23-10.
- S.F. 2273— Relating to a study regarding implementation of electronic registration and titling of vehicles, and containing effective date provisions. Approved 4-7-10.
- S.F. 2274— Relating to certain national security and military education benefits and programs. Approved 4-27-10.
- S.F. 2279— Relating to voluntary shared work plans under the unemployment compensation program. Approved 4-7-10.
- S.F. 2286— Relating to the regulation of professional and amateur mixed martial arts matches and events by the labor commissioner and providing penalties. Approved 4-9-10.
- S.F. 2297— Concerning veterans and military service, including waivers and refunds of certain fees, use of state facilities, public utility disconnection of service, weapons permit renewals, and declarations for disposition of remains. Approved 4-27-10.
- S.F. 2304— Relating to vehicular accident reporting requirements by increasing the minimum amount of property damage necessitating a written report. Approved 4-23-10.
- S.F. 2310— Creating a natural resources and outdoor recreation trust fund to implement a proposed amendment to the Constitution of the State of Iowa, and providing for contingent implementation. Approved 4-23-10.
- S.F. 2318— Concerning and affecting veterans and military members, related to employment benefits, professional licensing, and interest rate limit enforcement, and making penalties applicable. Approved 4-27-10.
- S.F. 2324— Modifying provisions relating to franchises for the provision of cable service or video service, and including effective date provisions. Approved 4-12-10.
- S.F. 2331— Relating to participation of chiropractors in the hawk-I program. Approved 4-14-10.
- S.F. 2333— Relating to health care facilities and programs, including hospital inspector requirements and dependent adult abuse and providing penalties. Approved 4-29-10.
- S.F. 2343— Relating to the appointment of judicial officers and senior judges. Vetoed 4-28-10. See Governor's Veto Message.
- S.F. 2344— Relating to the violator facility established within the department of corrections. Approved 4-21-10.

- S.F. 2345— Relating to judicial branch administration, child custody and visitation matters. Approved 4-23-10.
- S.F. 2348— Providing for the licensing and regulation of real estate closing agents, making penalties applicable, and including effective date provisions. Approved 4-7-10.
- S.F. 2354— Relating to campaign finance, including political campaign activities and independent expenditures by corporations, making penalties applicable, and including effective date provisions. Approved 4-8-10.
- S.F. 2356— Relating to the health care including Iowacare program provisions and the creation of an Iowa insurance information exchange to promote transparency, quality, seamlessness, and informed choices relative to health care coverage. Approved 4-14-10.
- S.F. 2366— Relating to public funding and regulatory matters and making, reducing, and supplementing appropriations for expenditures in the fiscal year beginning July 1, 2009, and including effective date and retroactive applicability provisions. Approved 4-15-10.
- S.F. 2367— Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date and retroactive applicability provisions. Approved 4-29-10 with the exception of Section 13, subsection 4, paragraph b. See Governor's Item Veto Message.
- S.F. 2371— Relating to royalty fees for removal of sand and gravel from state-owned lands and waters located on the Cedar river in certain counties and including effective date provisions. Approved 4-23-10.
- S.F. 2373— Relating to the administration of the replacement tax for new cogeneration facilities, and including effective date and retroactive applicability provisions. Approved 4-23-10.
- S.F. 2375— Relating to the administration of the sales and use taxes under the streamlined sales tax agreement and including effective date provisions. Approved 4-21-10.
- S.F. 2376— 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 including a study of the open meetings and public records laws, and including effective date and applicability provisions. Approved 4-22-10.
- S.F. 2377— Relating to and making appropriations to the judicial branch. Approved 4-28-10.

- S.F. 2378— Relating to and making appropriations to the justice system, modifying certain traffic offenses, fees and fines, and including effective date provisions. Approved 4-29-10 with the exception of Section 4, subsection 5; Section 5, subsection 6; Section 17; Section 18, subsection 3, paragraph ag. See Governor's Item Veto Message.
- S.F. 2379— Relating to permits to carry weapons and permits to acquire pistols and revolvers including the dissemination of information relating to persons suffering from mental and substance abuse health-related disorders and the possession of firearms and providing penalties and an effective date. Approved 4-29-10.
- S.F. 2380— Relating to taxation, including the administration and review of certain economic development programs and certain tax incentive programs and the reenactment of the estate tax and including effective date and retroactive and other applicability provisions. Approved 4-15-10.
- S.F. 2381— 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. Approved 4-28-10.
- S.F. 2383— 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. Approved 4-21-10.
- S.F. 2384— Relating to the nursing workforce including the establishment of an Iowa needs nurses now initiative. Approved 4-21-10.
- S.F. 2387— Providing for a sales tax exemption for specified purchases made by a regional blood testing facility registered by the federal food and drug administration. Approved 4-21-10.
- S.F. 2388— Establishing a hospital health care access assessment program, providing penalties, providing a future repeal, and including effective date and contingent implementation provision. Approved 4-14-10.
- S.F. 2389— Relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date. Approved 4-26-10 with the exception of Section 49, paragraph 2. See Governor's Item Veto Message.

GOVERNOR'S VETO MESSAGE

A copy of the following communication was received and placed on file:

April 28, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby disapprove and transmit to you Senate File 2343, an Act relating to the appointment of judicial officers and senior judges, without my signature, in accordance with Article III, Section 16 of the Constitution of the State of Iowa.

I support the principles behind much of Senate File 2343 including: Section 4 that provides additional flexibility for the residency requirements for associate district court judges by requiring residency within the judicial district rather than the current requirement of county; Section 5 that provides additional flexibility in the selection of magistrates by allowing magistrates to be residents of a contiguous county; and Sections 6 through 8 that make technical changes to the senior judge program.

However, I am unable to approve Senate File 2343 for the following reasons. Section 1 of this bill creates an additional requirement on the appointment of Iowans to the district judicial nominating commissions by requiring that only one appointed commissioner may be appointed from each county unless there are fewer counties than commissioners. While I support the concept of geographic representation among the appointed members of the district judicial nominating commissions, I believe this is most appropriately applied as a criterion in choosing individuals for appointment to the commissions rather than as a statutory mandate. By placing this requirement in law, qualified individuals who wish to serve on the commissions may be excluded from service simply because there is currently a member of the commission from that county.

Sections 2 and 3 of this bill substantially alter the process for filling judicial vacancies, by allowing the Chief Justice of the Supreme Court the authority to delay the appointment of judges and associate judges for up to one year. Under Article V, Section 10 of the Constitution of the State of Iowa the responsibility for determining judicial districts and the number of judges within a judicial district is assigned to the General Assembly. I believe the Constitution has appropriately placed these responsibilities with the General Assembly which is more immediately accountable to Iowans. Section 2, shifts much of the authority vested by the Constitution with the General Assembly to the Chief Justice by allowing the Chief Justice to delay an appointment for "budgetary reasons" with no further explanation required.

With this change, the Chief Justice could for all practical purposes determine the number of judges in each judicial district by deciding which judicial openings are filled and which are delayed. To delay judicial appointments for up to one year for

“budgetary reasons” without any public accountability or additional criteria is excessively vague. Iowans expect more precise standards for determining if judicial vacancies are filled. Furthermore, allowing such discretion creates additional potential to limit Iowans access to courts and delay court proceedings. The sunset provision repealing the sections in 2013 is insufficient to alleviate my concerns about this shift in responsibilities between the branches of government.

The remaining sections of this bill advance important public policy objectives including modifying the residency restrictions for district associate judges and magistrates and modifying the requirements for senior judges. I have no objections to these sections.

I commend the Judicial Branch under the Chief Justice’s leadership for continuing to provide access to the Courts to Iowans even under challenging budgetary circumstances.

For all these reasons, I hereby disapprove and transmit to you, without my signature, Senate File 2343, in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Sincerely
Chester J. Culver
Governor

GOVERNOR'S ITEM VETO MESSAGES

A copy of the following communications were received and placed on file:

April 29, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2525, an Act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and including effective and applicability date provisions. House File 2525 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve Section 13 of House File 2525 in its entirety. This section eliminates the positions of the Chief and Assistant Chief of the Law Enforcement Bureau of the Department of Natural Resources. I am disapproving this language because these two positions are critical to the Department's mission and public safety. Both of these positions are funded with Fish and Wildlife Trust Fund monies and elimination of these two positions will not save any General Fund dollars. Furthermore, Section 13 is an unnecessary infringement on Executive Branch authority.

I am also unable to approve Section 14 in its entirety. This section makes the elimination of the positions of Chief and Assistant Chief of the Law Enforcement Bureau of the Department of Natural Resources effective upon enactment of House File 2525. Since I am disapproving Section 13, which would have eliminated these two positions, this language in Section 14 is, therefore, unnecessary.

For the above reasons, I hereby respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in House File 2525 are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

April 29, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2526, an Act relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions. House File 2526 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 72 of the bill in its entirety. This provision deals with food establishment inspections and contracting with a municipal corporation to fulfill the department's regulatory and inspection statutory responsibilities. I disapprove this language because it takes away the department's discretion to maximize staff and resources, and to enter into contracts based upon efficient government, which is especially important during these difficult economic times.

I am unable to approve the item designated as Section 80 of the bill in its entirety. This provision permits unexpended decategorization funding to carry forward for two succeeding fiscal years beyond the current fiscal year. Given the difficult economic times, the additional time to expend these funds is not prudent and should not be allowed. Other than capital expenditures, a two-year carry forward is not commonly allowed in Iowa law. Furthermore, this does not conform to reasonable government accounting practices.

For the above reasons, I hereby respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in House File 2526 are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

April 29, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2531, an Act relating to state and local finances by providing for funding of property tax credits and reimbursements, 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. House File 2531 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve Section 106 of this bill in its entirety. This section requires the Office of Energy Independence to collect and report data on all grants and loans provided under the Iowa Power Fund. I am disapproving this language because it is unnecessary and duplicative. The Office of Energy Independence already collects and provides information about the effectiveness of the Power Fund, which is helping our state become more energy independent and creating jobs.

I am unable to approve Section 112 subsection 3, paragraph a, of this bill in its entirety. Current law requires pharmacy technicians to obtain national certification by July 1, 2010. In addition, current law provides that new technicians who register beginning July 1, 2009, are to be granted one year from the date of their registrations with the Iowa Board of Pharmacy to show proof of having obtained national certification. This one year period is critical because new registrants use this time to obtain on-the-job experience working with licensed pharmacists, which enhances the technicians' readiness to take the national certification examination. This provision eliminates the one year period until December 31, 2012; this means technicians who have registered since July 1, 2009 now must show proof of having obtained national certification by July 1, 2010, but no longer have the year to prepare for the national certification examination. This will likely affect up to 600 individuals. In addition, new pharmacy technicians would now need to be nationally certified prior to even registering with the board, which will likely affect up to 1,000 new technicians per year.

For the above reasons, I hereby respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in House File 2531 are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

April 29, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2367, an Act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date and retroactive applicability provisions. Senate File 2367 is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve the item designated in Section 13, subsection 4, paragraph b of the bill in its entirety. This paragraph directs the Department of Inspections and Appeals to provide information to the public relating to inspections, operating costs,

and FTE positions. I strongly encourage the Department to continue its efforts to provide greater transparency, however I disapprove this language because some of this data is already being collected and controlled by the federal government. Because the Department has already made much of this information, especially regarding inspections, part of the public record, the added expense that would be required to assemble and maintain the information to meet the legislative requirement is fiscally burdensome.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 2367 are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

April 29, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2378, an Act relating to and making appropriations to the justice system, modifying certain traffic offenses, fees and fines, and including effective date provisions. Senate File 2378 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 4, subsection 5 of the bill in its entirety. This provisions calls for the Department of Corrections to eliminate the chief security officer position. The funding for this position has already been eliminated as a result of budget cuts and this language is unnecessary.

I am unable to approve the item designated as Section 5, subsection 6 of the bill in its entirety. This provision would require all Community Based Correctional (CBC) Facilities to accept offenders transferred from other judicial districts without consideration of evidence-based practices regarding supervisory status. I disapprove this language to assure that each CBC facility will maintain control of the types and numbers of offenders whom they serve in their respective residential programs.

I also am unable to approve the related section designated as Section 17 of the bill in its entirety. This section creates an effective-upon-enactment date for the item above (Section 4, subsection 5) related to the elimination the Department of Corrections chief security officer position.

I am also unable to approve the item designated as Section 18, subsection 3, lettered paragraph "ag" of the bill in its entirety. This language creates two different fines for violations of Iowa Code section 321.437 related to rear view mirrors and side view mirrors and conflicts with subsection 12, lettered paragraph "b" of the bill. This disapproval will correct the inconsistency immediately rather than waiting for the next legislative session to take corrective action.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 2378 are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

April 26, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2389, an Act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date. Senate File 2389 is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve paragraph 2 of section 49 of this bill in its entirety. This paragraph imposes certain time restrictions on the ability of the Department of Administrative Services (DAS) to relocate certain state agencies to space in the Mercy Capitol building. I am supportive of those sections of this bill that obligate DAS to undertake cost-benefit analyses before making certain agency relocation decisions, as presented under this section of the bill. However, if paragraph 2 of section 49 of this bill were to be implemented, taxpayer money would not be used in the most efficient manner possible, and certain administrative actions and expenses that had been undertaken prior to the passage of this bill would be unduly interfered with, resulting in the waste of taxpayer funds. For example, DAS has already expended funds and entered into agreements to purchase new telephones and to install new telephone lines into Mercy Capitol. A state agency that has already budgeted for its move to this building will save \$143,000 in annual rental payments, but would be prevented from doing so under this paragraph. The disapproval action I have described will allow DAS to save taxpayer money while prudently investing in Mercy Capitol and in the tenancies of state agencies that will reside there, on a cost-beneficial basis, in coming years.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 2389 are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

COMMITTEE REVISIONS

The Speaker announced the following changes to the House committee assignments, effective April 14, 2010:

Ficken of Buchanan was appointed chair on the committee on **education**.

Wendt of Woodbury was appointed vice-chair on the committee on **education**.

Swaim of Davis was appointed vice-chair on the committee on **government oversight**.

Palmer of Mahaska replaced Ford of Polk on the committee on **government oversight**.

D. Olson of Boone replaced Whitead of Woodbury on the committee on **government oversight**.

SUPPLEMENT TO HOUSE JOURNAL**BILLS APPROVED, VETOED, OR ITEM VETOED
SUBSEQUENT TO ADJOURNMENT**

The following is a record of the action of the Governor on the bills passed by the 2010 Regular Session of the Eighty-third General Assembly and which action was had subsequent to the date of final adjournment.

- H.F. 674— Relating to reporting the treatment of serious wounds received as the result of a crime to a law enforcement agency and making penalties applicable. Approved 4-12-10.
- H.F. 726— Providing for unincorporated nonprofit associations, and providing for fees and penalties. Approved 4-7-10.
- H.F. 788— Concerning alcohol beverage control, relating to minors and public intoxication or possession of alcohol and prohibiting certain liquor control, wine, or beer licensees or permittees from knowingly permitting or engaging in criminal activity in areas adjacent to the licensed premises and making penalties applicable. Approved 4-12-10.
- H.F. 823— Requiring public schools, community colleges, institutions under the control of the state board of regents, and state agencies to comply with an environmentally preferable cleaning and maintenance policy unless specified conditions for noncompliance are satisfied. Approved 4-23-10.
- H.F. 2193— Relating to emergency medical care providers, emergency medical care service programs and emergency medical care services training programs, and providing penalties. Approved 4-21-10.
- H.F. 2197— Providing veterans a holiday for veterans day and making penalties applicable. Approved 4-27-10.
- H.F. 2200— Relating to the carrying of a gun in or on a vehicle on a public highway and making penalties applicable. Approved 4-7-10.
- H.F. 2229— Prohibiting the imposition by a dental plan of fee schedules for the provision of dental services that are not covered by the plan. Approved 4-29-10.
- H.F. 2284— Relating to various activities regulated and programs administered by the department of public health, including fetal death certification, and optometry, cosmetology, and barbering licensure. Approved 4-23-10.

- H.F. 2294— Relating to the distribution of moneys from the disaster aid individual assistance grant fund. Approved 4-21-10.
- H.F. 2310— Relating to raising or releasing pen-reared pheasants originating from a hatchery approved by the department of natural resources. Approved 4-29-10.
- H.F. 2370— Relating to enterprise zones by extending the application deadline for certification of enterprise zones and by updating certain fiscal year limitations. Approved 4-14-10.
- H.F. 2377— Relating to extending a period of probation and including applicability provisions. Approved 4-28-10.
- H.F. 2399— Requiring certain rate-regulated public utilities to undertake analyses of and preparation for the possible construction of low carbon emitting nuclear generating facilities in this state, permitting all rate-regulated public utilities to make significant alterations to an existing generating facility, and including effective date provisions. Approved 4-28-10.
- H.F. 2409— Eliminating specified mortgage loan disclosure statement filing requirements applicable to financial institutions. Approved 4-7-10.
- H.F. 2414— Relating to service in an honor guard unit on public property. Approved 4-27-10.
- H.F. 2418— Relating to periodic evaluations of certain air quality standards. Approved 4-7-10.
- H.F. 2432— Relating to a study of the opportunities for recruiting racial and ethnic minority teachers. Approved 4-13-10.
- H.F. 2437— Relating to private sewage disposal system inspections and groundwater hazard statements as part of certain property transfers. Approved 4-8-10.
- H.F. 2438— Relating to the criminal offense of enticing or attempting to entice a minor and providing penalties. Approved 4-12-10.
- H.F. 2454— Providing for the development of programs to attract qualified disabled veterans for job opportunities in state government. Approved 4-27-10.
- H.F. 2456— Concerning the use of electronic communication devices while driving, and providing penalties. Approved 4-1-10.
- H.F. 2458— Relating to restrictions on mowing within the right-of-way of interstates, primary highways, and secondary roads. Approved 4-23-10.
- H.F. 2459— Relating to watersheds. Approved 4-7-10.

- H.F. 2473— Relating to criminal offense definitions, penalties, and the forfeiture of an unsecured appearance bond in a criminal proceeding. Approved 4-12-10.
- H.F. 2483— Relating to trusts and estates including provisions relating to state inheritance tax, uniform transfers to minors, and medical assistance claims, and including an applicability provision. Approved 4-14-10.
- H.F. 2484— Exempting certain boat harbors from certain dock requirements and including effective date provisions. Approved 4-10-10.
- H.F. 2485— Relating to public employee collective bargaining. Approved 4-23-10.
- H.F. 2487— Relating to the allocation, issuance, reporting, recapture, and reallocation of recovery zone bonds, and including effective date provisions. Approved 4-7-10.
- H.F. 2496— Relating to recycling initiatives. Approved 4-23-10.
- H.F. 2512— Concerning weight limits for certain commercial motor vehicles on noninterstate highways. Approved 4-15-10.
- H.F. 2518— Concerning public retirement systems, including the public safety peace officers' retirement system, and the statewide fire and police retirement system, making appropriations, and including effective date and retroactive applicability provisions. Approved 4-23-10.
- H.F. 2519— Relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants, the federal American Recovery and Reinvestment Act of 2009, and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, and including effective date and retroactive applicability provisions. Approved 4-28-10.
- H.F. 2522— 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. Approved 4-28-10.
- H.F. 2525— Relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and including effective and applicability date provisions. Approved 4-29-10 with the exception of Sections 13 and 14. See Governor's Item Veto Message.

- H.F. 2526— Relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions. Approved 4-29-10 with the exception of Sections 72 and 80. See Governor's Item Veto Message.
- H.F. 2531— Relating to state and local finances by providing for funding of property tax credits and reimbursements, 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. Approved 4-29-10 with the exception of Section 106; Section 112, subsection 3, paragraph a. See Governor's Item Veto Message.
- H.F. 2532— Exempting from the computation of the state individual income tax certain amounts received from the veterans trust fund and including a retroactive applicability provision. Approved 4-6-10.
- S.J.R. 2007— Supporting the preservation efforts for the Battleship Iowa, BB-61. Approved 4-12-10.
- S.F. 153— To allow medical or osteopathic physicians, and physician assistants to form limited liability companies or professional corporations. Approved 4-13-10.
- S.F. 285— Relating to magistrate jurisdiction, specifying certain traffic-related offenses as simple misdemeanors, making other related changes to simple misdemeanor offenses, and providing a penalty. Approved 4-21-10.
- S.F. 393— Relating to access to obscene materials and child in need of assistance proceedings and child abuse reporting. Approved 4-23-10.
- S.F. 431— Relating to the reorganization of operating-while-intoxicated criminal offenses, making related changes, and providing an effective date. Approved 4-12-10.
- S.F. 2156— Relating to the IowaCare program, and providing for repeals. Approved 4-21-10.
- S.F. 2158— Relating to child support recovery including child support provisions for minor parents, medical support, and the review and adjustment process. Approved 4-21-10.
- S.F. 2175— Providing for representation of military veterans on certain mental health policy bodies. Approved 4-6-10.

- S.F. 2192— Prohibiting the running of a transfer fee covenant with the title to real property and including effective date and applicability provisions. Approved 4-23-10.
- S.F. 2199— Relating to the collection of the use tax on manufactured housing, the licensing of manufactured home retailers, amending statutory references to certain types of home dealers, establishing titling procedures for certain manufactured and mobile homes, making penalties applicable, and including effective date provisions. Approved 4-7-10.
- S.F. 2200— Relating to transfer of guardianship for a child in need of assistance to the probate court. Approved 4-21-10.
- S.F. 2201— 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, a health care and insurance cost work group, applications for health insurance rate increases, an internet consumer guide, examination of insurance companies, life insurance companies and associations, special health and accident insurance coverages, 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 and including effective date provisions. Approved 4-9-10.
- S.F. 2215— Relating to the use of genetic information and samples for genetic testing and providing for civil and administrative enforcement and providing penalties. Approved 4-23-10.
- S.F. 2216— Allowing certain game birds to be shot when released on a licensed hunting preserve and providing a penalty. Approved 4-23-10.
- S.F. 2220— Relating to the contents of certain motor carrier transportation contracts by declaring certain indemnity provisions to be unlawful and void. Approved 4-23-10.
- S.F. 2226— Relating to custody, physical care, and visitation provisions relating to a child of a parent who is serving active duty in the military service of the United States and including effective date provisions. Approved 4-27-10.
- S.F. 2250— Creating the criminal offense of aggravated theft, and providing a penalty. Approved 4-12-10.
- S.F. 2254— Relating to the powers and duties of county treasurers to assess certain property associated with fence disputes and water districts and to keep certain records. Approved 4-8-10.

- S.F. 2267– Relating to the home modification requirements under the Medicaid home and community-based services waiver for the elderly. Approved 4-23-10.
- S.F. 2273– Relating to a study regarding implementation of electronic registration and titling of vehicles, and containing effective date provisions. Approved 4-7-10.
- S.F. 2274– Relating to certain national security and military education benefits and programs. Approved 4-27-10.
- S.F. 2279– Relating to voluntary shared work plans under the unemployment compensation program. Approved 4-7-10.
- S.F. 2286– Relating to the regulation of professional and amateur mixed martial arts matches and events by the labor commissioner and providing penalties. Approved 4-9-10.
- S.F. 2297– Concerning veterans and military service, including waivers and refunds of certain fees, use of state facilities, public utility disconnection of service, weapons permit renewals, and declarations for disposition of remains. Approved 4-27-10.
- S.F. 2304– Relating to vehicular accident reporting requirements by increasing the minimum amount of property damage necessitating a written report. Approved 4-23-10.
- S.F. 2310– Creating a natural resources and outdoor recreation trust fund to implement a proposed amendment to the Constitution of the State of Iowa, and providing for contingent implementation. Approved 4-23-10.
- S.F. 2318– Concerning and affecting veterans and military members, related to employment benefits, professional licensing, and interest rate limit enforcement, and making penalties applicable. Approved 4-27-10.
- S.F. 2324– Modifying provisions relating to franchises for the provision of cable service or video service, and including effective date provisions. Approved 4-12-10.
- S.F. 2331– Relating to participation of chiropractors in the hawk-I program. Approved 4-14-10.
- S.F. 2333– Relating to health care facilities and programs, including hospital inspector requirements and dependent adult abuse and providing penalties. Approved 4-29-10.
- S.F. 2343– Relating to the appointment of judicial officers and senior judges. Vetoed 4-28-10. See Governor's Veto Message.
- S.F. 2344– Relating to the violator facility established within the department of corrections. Approved 4-21-10.

- S.F. 2345— Relating to judicial branch administration, child custody and visitation matters. Approved 4-23-10.
- S.F. 2348— Providing for the licensing and regulation of real estate closing agents, making penalties applicable, and including effective date provisions. Approved 4-7-10.
- S.F. 2354— Relating to campaign finance, including political campaign activities and independent expenditures by corporations, making penalties applicable, and including effective date provisions. Approved 4-8-10.
- S.F. 2356— Relating to the health care including Iowacare program provisions and the creation of an Iowa insurance information exchange to promote transparency, quality, seamlessness, and informed choices relative to health care coverage. Approved 4-14-10.
- S.F. 2366— Relating to public funding and regulatory matters and making, reducing, and supplementing appropriations for expenditures in the fiscal year beginning July 1, 2009, and including effective date and retroactive applicability provisions. Approved 4-15-10.
- S.F. 2367— Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date and retroactive applicability provisions. Approved 4-29-10 with the exception of Section 13, subsection 4, paragraph b. See Governor's Item Veto Message.
- S.F. 2371— Relating to royalty fees for removal of sand and gravel from state-owned lands and waters located on the Cedar river in certain counties and including effective date provisions. Approved 4-23-10.
- S.F. 2373— Relating to the administration of the replacement tax for new cogeneration facilities, and including effective date and retroactive applicability provisions. Approved 4-23-10.
- S.F. 2375— Relating to the administration of the sales and use taxes under the streamlined sales tax agreement and including effective date provisions. Approved 4-21-10.
- S.F. 2376— 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 including a study of the open meetings and public records laws, and including effective date and applicability provisions. Approved 4-22-10.
- S.F. 2377— Relating to and making appropriations to the judicial branch. Approved 4-28-10.

- S.F. 2378— Relating to and making appropriations to the justice system, modifying certain traffic offenses, fees and fines, and including effective date provisions. Approved 4-29-10 with the exception of Section 4, subsection 5; Section 5, subsection 6; Section 17; Section 18, subsection 3, paragraph ag. See Governor's Item Veto Message.
- S.F. 2379— Relating to permits to carry weapons and permits to acquire pistols and revolvers including the dissemination of information relating to persons suffering from mental and substance abuse health-related disorders and the possession of firearms and providing penalties and an effective date. Approved 4-29-10.
- S.F. 2380— Relating to taxation, including the administration and review of certain economic development programs and certain tax incentive programs and the reenactment of the estate tax and including effective date and retroactive and other applicability provisions. Approved 4-15-10.
- S.F. 2381— 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. Approved 4-28-10.
- S.F. 2383— 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. Approved 4-21-10.
- S.F. 2384— Relating to the nursing workforce including the establishment of an Iowa needs nurses now initiative. Approved 4-21-10.
- S.F. 2387— Providing for a sales tax exemption for specified purchases made by a regional blood testing facility registered by the federal food and drug administration. Approved 4-21-10.
- S.F. 2388— Establishing a hospital health care access assessment program, providing penalties, providing a future repeal, and including effective date and contingent implementation provision. Approved 4-14-10.
- S.F. 2389— Relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date. Approved 4-26-10 with the exception of Section 49, paragraph 2. See Governor's Item Veto Message.

GOVERNOR'S VETO MESSAGE

A copy of the following communication was received and placed on file:

April 28, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby disapprove and transmit to you Senate File 2343, an Act relating to the appointment of judicial officers and senior judges, without my signature, in accordance with Article III, Section 16 of the Constitution of the State of Iowa.

I support the principles behind much of Senate File 2343 including: Section 4 that provides additional flexibility for the residency requirements for associate district court judges by requiring residency within the judicial district rather than the current requirement of county; Section 5 that provides additional flexibility in the selection of magistrates by allowing magistrates to be residents of a contiguous county; and Sections 6 through 8 that make technical changes to the senior judge program.

However, I am unable to approve Senate File 2343 for the following reasons. Section 1 of this bill creates an additional requirement on the appointment of Iowans to the district judicial nominating commissions by requiring that only one appointed commissioner may be appointed from each county unless there are fewer counties than commissioners. While I support the concept of geographic representation among the appointed members of the district judicial nominating commissions, I believe this is most appropriately applied as a criterion in choosing individuals for appointment to the commissions rather than as a statutory mandate. By placing this requirement in law, qualified individuals who wish to serve on the commissions may be excluded from service simply because there is currently a member of the commission from that county.

Sections 2 and 3 of this bill substantially alter the process for filling judicial vacancies, by allowing the Chief Justice of the Supreme Court the authority to delay the appointment of judges and associate judges for up to one year. Under Article V, Section 10 of the Constitution of the State of Iowa the responsibility for determining judicial districts and the number of judges within a judicial district is assigned to the General Assembly. I believe the Constitution has appropriately placed these responsibilities with the General Assembly which is more immediately accountable to Iowans. Section 2, shifts much of the authority vested by the Constitution with the General Assembly to the Chief Justice by allowing the Chief Justice to delay an appointment for "budgetary reasons" with no further explanation required.

With this change, the Chief Justice could for all practical purposes determine the number of judges in each judicial district by deciding which judicial openings are filled and which are delayed. To delay judicial appointments for up to one year for

“budgetary reasons” without any public accountability or additional criteria is excessively vague. Iowans expect more precise standards for determining if judicial vacancies are filled. Furthermore, allowing such discretion creates additional potential to limit Iowans access to courts and delay court proceedings. The sunset provision repealing the sections in 2013 is insufficient to alleviate my concerns about this shift in responsibilities between the branches of government.

The remaining sections of this bill advance important public policy objectives including modifying the residency restrictions for district associate judges and magistrates and modifying the requirements for senior judges. I have no objections to these sections.

I commend the Judicial Branch under the Chief Justice’s leadership for continuing to provide access to the Courts to Iowans even under challenging budgetary circumstances.

For all these reasons, I hereby disapprove and transmit to you, without my signature, Senate File 2343, in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Sincerely
Chester J. Culver
Governor

GOVERNOR'S ITEM VETO MESSAGES

A copy of the following communications were received and placed on file:

April 29, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2525, an Act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and including effective and applicability date provisions. House File 2525 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve Section 13 of House File 2525 in its entirety. This section eliminates the positions of the Chief and Assistant Chief of the Law Enforcement Bureau of the Department of Natural Resources. I am disapproving this language because these two positions are critical to the Department's mission and public safety. Both of these positions are funded with Fish and Wildlife Trust Fund monies and elimination of these two positions will not save any General Fund dollars. Furthermore, Section 13 is an unnecessary infringement on Executive Branch authority.

I am also unable to approve Section 14 in its entirety. This section makes the elimination of the positions of Chief and Assistant Chief of the Law Enforcement Bureau of the Department of Natural Resources effective upon enactment of House File 2525. Since I am disapproving Section 13, which would have eliminated these two positions, this language in Section 14 is, therefore, unnecessary.

For the above reasons, I hereby respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in House File 2525 are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

April 29, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2526, an Act relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions. House File 2526 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 72 of the bill in its entirety. This provision deals with food establishment inspections and contracting with a municipal corporation to fulfill the department's regulatory and inspection statutory responsibilities. I disapprove this language because it takes away the department's discretion to maximize staff and resources, and to enter into contracts based upon efficient government, which is especially important during these difficult economic times.

I am unable to approve the item designated as Section 80 of the bill in its entirety. This provision permits unexpended decategorization funding to carry forward for two succeeding fiscal years beyond the current fiscal year. Given the difficult economic times, the additional time to expend these funds is not prudent and should not be allowed. Other than capital expenditures, a two-year carry forward is not commonly allowed in Iowa law. Furthermore, this does not conform to reasonable government accounting practices.

For the above reasons, I hereby respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in House File 2526 are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

April 29, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2531, an Act relating to state and local finances by providing for funding of property tax credits and reimbursements, 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. House File 2531 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve Section 106 of this bill in its entirety. This section requires the Office of Energy Independence to collect and report data on all grants and loans provided under the Iowa Power Fund. I am disapproving this language because it is unnecessary and duplicative. The Office of Energy Independence already collects and provides information about the effectiveness of the Power Fund, which is helping our state become more energy independent and creating jobs.

I am unable to approve Section 112 subsection 3, paragraph a, of this bill in its entirety. Current law requires pharmacy technicians to obtain national certification by July 1, 2010. In addition, current law provides that new technicians who register beginning July 1, 2009, are to be granted one year from the date of their registrations with the Iowa Board of Pharmacy to show proof of having obtained national certification. This one year period is critical because new registrants use this time to obtain on-the-job experience working with licensed pharmacists, which enhances the technicians' readiness to take the national certification examination. This provision eliminates the one year period until December 31, 2012; this means technicians who have registered since July 1, 2009 now must show proof of having obtained national certification by July 1, 2010, but no longer have the year to prepare for the national certification examination. This will likely affect up to 600 individuals. In addition, new pharmacy technicians would now need to be nationally certified prior to even registering with the board, which will likely affect up to 1,000 new technicians per year.

For the above reasons, I hereby respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in House File 2531 are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

April 29, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2367, an Act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date and retroactive applicability provisions. Senate File 2367 is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve the item designated in Section 13, subsection 4, paragraph b of the bill in its entirety. This paragraph directs the Department of Inspections and Appeals to provide information to the public relating to inspections, operating costs,

and FTE positions. I strongly encourage the Department to continue its efforts to provide greater transparency, however I disapprove this language because some of this data is already being collected and controlled by the federal government. Because the Department has already made much of this information, especially regarding inspections, part of the public record, the added expense that would be required to assemble and maintain the information to meet the legislative requirement is fiscally burdensome.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 2367 are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

April 29, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2378, an Act relating to and making appropriations to the justice system, modifying certain traffic offenses, fees and fines, and including effective date provisions. Senate File 2378 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 4, subsection 5 of the bill in its entirety. This provisions calls for the Department of Corrections to eliminate the chief security officer position. The funding for this position has already been eliminated as a result of budget cuts and this language is unnecessary.

I am unable to approve the item designated as Section 5, subsection 6 of the bill in its entirety. This provision would require all Community Based Correctional (CBC) Facilities to accept offenders transferred from other judicial districts without consideration of evidence-based practices regarding supervisory status. I disapprove this language to assure that each CBC facility will maintain control of the types and numbers of offenders whom they serve in their respective residential programs.

I also am unable to approve the related section designated as Section 17 of the bill in its entirety. This section creates an effective-upon-enactment date for the item above (Section 4, subsection 5) related to the elimination the Department of Corrections chief security officer position.

I am also unable to approve the item designated as Section 18, subsection 3, lettered paragraph "ag" of the bill in its entirety. This language creates two different fines for violations of Iowa Code section 321.437 related to rear view mirrors and side view mirrors and conflicts with subsection 12, lettered paragraph "b" of the bill. This disapproval will correct the inconsistency immediately rather than waiting for the next legislative session to take corrective action.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 2378 are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

April 26, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2389, an Act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date. Senate File 2389 is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve paragraph 2 of section 49 of this bill in its entirety. This paragraph imposes certain time restrictions on the ability of the Department of Administrative Services (DAS) to relocate certain state agencies to space in the Mercy Capitol building. I am supportive of those sections of this bill that obligate DAS to undertake cost-benefit analyses before making certain agency relocation decisions, as presented under this section of the bill. However, if paragraph 2 of section 49 of this bill were to be implemented, taxpayer money would not be used in the most efficient manner possible, and certain administrative actions and expenses that had been undertaken prior to the passage of this bill would be unduly interfered with, resulting in the waste of taxpayer funds. For example, DAS has already expended funds and entered into agreements to purchase new telephones and to install new telephone lines into Mercy Capitol. A state agency that has already budgeted for its move to this building will save \$143,000 in annual rental payments, but would be prevented from doing so under this paragraph. The disapproval action I have described will allow DAS to save taxpayer money while prudently investing in Mercy Capitol and in the tenancies of state agencies that will reside there, on a cost-beneficial basis, in coming years.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 2389 are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

COMMITTEE REVISIONS

The Speaker announced the following changes to the House committee assignments, effective April 14, 2010:

Ficken of Buchanan was appointed chair on the committee on **education**.

Wendt of Woodbury was appointed vice-chair on the committee on **education**.

Swaim of Davis was appointed vice-chair on the committee on **government oversight**.

Palmer of Mahaska replaced Ford of Polk on the committee on **government oversight**.

D. Olson of Boone replaced Whitead of Woodbury on the committee on **government oversight**.

AMENDMENTS FILED

Amendments filed during the Eighty-third General Assembly,
2010 Session, not otherwise printed in the House Journal:

H-8002

- 1 Amend House File 2033 as follows:
- 2 1. Page 1, by striking lines 16 through 19 and
- 3 inserting "intervention to be implemented."

FORD of Polk

H-8003

- 1 Amend House File 2033 as follows:
- 2 1. Page 1, line 3, by striking ,<a.>
- 3 2. By striking page 1, line 11, through page 2,
- 4 line 4.

FORD of Polk

H-8005

- 1 Amend House File 2032 as follows:
- 2 1. Page 1, by striking lines 1 through 8 and
- 3 inserting:
- 4 <"Section 1. Section 257.8, subsection 2, Code
- 5 Supplement 2009, is amended to read as follows:
- 6 2. Categorical state percent of growth. The
- 7 categorical state percent of growth for the budget
- 8 year beginning July 1, 2010, is two percent. The
- 9 categorical state percent of growth for ~~each a~~ budget
- 10 year shall be established by statute which shall
- 11 be enacted within thirty days of the submission in
- 12 ~~the year preceding~~ the base year of the governor's
- 13 budget under section 8.21. The establishment of the
- 14 categorical state percent of growth for a budget year
- 15 shall be the only subject matter of the bill which
- 16 enacts the categorical state percent of growth for a
- 17 budget year. The categorical state percent of growth
- 18 may include state percents of growth for the teacher
- 19 salary supplement, the professional development
- 20 supplement, and the early intervention supplement.>
- 21 2. Title page, by striking lines 1 through 4
- 22 and inserting: <An Act modifying the deadline for
- 23 establishment of the categorical state percent of

24 growth for purposes of the state school foundation
 25 program and including effective date provisions.>

RANTS of Woodbury
 MAY of Dickinson
 DOLECHECK of Ringgold

H-8006

1 Amend House File 2033 as follows:
 2 1. Page 1, line 3, by striking <a.>
 3 2. By striking page 1, line 11, through page 2,
 4 line 4.

KOESTER of Polk

H-8007

1 Amend House File 2033 as follows:
 2 1. Page 2, after line 4 by inserting:
 3 <Sec. ___.Section 256.22, Code 2009, is amended
 4 to read as follows:
 5 256.22 ~~Extended Frontier school and extended year~~
 6 school grant program.
 7 1. Subject to an appropriation of sufficient
 8 funds by the general assembly, the department shall
 9 establish ~~an a frontier school and~~ extended year
 10 school grant program to provide for the allocation
 11 of grants to school districts, or a collaboration of
 12 school districts, to provide technical assistance
 13 for conversion of an existing school to a frontier
 14 school or an extended school year calendar, or for
 15 investigating the possibility of converting an existing
 16 school within a district to a frontier school or an
 17 extended school year calendar. The school district
 18 or collaboration of school districts shall agree to
 19 appoint a planning committee composed of parents,
 20 guardians, teachers, administrators, and individuals
 21 representing business, and the local community. The
 22 school district or collaboration shall also indicate
 23 in its request its intention to use any grant moneys
 24 received under this section to examine, at a minimum,
 25 all of the following:
 26 a. Mission and instructional focus of the school.
 27 b. Organizational structure and management of the
 28 school.
 29 c. Impact of labor agreements and contracts on the
 30 success of the school.
 31 d. Roles and responsibilities of all involved
 32 constituencies.
 33 e. Arrangements for special needs students.
 34 f. Connection of the school to the district.

35 g. Facility and operation costs.
 36 h. Measurement of results including student
 37 achievement results.
 38 2. Grant moneys shall be distributed to qualifying
 39 school districts by the department no later than
 40 October 15, ~~1999~~ 2010. Grant amounts shall be
 41 distributed as determined by the department. Not
 42 more than fifteen of the grants awarded per year in
 43 accordance with this section shall be used for purposes
 44 of frontier school planning or conversion.
 45 3. By February 15, ~~1999~~ 2011, a school district
 46 or collaboration of districts receiving moneys under
 47 this section shall submit an interim report to the
 48 department describing the planning activities conducted
 49 by the school district or the collaboration and
 50 providing preliminary conclusions. The school district

Page 2

1 or collaboration shall submit a final report by June
 2 1, ~~1999~~ 2011, to the department. The department shall
 3 summarize the school district reports in a final report
 4 ~~to the chairpersons and ranking members of the house~~
 5 ~~and senate standing education committees general~~
 6 ~~assembly by January 1, 2000~~ 2012.
 7 4. For purposes of this section, "frontier
 8 school" means a school that is nonsectarian in its
 9 program, admission policies, employment practices, and
 10 all other operations. The school is a public school
 11 and is part of the state's system of public education.
 12 The primary focus of a frontier school shall be to
 13 provide a comprehensive program of instruction for at
 14 least one grade or age group from five through eighteen
 15 years of age. Frontier schools may be designed to
 16 allow significant autonomy to the schools. However,
 17 frontier schools shall be accountable for significant
 18 results.
 19 5. Except as provided in this subsection, frontier
 20 schools are exempt from all statutes and rules
 21 applicable to a school, a school board, or a school
 22 district, although a frontier school may elect to
 23 comply with one or more provisions of statute or rule.
 24 However, a frontier school shall meet all applicable
 25 state and local health and safety requirements; the
 26 frontier school shall be organized and operated as a
 27 nonprofit cooperative association under chapter 498 or
 28 nonprofit corporation under chapter 504; the provisions
 29 of chapters 21 and 22 shall apply to meetings and
 30 records of the frontier school board; and frontier
 31 schools are subject to and shall comply with chapters
 32 216 and 216A relating to civil and human rights, and
 33 sections 275.55A, 279.9A, 280.17B, 280.21B, and 282.4.

34 relating to suspension and expulsion of a student. The
 35 frontier school shall employ or contract with necessary
 36 teachers, as defined in section 272.1, who hold a valid
 37 license with an endorsement for the type of service for
 38 which the teacher is employed. Frontier schools are
 39 subject to the same financial audits, audit procedures,
 40 and audit requirements as a school district. The
 41 audits shall be consistent with the requirements of
 42 sections 11.6, 11.14, 11.19, 256.9, subsection 19, and
 43 section 279.29, except to the extent deviations are
 44 necessary because of the program at the school. The
 45 department, auditor of state, or the legislative fiscal
 46 bureau may conduct financial, program, or compliance
 47 audits. The provisions of chapter 20 shall not apply
 48 to the board of directors of a frontier school or its
 49 employees.
 50 6. Notwithstanding section 8.33, unencumbered or

Page 3

- 1 unobligated funds remaining on June 30 of the fiscal
- 2 year for which the funds were appropriated shall not
- 3 revert but shall be available for expenditure for the
- 4 following fiscal year for purposes of this section.>
- 5 2. Title page, line 2, after <schools,> by
- 6 inserting <the establishment of a frontier school or
- 7 extended year school grant program,>
- 8 3. By renumbering as necessary.

DOLECHECK of Ringgold

H-8008

- 1 Amend House File 2031 as follows:
- 2 1. Page 1, by striking lines 1 through 9 and
- 3 inserting:
- 4 <Sec. ___.Section 257.8, subsection 1, Code
- 5 Supplement 2009, is amended to read as follows:
- 6 1. State percent of growth. The state percent
- 7 of growth for the budget year beginning July 1,
- 8 2009, is four percent. The state percent of growth
- 9 for the budget year beginning July 1, 2010, is
- 10 two percent. The state percent of growth for ~~each~~
- 11 ~~subsequent~~ a budget year shall be established by
- 12 statute which shall be enacted within thirty days of
- 13 the submission in ~~the year preceding~~ the base year
- 14 of the governor's budget under section 8.21. The
- 15 establishment of the state percent of growth for a
- 16 budget year shall be the only subject matter of the
- 17 bill which enacts the state percent of growth for a
- 18 budget year.>
- 19 2. Title page, by striking lines 1 through 4

20 and inserting: <An Act modifying the deadline for
 21 establishment of the state percent of growth for
 22 purposes of the state school foundation program and
 23 including effective date provisions.>

RANTS of Woodbury
 MAY of Dickinson
 DOLECHECK of Ringgold

H-8013

1 Amend House Concurrent Resolution 103 as follows:
 2 1. Page 1, line 3, after <changes> by
 3 inserting <and voting>
 4 2. Page 1, after line 3 by inserting:
 5 <Be It Resolved By The House Of Representatives, The
 6 Senate Concurring, That the Joint Rules of the Senate
 7 and House of Representatives, as adopted by the Senate
 8 and House of Representatives during the 2009 Session
 9 in House Concurrent Resolution 3, are amended by adding
 10 the following new rule:'

11 NEW RULE.

12 Rule 4A

13 Voting

14 Voting in the senate and house of representatives
 15 shall not occur between midnight and 8:00 a.m. on any
 16 legislative day. >
 17 3. Page 1, line 4, after <IT> by
 18 inserting <FURTHER>

COWNIE of Polk
 RAECKER of Polk

H-8017

1 Amend Senate File 2033, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 14, after line 33 by inserting:
 4 <Sec. ____ FEDERAL RACE TO THE TOP GRANT FUNDS –
 5 COLLECTIVE BARGAINING RESTRICTION. Notwithstanding
 6 chapter 20, federal race to the top funds that a school
 7 district receives under the federal American Recovery
 8 and Reinvestment Act of 2009, Pub.L. No.111-5, for
 9 performance-based on merit pay, shall not be subject to
 10 mandatory negotiations under chapter 20. >
 11 2. By renumbering as necessary.

HEATON of Henry

H-8020

- 1 Amend Senate File 2033, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 16 through 19 and
4 inserting <intervention to be implemented.>

FORD of Polk

H-8021

- 1 Amend Senate File 2033, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 10, after line 20 by inserting:
4 <Sec. __. Section 256F.5, Code 2009, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 18. Assurance that an area
7 education agency participating in an innovation
8 zone consortium will expand its efforts to provide
9 multicultural training for teachers employed at the
10 innovation zone school. >
11 2. By renumbering as necessary.

FORD of Polk

H-8022

- 1 Amend Senate File 2033, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 3, by striking <a. >
4 2. By striking page 1, line 11, through page 2,
5 line 4.

FORD of Polk

H-8024

- 1 Amend House File 234 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. HEALTH INSURANCE COVERAGE FOR MENTAL
5 HEALTH CONDITIONS – INTENT. It is the intent of the
6 general assembly to require health insurance coverage
7 for costs relating to mental health conditions,
8 including alcohol or substance abuse treatment
9 services.>
10 2. Title page, line 1, by striking <requiring>
11 and inserting <expressing the intent of the general
12 assembly to require>

COMMITTEE ON HUMAN RESOURCES

H-8026

1 Amend House File 2110 as follows:

2 1. Page 1, line 9, after <5.> by inserting <Any
3 benefits paid pursuant to this paragraph out of the
4 unemployment compensation fund shall be reimbursed from
5 the general fund at the end of each fiscal year.>

HORBACH of Tama

H-8027

1 Amend House File 2110 as follows:

2 1. Page 1, by striking lines 3 through 7 and
3 inserting:
4 <NEW PARAGRAPH. b. The individual's leaving was
5 caused by the individual's spouse being injured while
6 serving as a member of the military. The individual
7 shall provide a letter from the individual's spouse's
8 doctor stating that full-time care for the spouse is
9 necessary, in order for the individual to qualify
10 for benefits. The employer's account shall not be
11 charged for any benefits paid to an individual who
12 leaves to care for a spouse injured while serving in
13 the military. Relief of charges under this paragraph
14 applies to>
15 2. Title page, by striking lines 2 through 3 and
16 inserting <who leave employment in order to care for a
17 spouse who is injured while serving as a member of the
18 military.>

TYMESON of Madison

H-8028

1 Amend House File 2110 as follows:

2 1. Page 1, by striking lines 3 through 9 and
3 inserting:
4 <NEW PARAGRAPH. b. (1) The individual left
5 employment to accompany the individual's spouse who
6 was relocated due to a military assignment in another
7 area or the individual left employment to relocate more
8 than fifty miles away due to the individual's spouse's
9 military deployment to another state or country and the
10 individual's employer has no work available in the new
11 area.
12 (2) This exception for benefits only applies if the
13 individual's spouse is a member of the following:
14 (a) A member of the national guard or organized
15 reserves of the armed forces of the United States
16 ordered to temporary duty, as defined in section 29A.1,
17 subsection 3, 11, or 12, for any purpose.

18 (b) A member of the civil air patrol performing
 19 duty pursuant to section 29A.3A.
 20 (3) The employer's account shall not be charged
 21 for any benefits paid to an individual who leaves
 22 employment to accompany a spouse who was relocated due
 23 to a military assignment. Relief of charges under
 24 this subparagraph applies to both contributory and
 25 reimbursable employers, notwithstanding section 96.8,
 26 subsection 5.>

WINDSCHITL of Harrison

H-8030

1 Amend the amendment, H-8027, to House File 2110 as
 2 follows:
 3 1. Page 1, by striking lines 2 through 4 and
 4 inserting:
 5 <__. Page 1, line 3, after <b.> by inserting <(1)>
 6 __. Page 1, after line 9 by inserting:
 7 (2) The individual's leaving was>
 8 2. Page 1, line 16, after <employment> by inserting
 9 <to accompany a spouse on a military assignment or>
 10 3. By renumbering as necessary.

BAILEY of Hamilton

H-8032

1 Amend House File 495 as follows:
 2 1. Page 2, line 8, by striking <13> and inserting
 3 <11>
 4 2. Page 2, line 8, before <2009> by inserting
 5 <Supplement>
 6 3. Page 2, line 10, by striking <13.> and inserting
 7 <11.>

COMMITTEE ON EDUCATION

H-8037

1 Amend the amendment, H-8034, to Senate File 2062,
 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 10, after <2010.> by inserting
 6 <"Eligible employee" also includes an employee
 7 or qualified employee who has filed a completed
 8 application for benefits with the Iowa department of
 9 public safety peace officers' retirement, accident, and
 10 disability system in which the employee or qualified
 11 employee will commence receiving a retirement allowance
 12 no later than July 2010.>

- 13 ____ Page 1, by striking lines 14 through 16 and
 14 inserting <or an elected official.>>
 15 2. By renumbering as necessary.

BAUDLER of Adair

H-8038

- 1 Amend Senate File 2062, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 10, after <2010.> by inserting
 4 <"Eligible employee" also includes an employee
 5 or qualified employee who has filed a completed
 6 application for benefits with the Iowa department of
 7 public safety peace officers' retirement, accident, and
 8 disability system in which the employee or qualified
 9 employee will commence receiving a retirement allowance
 10 no later than July 2010.>
 11 2. Page 1, by striking lines 14 through 16 and
 12 inserting <or an elected official.>

BAUDLER of Adair

H-8039

- 1 Amend House File 2076 as follows:
 2 1. Page 1, before line 5 by inserting:
 3 <Sec. ____ Section 15.104, subsection 8, paragraph
 4 1, Code Supplement 2009, is amended to read as follows:
 5 1. Targeted industries development – ~~financial~~
 6 ~~assistance~~ innovation and commercialization. A
 7 report of the expenditures of moneys appropriated
 8 and allocated to the department for certain programs
 9 authorized pursuant to ~~section sections~~ 15.411
 10 and 15.412 relating to the development and
 11 commercialization of businesses in the targeted
 12 industry areas of advanced manufacturing, bioscience,
 13 and information technology, including a summary of
 14 the activities of the technology commercialization
 15 committee created pursuant to section 15.116 and the
 16 Iowa innovation council established pursuant to section
 17 15.117A.>
 18 2. Page 1, line 28, by striking <Twenty-seven> and
 19 inserting <Twenty-nine>
 20 3. Page 2, before line 23 by inserting:
 21 <(9) Two community college presidents from
 22 geographically diverse areas of the state, selected by
 23 the Iowa association of community college trustees.>
 24 4. Page 3, line 17, after <69.16A.> by inserting
 25 <However, the council should provide, to the extent
 26 practicable, for both gender balance and a bipartisan
 27 composition.>

- 28 5. Title page, by striking lines 1 and 2 and
 29 inserting: <An Act relating to economic development
 30 by establishing an Iowa innovation council in the
 31 department of economic development and by providing for
 32 certain reports on innovation and commercialization
 33 within certain targeted industries.>
 34 6. By renumbering as necessary.

THOMAS of Clayton

H-8041

- 1 Amend House File 2234 as follows:
 2 1. Page 7, after line 25 by inserting:
 3 <Sec. ____ Section 598.21, subsection 5, paragraph
 4 1, Code Supplement 2009, is amended to read as follows:
 5 1. The provisions of ~~an antenuptial a~~
 6 premarital agreement.
 7 Sec. ____ Section 598.21A, subsection 1, paragraph
 8 i, Code 2009, is amended to read as follows:
 9 i. The provisions of ~~an antenuptial a~~
 10 premarital agreement.>
 11 2. By renumbering as necessary.

T. OLSON of Linn

H-8044

- 1 Amend Senate File 404, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking page 1, line 1, through page 3, line
 4 34, and inserting:
 5 <Section 1. LOCAL FOOD AND FARM PLAN. To the
 6 extent feasible, the Leopold center for sustainable
 7 agriculture established pursuant to section 266.39
 8 shall prepare a local food and farm plan containing
 9 policy and funding recommendations for supporting and
 10 expanding local food systems and for assessing and
 11 overcoming obstacles necessary to increase locally
 12 grown food production. The Leopold center for
 13 sustainable agriculture shall submit the plan to the
 14 general assembly by January 10, 2011. The plan shall
 15 include recommendations for short-term and long-term
 16 solutions, including but not limited to the enactment
 17 of legislation.
 18 Sec. ____ REPEAL. This Act is repealed on January
 19 10, 2011.>
 20 2. Title page line 1, by striking <establishing a
 21 local food and farm task force,>
 22 3. By renumbering as necessary.

COMMITTEE ON AGRICULTURE

H-8046

1 Amend House File 97 as follows:

2 1. Page 1, by striking lines 16 through 18 and

3 inserting:

4 ~~<2. a. A motor vehicle operated on a highway shall~~
 5 ~~display lighted headlamps, as provided in section~~
 6 ~~321.415, or daytime running lamps whenever there is~~
 7 ~~moisture accumulating on the windshield due to misting,~~
 8 ~~light rain, or other weather conditions or whenever~~
 9 ~~the motor vehicle's windshield wipers are activated to~~
 10 ~~improve visibility.~~

11 b. For purposes of this subsection, "daytime
 12 running lamps" means a pair of lamps on the front of
 13 a motor vehicle which meet the standard for daytime
 14 running lamps described in 49 C.F.R. § 571.108.>

15 2. Page 1, line 19, by striking <2.> and inserting

16 ~~<2. 3.>~~

17 3. Page 1, after line 26 by inserting:

18 <Sec. ____ Section 321.415, subsection 1,
 19 unnumbered paragraph 1, Code 2009, is amended to read
 20 as follows:

21 Whenever a motor vehicle is being operated on
 22 a roadway or shoulder during the times specified
 23 in section 321.384, unless the motor vehicle is
 24 displaying daytime running lamps as permitted under
 25 section 321.384, subsection 2, the driver shall use
 26 a distribution of light, or composite beam, directed
 27 high enough and of sufficient intensity to reveal
 28 persons and vehicles at a safe distance in advance of
 29 the vehicle, subject to the following requirements and
 30 limitations:>

31 4. Title page, lines 1 and 2, by striking <on
 32 a motor vehicle during any period of moisture
 33 accumulation> and inserting <or daytime running
 34 lamps on a motor vehicle during periods of moisture
 35 accumulation or windshield wiper use>

36 5. By renumbering as necessary.

COMMITTEE ON TRANSPORTATION

H-8047

1 Amend Senate File 2088, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. By striking page 31, line 24, through page 32,
 4 line 17.

5 2. By renumbering as necessary.

WATTS of Dallas

H-8048

1 Amend the amendment, H-8045, to Senate File 2088,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 17, after line 18 by inserting:
 5 <___. Page 161, after line 7 by inserting:
 6 <Sec. ___. Section 234.1, subsection 2, paragraph
 7 a, subparagraph (3), Code Supplement 2009, is amended
 8 to read as follows:

9 (3) Has been identified by the director of special
 10 education of the ~~area education agency~~ designated
 11 community college as a child requiring special
 12 education as defined in section 256B.2, subsection
 13 1. For purposes of this subparagraph, "designated
 14 community college" means the community college
 15 designated to provide special education services
 16 pursuant to section 256.9, subsection 60, paragraph
 17 "b".

18 Sec. ___. Section 235.7, subsection 2, Code 2009,
 19 is amended to read as follows:

20 2. Membership. The department may authorize the
 21 governance boards of decategorization of child welfare
 22 and juvenile justice funding projects established
 23 under section 232.188 to appoint the transition
 24 committee membership and may utilize the boundaries
 25 of decategorization projects to establish the service
 26 areas for transition committees. The committee
 27 membership may include but is not limited to department
 28 of human services staff involved with foster care,
 29 child welfare, and adult services, juvenile court
 30 services staff, staff involved with county general
 31 relief under chapter 251 or 252, or of the central
 32 point of coordination process implemented under
 33 section 331.440, school district and ~~area education~~
 34 ~~agency~~ community college staff involved with special
 35 education, and a child's court appointed special
 36 advocate, guardian ad litem, service providers, and
 37 other persons knowledgeable about the child. >

38 ___. Page 161, line 9, by striking <subsection> and
 39 inserting <subsections>

40 ___. Page 161, after line 12 by inserting:
 41 <NEW SUBSECTION. 60. a. Develop and maintain a
 42 list of eligible special education services providers
 43 throughout the state, which shall include all of the
 44 area education agencies. The list may be divided by
 45 areas of specialization. A school district may solicit
 46 bids for special education services pursuant to section
 47 273.9A from providers included on the list.

48 b. Designate a community college to assume the
 49 responsibilities of the area education agencies
 50 relating to special education services required

Page 2

1 pursuant to chapters 256B and 273.
2 Sec. ____ Section 256.12, subsection 2, unnumbered
3 paragraph 1, Code 2009, is amended to read as follows:
4 This section does not deprive the respective boards
5 of public school districts of any of their legal
6 powers, statutory or otherwise, and in accepting
7 the specially enrolled students, each of the boards
8 shall prescribe the terms of the special enrollment,
9 including but not limited to scheduling of courses and
10 the length of class periods. In addition, the board
11 of the affected public school district shall be given
12 notice by the department of its decision to permit the
13 special enrollment not later than six months prior to
14 the opening of the affected public school district's
15 school year, except that the board of the public
16 school district may waive the notice requirement.
17 School districts and ~~area education agency boards~~ the
18 designated community college board shall make public
19 school services, which shall include special education
20 programs and services and may include health services,
21 services for remedial education programs, guidance
22 services, and school testing services, available to
23 children attending nonpublic schools in the same manner
24 and to the same extent that they are provided to public
25 school students. Service activities shall be similar
26 to those undertaken for public school students. Health
27 services, special education support, and related
28 services provided by area education agencies for the
29 purpose of identifying children with disabilities,
30 assistance with physical and communications needs of
31 students with physical disabilities, and services of an
32 educational interpreter may be provided on nonpublic
33 school premises with the permission of the lawful
34 custodian of the property. Other special education
35 services may be provided on nonpublic school premises
36 at the discretion of the school district or area
37 education agency provider of the service and with the
38 permission of the lawful custodian of the property. '
39 For purposes of this subsection, "designated community
40 college" means the community college designated to
41 provide special education services pursuant to section
42 256.9, subsection 60, paragraph "b".
43 Sec. ____ Section 256B.2, subsection 2, Code
44 Supplement 2009, is amended to read as follows:
45 2. It is the policy of this state to require
46 school districts and state-operated educational
47 programs to provide or make provision, as an integral
48 part of public education, for a free and appropriate
49 public education sufficient to meet the needs of all
50 children requiring special education. This chapter

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1 is not to be construed as encouraging separate
2 facilities or segregated programs designed to meet
3 the needs of children requiring special education
4 when the children can benefit from all or part of
5 the education program as offered by the local school
6 district. To the maximum extent possible, children
7 requiring special education shall attend regular
8 classes and shall be educated with children who do
9 not require special education. Whenever possible,
10 hindrances to learning and to the normal functioning
11 of children requiring special education within the
12 regular school environment shall be overcome by the
13 provision of special aids and services rather than
14 by separate programs for those in need of special
15 education. Special classes, separate schooling, or
16 other removal of children requiring special education
17 from the regular educational environment, shall occur
18 only when, and to the extent that the nature or
19 severity of the educational disability is such, that
20 education in regular classes, even with the use of
21 supplementary aids and services, cannot be accomplished
22 satisfactorily. For those children who cannot adapt to
23 the regular educational or home living conditions, and
24 who are attending facilities under chapters 263, 269,
25 and 270, upon the request of the board of directors
26 of ~~an area education agency~~ the designated community
27 college, the department of human services shall provide
28 residential or detention facilities and the ~~area~~
29 ~~education agency~~ designated community college shall
30 provide special education programs and services.
31 The ~~area education agencies~~ designated community
32 college shall cooperate with the board of regents to
33 provide the services required by this chapter. For
34 purposes of this subsection, "designated community
35 college" means the community college designated to
36 provide special education services pursuant to section
37 256.9, subsection 60, paragraph "b".
38 Sec. ____ Section 257.35, subsection 1, Code
39 Supplement 2009, is amended to read as follows:
40 1. ~~The~~ For school budget years beginning prior to
41 July 1, 2010, the department of management shall deduct
42 the amounts calculated for special education support
43 services, media services, area education agency teacher
44 salary supplement district cost, area education agency
45 professional development supplement district cost, and
46 educational services for each school district from
47 the state aid due to the district pursuant to this
48 chapter and shall pay the amounts to the respective
49 area education agencies on a monthly basis from
50 September 15 through June 15 during each school year.

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1 The department of management shall notify each school
 2 district of the amount of state aid deducted for these
 3 purposes and the balance of state aid shall be paid
 4 to the district. If a district does not qualify for
 5 state aid under this chapter in an amount sufficient to
 6 cover its amount due to the area education agency as
 7 calculated by the department of management, the school
 8 district shall pay the deficiency to the area education
 9 agency from other moneys received by the district, on a
 10 quarterly basis during each school year.

11 Sec. ____ NEW SECTION. 257.35A Area education
 12 agencies – state funding redirected.

13 1. Notwithstanding any provision of this chapter
 14 to the contrary, for school budget years beginning
 15 on or after July 1, 2010, the state aid funding for
 16 special education support services, media services,
 17 and educational services, and the area education
 18 agency professional development supplement and area
 19 education agency teacher salary supplement funding, as
 20 calculated by this chapter, shall be paid directly to
 21 the applicable school district.

22 2. A school district may solicit bids from the
 23 designated community college or a special education
 24 services provider authorized in accordance with section
 25 256.9, subsection 60, to provide special education
 26 services, media services, and educational services,
 27 as those services are described in chapter 273.
 28 However, the school district soliciting bids shall not
 29 receive funding for its costs that exceeds the amount
 30 determined under subsection 1.

31 Sec. ____ NEW SECTION. 260C.7 Designated community
 32 college – special education powers and duties.

33 To the extent authorized by section 273.9A, the
 34 board of the community college designated pursuant to
 35 section 256.9, subsection 60, paragraph "b", shall
 36 have the powers and duties with respect to community
 37 colleges, not otherwise provided in this chapter,
 38 which are prescribed for boards of directors of area
 39 education agencies by chapter 273 relating to the
 40 provision of special education services. >>

41 2. Page 18, after line 35 by inserting:

42 <____. Page 166, after line 3 by inserting:

43 <Sec. ____ Section 299A.9, unnumbered paragraph 1,
 44 Code 2009, is amended to read as follows:

45 A child of compulsory attendance age who is
 46 identified as requiring special education under chapter
 47 256B is eligible for placement under competent private
 48 instruction with prior approval of the placement by the
 49 director of special education of the ~~area education~~
 50 ~~agency of the child's district of residence~~ designated

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1 community college. For purposes of this section,
 2 "designated community college" means the community
 3 college designated to provide special education
 4 services pursuant to section 256.9, subsection 60,
 5 paragraph "b".

6 Sec. ____ Section 598.21B, subsection 2, paragraph
 7 e, subparagraph (1), subparagraph division (d), Code
 8 Supplement 2009, is amended to read as follows:

9 (d) The parent has been identified by the
 10 director of special education of the ~~area education~~
 11 ~~agency designated community college~~ as a child
 12 requiring special education as defined in section
 13 256B.2. For purposes of this subparagraph, "designated
 14 community college" means the community college
 15 designated to provide special education services
 16 pursuant to section 256.9, subsection 60, paragraph
 17 "b". >>

18 3. Page 18, before line 44 by inserting:

19 <____. Page 166, before line 25 by inserting:
 20 <Sec. ____ AREA EDUCATION AGENCIES – CESSATION
 21 OF SPECIAL EDUCATION SERVICES AND RELATED
 22 RESPONSIBILITIES. Notwithstanding chapters 256B
 23 and 273 or any other provision of law to the contrary,
 24 the area education agencies of this state shall not
 25 be responsible for, and shall not provide, special
 26 education services on or after July 1, 2010. An area
 27 education agency shall not receive state, federal, or
 28 local funding for the provision of special education
 29 services after June 30, 2010, except to pay for special
 30 education services provided by the area education
 31 agency during the fiscal year beginning July 1, 2009.

32 Sec. ____ APPLICABILITY. The sections of this
 33 division of this Act amending section 234.1, subsection
 34 2, paragraph "a", subparagraph (3); section 235.7,
 35 subsection 2; section 256.12, subsection 2, unnumbered
 36 paragraph 1; section 256B.2, subsection 2; section
 37 257.35, subsection 1; section 273.9, subsection 1;
 38 section 299A.9, unnumbered paragraph 1, and section
 39 598.21B, subsection 2, paragraph "e", subparagraph (d);
 40 and enacting section 256.9, subsection 60; section
 41 257.35A; section 260C.7, and section 273.9A; and the
 42 section relating to the area education agencies and
 43 cessation of special education services, related
 44 responsibilities, apply to school budget years
 45 beginning on or after July 1, 2010. >>

46 4. By renumbering as necessary.

H-8049

- 1 Amend Senate File 2088, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking page 117, line 27, through page 118,
 4 line 6.
 5 2. Page 118, after line 8 by inserting:
 6 <Sec. ____ REPEAL. Section 455B.851, Code 2009, is
 7 repealed.>
 8 3. By renumbering as necessary.

WATTS of Dallas

H-8050

- 1 Amend the amendment, H-8045, to Senate File 2088,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 17, after line 18 by inserting:
 5 <____. Page 162, after line 4 by inserting:
 6 <Sec. ____ Section 257.35, subsection 1, Code
 7 Supplement 2009, is amended to read as follows:
 8 1. ~~The~~ For school budget years beginning prior to
 9 July 1, 2011, the department of management shall deduct
 10 the amounts calculated for special education support
 11 services, media services, area education agency teacher
 12 salary supplement district cost, area education agency
 13 professional development supplement district cost, and
 14 educational services for each school district from
 15 the state aid due to the district pursuant to this
 16 chapter and shall pay the amounts to the respective
 17 area education agencies on a monthly basis from
 18 September 15 through June 15 during each school year.
 19 The department of management shall notify each school
 20 district of the amount of state aid deducted for these
 21 purposes and the balance of state aid shall be paid
 22 to the district. If a district does not qualify for
 23 state aid under this chapter in an amount sufficient to
 24 cover its amount due to the area education agency as
 25 calculated by the department of management, the school
 26 district shall pay the deficiency to the area education
 27 agency from other moneys received by the district, on a
 28 quarterly basis during each school year.
 29 Sec. ____ NEW SECTION. 257.35A Area education
 30 agencies – state funding redirected.
 31 1. Notwithstanding any provision of this chapter
 32 to the contrary, for school budget years beginning
 33 on or after July 1, 2011, the state aid funding for
 34 special education support services, media services, and
 35 educational services, as calculated by this chapter,
 36 shall be paid directly to the applicable school
 37 district.

38 2. A school district may solicit bids from area
 39 education agencies and Iowa community colleges to
 40 provide special education services, media services,
 41 and educational services, as those services are
 42 described in chapter 273. However, the school district
 43 soliciting bids shall not receive funding for its costs
 44 that exceeds the amount determined under subsection 1.
 45 3. The department of education shall distribute
 46 the appropriate amount of area education agency
 47 professional development supplement and area education
 48 agency teacher salary supplement funding to a school
 49 district if an area education agency successfully bids
 50 to provide the services.

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1 Sec. ____ Section 260C.14, Code Supplement 2009, is
 2 amended by adding the following new subsection:
 3 NEW SUBSECTION. 23. To the extent authorized by
 4 section 273.9A, have the powers and duties with respect
 5 to community colleges, not otherwise provided in this
 6 chapter, which are prescribed for boards of directors
 7 of area education agencies by chapter 273.

8 Sec. ____ Section 273.9, subsection 1, Code 2009,
 9 is amended to read as follows:

10 1. School For school budget years beginning prior
 11 to July 1, 2011, school districts shall pay for
 12 the programs and services provided through the area
 13 education agency and shall include expenditures for the
 14 programs and services in their budgets, in accordance
 15 with this section.

16 Sec. ____ NEW SECTION. 273.9A Funding from school
 17 districts – state and local funds.

18 Notwithstanding any provision of this chapter to
 19 the contrary, for school budget years beginning on or
 20 after July 1, 2011, an area education agency or Iowa
 21 community college shall receive state aid funding for
 22 providing special education support services, media
 23 services, and educational services from the applicable
 24 school district. Area education agencies and Iowa
 25 community colleges may submit bids for providing
 26 special education support services, media services,
 27 and educational services in a process to be determined
 28 by the department of education by rule under chapter
 29 17A.>>

30 2. Page 18, after line 35 by inserting:

31 <____. Page 166, after line 24 by inserting:

32 <Sec. ____ APPLICABILITY. The sections of
 33 this division of this Act amending section 257.35,
 34 subsection 1, and section 273.9, subsection 1, and
 35 enacting section 257.35A, section 260C.14, subsection
 36 23, and section 273.9A, apply to school budget years

37 beginning on or after July 1, 2011. >>
 38 3. By renumbering as necessary.

WATTS of Dallas

H-8051

1 Amend Senate File 2088, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 221, by striking lines 33 and 34.
 4 2. By renumbering as necessary.

HEATON of Henry

H-8052

1 Amend House File 2144 as follows:
 2 1. Page 3, after line 12 by inserting:
 3 <Sec. ____ Section 135.161, Code 2009, is amended
 4 by adding the following new subsection:
 5 NEW SUBSECTION. 5. Following the initial
 6 submission of recommendations pursuant to subsection
 7 3, the advisory council shall recommend, no later
 8 than July 1, 2011, strategies to collect and provide
 9 statistically accurate data concerning chronic disease
 10 in multicultural groups of racial and ethnic diversity
 11 in the state. Following implementation of the
 12 strategies and collection of data, the advisory council
 13 shall also make evidence-based recommendations to the
 14 director to address and reduce identified disparities.>
 15 2. By renumbering as necessary.

FORD of Polk

H-8054

1 Amend Senate File 2088, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 168, line 4, by striking <the the> and
 4 inserting <the>
 5 2. Page 175, line 1, by striking <center> and
 6 inserting <bureau>
 7 3. Page 182, line 8, after <district> by inserting
 8 <or early childhood Iowa area>
 9 4. Page 182, line 9, after <district> by inserting
 10 <or early childhood Iowa area>

WINCKLER of Scott
 WENDT of Woodbury

H-8057

- 1 Amend Senate File 2088, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 36, line 20, after ~~<services>~~ by inserting
- 4 ~~<or peace officers of the state patrol as established~~
- 5 in section 80.9>
- 6 2. By renumbering as necessary.

RAECKER of Polk

H-8058

- 1 Amend Senate File 2088, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 212, line 30, through page 213,
- 4 line 5.
- 5 2. By renumbering as necessary.

RAECKER of Polk

H-8060

- 1 Amend the amendment, H-8045, to Senate File 2088,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. By striking page 7, line 42, through page 8,
- 5 line 9.
- 6 2. By renumbering as necessary.

RANTS of Woodbury
STRUYK of Pottawattamie

H-8061

- 1 Amend the amendment, H-8045, to Senate File 2088,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 29, by striking lines 10 through 21.
- 5 2. By renumbering as necessary.

RANTS of Woodbury

H-8063

- 1 Amend House File 2206 as follows:
- 2 1. Page 1, line 5, by striking ~~<2015>~~ and inserting
- 3 ~~<2020>~~
- 4 2. Page 1, line 19, by striking ~~<2015>~~ and
- 5 inserting ~~<2020>~~

- 6 3. Page 1, line 23, by striking <2015> and
7 inserting <2020>

COMMITTEE ON AGRICULTURE

H-8064

- 1 Amend Senate File 2088, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 165, by striking lines 18 through 22.
4 2. By striking page 166, line 25, through page 198,
5 line 6.
6 3. By renumbering as necessary.

TYMESON of Madison

H-8065

- 1 Amend Senate File 2088, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 38, line 19, after <agencies> by inserting
4 <authorized to purchase goods and services>
5 2. Page 38, line 29, after <agencies> by inserting
6 <authorized to purchase goods and services>
7 3. Page 39, line 10, after <agency> by inserting
8 <authorized to purchase goods and services>
9 4. Page 39, line 22, after <improvements> by
10 inserting <, and shall seek input from the department
11 of administrative services and the chief information
12 officer of the state regarding specific areas of
13 potential cooperation between the institutions
14 under the control of the board and the department of
15 administrative services>
16 5. Page 39, line 26, after <agency> by inserting
17 <authorized to purchase goods and services>
18 6. Page 39, line 29, by striking <July 1,> and
19 inserting <July 1>

MASCHER of Johnson

H-8069

- 1 Amend the amendment, H-8045, to Senate File 2088,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. By striking page 18, line 44, through page 19,
5 line 49, and inserting: ____.
6 By striking page 166, line 25, through page
7 198, line 6, and inserting:
8 <DIVISION ____
9 EARLY CHILDHOOD
10 Sec. ____ COLOCATION OF STATE EARLY CHILDHOOD STAFF

11 – LEGISLATIVE FINDINGS AND INTENT.

12 1. FINDINGS AND INTENT. The state of Iowa
 13 provides funding, support, and technical assistance
 14 for programs directed to children from birth to age
 15 five utilizing a number of separate funding streams
 16 and state agencies. For early childhood programs, the
 17 community empowerment initiative has been instrumental
 18 in improving coordination and collaboration between
 19 the funding streams and state agencies by empowering
 20 Iowans to assume a leadership role at the community
 21 level. The general assembly finds that colocating
 22 the administrative staff associated with various
 23 state agency early childhood programs will further
 24 enhance the degree of collaboration and efficiency.
 25 It is the intent of the general assembly that at an
 26 appropriate time, the programs and associated agency
 27 staff listed in this section will be consolidated under
 28 the authority of the Iowa empowerment board.

29 2. COMMUNITY EMPOWERMENT OFFICE. The community
 30 empowerment office of the department of management
 31 shall develop a plan to physically or virtually
 32 colocate the state administrative offices of the
 33 programs listed in this section and the associated
 34 state administrative staff. The plan shall be
 35 presented to the chairpersons and ranking members of
 36 the committees on human resources of the senate and the
 37 house of representatives on or before January 10, 2011.

38 3. PROGRAMS AND AGENCIES IDENTIFIED. The plan
 39 developed by the community empowerment office pursuant
 40 to subsection 2 shall address the colocation of the
 41 state administrative offices and associated state
 42 administrative staff for all of the following programs:
 43 a. The following programs and associated staff
 44 under the authority of the department of education:
 45 (1) Center-based special education programs.
 46 (2) The child portion of the child and adult care
 47 food program.
 48 (3) The early childhood network operated by the
 49 department of education and area education agencies.
 50 (4) The early childhood special education program.

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1 (5) The early head start and head start programs.
 2 (6) The even start family literacy program.
 3 (7) Iowa shared visions preschool programs for
 4 children ages three to five years, implemented under
 5 the auspices of the child development coordinating
 6 council.
 7 (8) Iowa shared visions parent support programs
 8 implemented under the auspices of the child development
 9 coordinating council.

- 10 (9) The school ready children grant program
 11 implemented under the community empowerment initiative.
 12 b. The following programs and associated staff
 13 under the authority of the department of human
 14 services:
 15 (1) Child abuse prevention grants.
 16 (2) Early childhood programs grants implemented
 17 under the community empowerment initiative.
 18 (3) Child care programs implemented under chapter
 19 237A.
 20 (4) Community-based family resource programs.
 21 (5) The promoting safe and stable families grant
 22 program.
 23 c. The following programs and associated staff
 24 under the authority of the Iowa department of public
 25 health:
 26 (1) Child health programs.
 27 (2) The childhood immunization program.
 28 (3) The childhood lead poisoning prevention program
 29 implemented pursuant to section 135.101.
 30 (4) The community-based family resource and support
 31 grant program funded through the federal administration
 32 for children and families, United States department of
 33 health and human services.
 34 (5) The healthy child care Iowa program.
 35 (6) The healthy opportunities for parents to
 36 experience success-healthy families Iowa (HOPES-HFI)
 37 program implemented under section 135.106.
 38 d. Other programs that provide support to children
 39 from birth through age five and the families of such
 40 children. >>
 41 2. By renumbering as necessary.

TYMESON of Madison

H-8070

- 1 Amend the amendment, H-8045, to Senate File 2088,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 32, line 17, after <priorities.> by
 5 inserting:
 6 <The general assembly also finds that an effective
 7 review process can address the administrative rules
 8 adopted by a state agency to determine whether the
 9 rules are appropriately implementing the desired public
 10 policy objectives in a cost-effective manner.>

STRUYK of Pottawattamie

H-8071

1 Amend Senate File 2088, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 198, after line 6 by inserting:

4 <DIVISION ____
5 COMMUNITY COLLEGE ACCREDITATION

6 Sec. ____ Section 260C.47, subsection 1, unnumbered
7 paragraph 1, Code 2009, is amended to read as follows:

8 ~~The state board of education shall establish by~~
9 rule an accreditation process for community college
10 programs ~~by July 1, 1997~~. The process shall be
11 jointly developed and agreed upon by the department
12 of education and the community colleges. The state
13 accreditation process shall be integrated with the
14 accreditation process of the north central association
15 of colleges and schools, including the evaluation
16 cycle, ~~the self study process~~, and the criteria for
17 evaluation, ~~which shall incorporate the standards for~~
18 ~~community colleges developed under section 260C.48;~~
19 ~~and shall identify and make provision for the needs~~
20 ~~of the state that are not met by the association's~~
21 ~~accreditation process. For the academic year~~
22 ~~commencing July 1, 1998, and in succeeding school~~
23 ~~years, the department of education shall use a~~
24 ~~two component process for the continued accreditation~~
25 ~~of community college programs. Beginning July 1,~~
26 ~~2006, the~~ The state accreditation process shall
27 incorporate the standards developed pursuant to section
28 260C.48, subsection 4 and shall include but not be
29 limited to procedures for correcting deficiencies,
30 appropriate due process procedures including a
31 hearing, consequences for failure to meet accreditation
32 standards, notification procedures, and a timeline for
33 the process. Action taken by the state board pursuant
34 to this section for failure to meet accreditation
35 standards is final agency action for purposes of
36 chapter 17A.

37 Sec. ____ Section 260C.47, subsection 1, paragraphs
38 a, b, and c, Code 2009, are amended by striking the
39 paragraphs.

40 Sec. ____ Section 260C.47, subsections 2 through 7,
41 Code 2009, are amended by striking the subsections.

42 Sec. ____ Section 260C.48, subsection 1, unnumbered
43 paragraph 1, Code 2009, is amended to read as follows:

44 The state board shall develop standards and
45 adopt rules for ~~the accreditation~~ of community college'
46 instructors and programs. Except as provided in
47 subsection 4, the standards and rules developed and
48 adopted shall not duplicate rules adopted for the
49 accreditation process established pursuant to section
50 260C.47. The department shall monitor and evaluate

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1 the standards through a process jointly developed
 2 and agreed upon by the department and the community
 3 colleges. Except as provided in this subsection
 4 and subsection 4, standards developed shall be
 5 general in nature so as to apply to more than one
 6 specific program of instruction. With regard to
 7 community college-employed instructors, the standards
 8 adopted shall at a minimum require that community
 9 college instructors who are under contract for at
 10 least half-time or more, and by July 1, 2011, all
 11 instructors, meet the following requirements:>
 12 2. Page 198, before line 7 by inserting:
 13 <Sec. __. Section 260C.48, subsection 2, Code
 14 2009, is amended to read as follows:
 15 2. Standards developed shall ~~include a~~
 16 ~~provision~~ provide that the minimum standard academic
 17 workload for an instructor ~~in arts and science~~
 18 ~~courses shall be equivalent to~~ fifteen credit hours
 19 per ~~school college~~ term, ~~and the maximum academic~~
 20 ~~workload for any instructor shall be sixteen credit~~
 21 ~~hours per school term,~~ for classes taught during
 22 the normal ~~school day~~ college term. ~~In addition~~
 23 ~~thereto,~~ If requested by the community college, any
 24 ~~faculty member~~ instructor may teach a course or courses
 25 ~~at times other than the regular school week, involving~~
 26 ~~total class instruction time equivalent to not more~~
 27 ~~than a three credit hour course. The total workload~~
 28 ~~for such instructors shall not exceed the equivalent~~
 29 ~~of eighteen credit hours per school term beyond the~~
 30 standard workload at the discretion of the instructor.>
 31 3. By renumbering as necessary.

STRUYK of Pottawattamie
 FORRISTALL of Pottawattamie

H-8074

1 Amend Senate File 2088, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 176, line 29, after <census.> by inserting
 4 <However, the criteria specified in this lettered
 5 paragraph does not apply to an existing area that has
 6 been determined to meet quality standards and results
 7 indicators.>

HORBACH of Tama
 PETTENGILL of Benton
 S. OLSON of Clinton
 TYMESON of Madison
 KAUFMANN of Cedar

H-8075

1 Amend the amendment, H-8045, to Senate File 2088,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 18, by striking lines 44 through 49 and
5 inserting:
6 <__. By striking page 166, line 25, through page
7 176, line 25, and inserting:

8 <DIVISION __

9 EARLY CHILDHOOD IOWA INITIATIVE

10 Sec. __. NEW SECTION. 256I.1 Definitions.

11 For the purposes of this chapter, unless the context
12 otherwise requires:

13 1. "Department" means the department of management.

14 2. "Desired results" means the set of desired
15 results for improving the quality of life in this state
16 for young children and their families identified in
17 section 256I.2.

18 3. "Early care", "early care services", or "early
19 care system" means the programs, services, support, or
20 other assistance made available to a parent or other
21 person who is involved with addressing the health
22 and education needs of a child from zero through age
23 five. "Early care", "early care services", or "early
24 care system" includes but is not limited to public and
25 private efforts and formal and informal settings.

26 4. "Early childhood Iowa area" means a geographic
27 area designated in accordance with this chapter.

28 5. "Early childhood Iowa area board" or "area board"
29 means the board for an early childhood Iowa area
30 created in accordance with this chapter.

31 6. "Early childhood Iowa state board" or "state
32 board" means the early childhood Iowa state board
33 created in section 256I.3.

34 Sec. __. NEW SECTION. 256I.2 Desired results –
35 purpose and scope.

36 1. It is intended that through the early childhood
37 Iowa initiative every community in Iowa will develop
38 the capacity and commitment for using local, informed
39 decision making to achieve the following set of desired
40 results for improving the quality of life in this state
41 for young children and their families:

42 a. Healthy children.
43 b. Children ready to succeed in school.
44 c. Safe and supportive communities.
45 d. Secure and nurturing families.
46 e. Secure and nurturing early learning
47 environments.

48 2. The purpose of creating the early childhood Iowa
49 initiative is to empower individuals, communities, and
50 state level partners to achieve the desired results.

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1 The desired results will be achieved as private and
2 public entities work collaboratively. This initiative
3 creates a partnership between communities and state
4 level partners to support children zero through
5 age five and their families. The role of the early
6 childhood Iowa state board, area boards, and other
7 state and local government agencies is to provide
8 support, leadership, and facilitation of the growth
9 of individual, community, and state responsibility in
10 addressing the desired results.

11 3. To achieve the desired results, the initiative's
12 primary focus shall be on the efforts of the state and
13 communities to work together to improve the efficiency
14 and effectiveness of early care, education, health, and
15 human services provided to families with children from
16 zero through age five.

17 Sec. ____ NEW SECTION. 256I.3 Early childhood Iowa
18 state board created.

19 1. The early childhood Iowa state board is
20 created to promote a vision for a comprehensive early
21 care, education, health, and human services system
22 in this state. The board shall oversee state and
23 local efforts. The vision shall be achieved through
24 strategic planning, funding identification, guidance,
25 and decision-making authority to assure collaboration
26 among state and local early care, education, health,
27 and human services systems.

28 2. a. The board shall consist of nine voting
29 members with three citizen members and six state agency
30 members. A citizen member shall not be an elected
31 official, public employee, or paid staff member of an
32 agency receiving funding through the early childhood
33 Iowa initiative. The six state agency members shall
34 be the directors or their designee of the following
35 departments: economic development, education, human
36 rights, human services, public health, and workforce
37 development. The designees of state agency directors
38 shall be selected on an annual basis. The citizen
39 members shall be appointed by the governor, subject to
40 confirmation by the senate.

41 b. The governor's citizen member appointees shall
42 be selected from individuals nominated by early
43 childhood Iowa area boards. The term of office of
44 the citizen members is three years. A citizen member
45 vacancy on the board shall be filled in the same manner
46 as the original appointment for the balance of the
47 unexpired term.

48 3. Citizen members shall be reimbursed for actual
49 and necessary expenses incurred in performance of their
50 duties. Citizen members shall be paid a per diem as

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1 specified in section 7E.6.

2 4. In addition to the voting members, the state
3 board shall include four members of the general
4 assembly with not more than one member from each
5 chamber being from the same political party. The two
6 senators shall be appointed one each by the majority
7 leader of the senate and by the minority leader of the
8 senate. The two representatives shall be appointed one
9 each by the speaker of the house of representatives and
10 by the minority leader of the house of representatives.

11 Legislative members shall serve in an ex officio,
12 nonvoting capacity. A legislative member is eligible
13 for per diem and expenses as provided in section 2.10.

14 5. The governor shall select a chairperson from
15 the state board's voting members. The state board
16 may select other officers from the voting members as
17 determined to be necessary by the board. The board
18 shall meet regularly as determined by the board, upon
19 the call of the board's chairperson, or upon the call
20 of a majority of voting members. The board shall meet
21 at least quarterly.

22 Sec. ____ NEW SECTION. 256I.4 Early childhood Iowa
23 state board duties.

24 The state board shall perform the following duties:

25 1. Provide oversight of early childhood Iowa areas.

26 2. Manage and coordinate the provision of grant
27 funding and other moneys made available to early
28 childhood Iowa areas by combining all or portions of
29 appropriations or other revenues as authorized by law.

30 3. Approve the geographic boundaries for the early
31 childhood Iowa areas throughout the state and approve
32 any proposed changes in the boundaries.

33 4. Create a strategic plan that supports a
34 comprehensive system of early care, education, health,
35 and human services. The strategic plan shall be
36 annually updated and disseminated to the public.
37 Specific items to be addressed in the strategic
38 plan shall include but are not limited to all of the
39 following:

40 a. Provisions to strengthen the state structure
41 including interagency levels of collaboration,
42 coordination, and integration.

43 b. Provisions for building public-private
44 partnerships.

45 c. Provisions to support consolidating, blending,
46 and redistributing state-administered funding streams
47 and the coordination of federal funding streams. The
48 strategic plan shall also address integration of
49 services provided through area boards, other state and
50 local commissions, committees, and other bodies with

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1 overlapping and similar purposes which contribute to
2 redundancy and fragmentation in early care, education,
3 health, and human services programs provided to the
4 public.

5 d. Provisions for improving the efficiency of
6 working with federally mandated bodies.

7 e. Identification of indicators that measure
8 the success of the various strategies that impact
9 communities, families, and children. The indicators
10 shall be developed with input from area boards.

11 5. Adopt common performance measures and data for
12 services, programs, and activities provided by area
13 boards. Data from common performance measures shall be
14 included in the state board's annual report.

15 6. Develop and implement a levels of excellence
16 rating system for use with the state board's
17 designation process for area boards. Allow for
18 flexibility and creativity of area boards in
19 implementing area board responsibilities and
20 provide authority for the area boards to support
21 the communities in the areas served. The levels
22 of excellence rating system shall utilize a tiered
23 approach for recognizing the performance of an area
24 board. The system shall provide for action to address
25 poor performing areas as well as higher performing
26 areas. If an area board achieves the highest rating
27 level, the state board shall allow special flexibility
28 provisions in regard to the funding appropriated or
29 allocated for that area board. The state board may
30 determine how often area boards are reviewed under the
31 system.

32 7. Adopt rules pursuant to chapter 17A as necessary
33 for the designation, governance, and oversight of area
34 boards and the administration of this chapter. The
35 state board shall provide for area board input in the
36 rules adoption process.

37 8. Develop guidelines for recommended insurance
38 or other liability coverage and take other actions to
39 assist area boards in acquiring such coverage at a
40 reasonable cost. Moneys expended by an area board to
41 acquire necessary insurance or other liability coverage
42 shall be considered an administrative cost.

43 9. In January each year, submit an annual report to
44 the governor and general assembly that includes but is
45 not limited to all of the following:

46 a. Any updates to the strategic plan.

47 b. The status and results of the early childhood
48 Iowa initiative efforts to engage the public regarding
49 the early care, education, health, human services, and
50 other needs of children zero through age five.

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- 1 c. The status and results of the efforts to develop
2 and promote private sector involvement with the early
3 care system.
- 4 d. The status of the early childhood Iowa
5 initiative and the overall early care system in
6 achieving the set of desired results.
- 7 e. The data and common performance measures
8 addressed by the strategic plan, which shall include
9 but is not limited to funding amounts.
- 10 f. The indicators addressed by the strategic plan
11 along with associated data trends and their source.
- 12 10. Integrate statewide quality standards and
13 results indicators adopted by other boards and
14 commissions into the state board's funding requirements
15 for investments in early care, health, education, and
16 human services.
- 17 11. Ensure alignment of other state departments'
18 activities with the strategic plan.
- 19 12. Develop and keep current memoranda of
20 agreements between the state agencies represented
21 on the state board to promote system development
22 and integration and to clarify the roles and
23 responsibilities of partner agencies.
- 24 13. Work with the early childhood coordination
25 center in building public-private partnerships for
26 promoting the collaborative early care, education,
27 health, and human services system.
- 28 14. Support and align the early childhood Iowa
29 internet site with other agencies and improve internet
30 communication.
- 31 Sec. __. NEW SECTION. 256I.5 Early childhood
32 coordination center.
- 33 1. The department is the lead agency for
34 implementation of the early childhood Iowa
35 initiative and for support of the state board and the
36 comprehensive early care, education, health, and human
37 services system.
- 38 2. a. The early childhood coordination center
39 is established as a work unit of the department to
40 provide a center for facilitation, communication, and
41 coordination for early childhood Iowa activities and
42 funding and for improvement of the individual early
43 care, education, health, and human services systems and
44 the comprehensive system.
- 45 b. Staffing for the center shall be provided
46 by a project director, a deputy, a family support
47 coordinator, and a first years first coordinator.
48 Dedicated fiscal staff and support staff may be
49 designated, subject to an appropriation made for this
50 purpose. The center shall submit reports to the

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1 governor, state board, and the general assembly. The
2 project director shall provide primary staffing to the
3 board, coordinate state technical assistance activities
4 and implementation of the technical assistance system,
5 and oversee other communication and coordination
6 functions.

7 3. The director of the department of education
8 may designate additional staff, as part of the early
9 childhood Iowa initiative, to work with the center in
10 providing coordination and other support to the state's
11 comprehensive early care, education, health, and human
12 services system.

13 4. The director of the department shall establish
14 a technical assistance team to work with the center.
15 The team shall consist of staff from the state agencies
16 represented on the state board.

17 5. The center shall work with the state and area
18 boards to provide leadership for comprehensive system
19 development. The center shall also do all of the
20 following:

21 a. Enter into memoranda of agreement with the
22 departments of economic development, education, human
23 rights, human services, public health, and workforce
24 development to formalize the respective departments'
25 commitments to collaborating with and integrating a
26 comprehensive early care, education, health, and human
27 services system. Items addressed in the memoranda
28 shall include but are not limited to data sharing and
29 providing staffing to the technical assistance team.

30 b. Work with private businesses, foundations, and
31 nonprofit organizations to develop sustained funding.

32 c. Maintain the internet site in accordance with
33 section 256I.10.

34 d. Propose any needed revisions to administrative
35 rules based on stakeholder input.

36 e. Provide technical support to the state and area
37 boards and to the early childhood Iowa areas through
38 staffing services made available through the state
39 agencies that serve on the state board.

40 f. Develop, collect, disseminate, and provide
41 guidance for common performance measures for the
42 programs receiving funding under the auspices of the
43 area boards.

44 g. If a disagreement arises within an early
45 childhood Iowa area regarding the interests represented
46 on the area's board, board decisions, or other disputes
47 that cannot be locally resolved, upon request, provide
48 state or regional technical assistance as deemed
49 appropriate by the center to assist the area in
50 resolving the disagreement.

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1 Sec. ____ NEW SECTION. 256I.6 Early childhood Iowa
2 areas.

3 1. The purpose of an early childhood Iowa area is
4 to enable local citizens to lead collaborative efforts
5 involving early care, education, health, and human
6 services on behalf of the children, families, and other
7 citizens residing in the area. Leadership functions
8 may include but are not limited to strategic planning
9 for and oversight and managing of such programs and
10 the funding made available to the early childhood Iowa
11 area for such programs from federal, state, local,
12 and private sources. The focus of the area shall be
13 to achieve the desired results and to improve other
14 results for families with young children.

15 2. An early childhood Iowa area shall be designated
16 by using existing county boundaries to the extent
17 possible.

18 3. The designation of an early childhood Iowa
19 area boundaries and the creation of an area board
20 are both subject to the approval of the state board.
21 The state board shall determine if a proposed area
22 board can efficiently and effectively administer
23 the responsibilities and authority of the area to be
24 served. The state board may apply additional criteria
25 for designating areas and approving area boards, but
26 shall apply all of the following minimum criteria:

27 a. An area cannot encompass more than four
28 counties.

29 b. The counties encompassing a multicounty area
30 must have contiguous borders. >>

31 2. By striking page 18, line 50, through page 19,
32 line 3, and inserting:

33 <____. Page 176, line 29, after <census.> by
34 inserting <However, the criteria specified in this
35 lettered paragraph does not apply to an existing area
36 that has been determined to meet quality standards and
37 results indicators.>>

38 3. Page 19, by striking lines 4 through 49 and
39 inserting:

40 <____. By striking page 176, line 30, through page
41 198, line 6, and inserting:

42 <4. If the state board determines exceptional
43 circumstances exist, the state board may waive any of
44 the criteria otherwise specified in subsection 3.

45 Sec. ____ NEW SECTION. 256I.7 Early childhood Iowa
46 area boards created.

47 1. a. The early childhood Iowa functions for
48 an area shall be performed under the authority of an
49 early childhood Iowa area board. The membership of an
50 area board shall consist of elected officials in the

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1 area and citizen members who reside in the area. A
2 citizen member shall not be an employee of or otherwise
3 represent education, health, or human services agencies
4 or be a paid staff member of an agency receiving
5 funding through the early childhood Iowa initiative.

6 In addition, the membership of an area board shall
7 include representation from education, health, human
8 services, business, and faith interests, and at least
9 one parent, grandparent, or guardian of a child from
10 zero through age five. The education, health, and
11 human services agencies represented on an area board
12 may receive funding from the area board.

13 b. Terms of office of area board members shall
14 be not more than three years and the terms shall be
15 staggered.

16 2. An area board may designate an advisory council
17 consisting of persons employed by or otherwise paid to
18 represent an entity listed in subsection 1 or other
19 provider of service.

20 3. An area board shall elect a chairperson
21 from among the members who are citizens or elected
22 officials.

23 4. An area board is a unit of local government for
24 purposes of chapter 670, relating to tort liability
25 of governmental subdivisions. For purposes of
26 implementing a formal organizational structure, an area
27 board may utilize recommended guidelines and bylaws
28 established for this purpose by the state board.

29 5. All meetings of an area board or any committee
30 or other body established by an area board at which
31 public business is discussed or formal action taken
32 shall comply with the requirements of chapter 21. An
33 area board shall maintain its records in accordance
34 with chapter 22.

35 Sec. ____ NEW SECTION. 256L.8 Early childhood Iowa
36 area board duties.

37 1. An early childhood Iowa area board shall do all
38 of the following:

39 a. Designate a public agency of this state, as
40 defined in section 28E.2, a community action agency
41 as defined in section 216A.91, an area education
42 agency established under section 273.2, or a nonprofit
43 corporation, to be the fiscal agent for grant moneys or
44 for other moneys administered by the area board.

45 b. Administer early childhood Iowa grant moneys
46 available from the state to the area board as provided
47 by law and other federal, state, local, and private
48 moneys made available to the area board. Eligibility
49 for receipt of early childhood Iowa grant moneys shall
50 be limited to those early childhood area boards that

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1 have developed an approved community plan in accordance
2 with this chapter. An early childhood area board
3 may apply to the state board for any private moneys
4 received by the early childhood Iowa initiative outside
5 of a state appropriation.

6 c. Develop a comprehensive community plan for
7 providing services for children from zero through
8 age five. At a minimum, the plan shall do all of the
9 following:

10 (1) Describe community and area needs for children
11 from zero through age five as identified through
12 ongoing assessments.

13 (2) Describe the current and desired levels of
14 community and area coordination of services for
15 children from zero through age five, including the
16 involvement and specific responsibilities of all
17 related organizations and entities.

18 (3) Identify all federal, state, local, and private
19 funding sources including funding estimates available
20 in the early childhood Iowa area that will be used
21 to provide services to children from zero through age
22 five.

23 (4) Describe how funding sources will be used
24 collaboratively and the degree to which the sources
25 can be combined to provide necessary services to young
26 children and their families.

27 (5) Identify the desired results and the
28 community-wide indicators the area board
29 expects to address through implementation of the
30 comprehensive community plan. The plan shall identify
31 community-specific, quantifiable performance measures
32 to be reported in the area board's annual report and
33 integration with the strategic plan adopted by the
34 state board.

35 (6) Describe the current status of support services
36 to prevent the spread of infectious diseases, prevent
37 child injuries, develop health emergency protocols,
38 help with medication, and care for children with
39 special health needs that are being provided to child
40 care facilities registered or licensed under chapter
41 237A within the early childhood Iowa area.

42 d. Submit an annual report on the effectiveness of
43 the community plan in addressing school readiness and
44 children's health and safety needs to the state board
45 and to the local government bodies in the area. The
46 annual report shall indicate the effectiveness of the
47 area board in addressing state and locally determined
48 goals.

49 e. Function as a coordinating body for services
50 offered by different entities directed to similar

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- 1 purposes within the area.
- 2 f. Assume other responsibilities established by law
- 3 or administrative rule.
- 4 2. An area board may do any of the following:
- 5 a. Designate one or more committees to assist with
- 6 area board functions.
- 7 b. Utilize community bodies for input to the area
- 8 board and implementation of services.
- 9 Sec. __. NEW SECTION. 256I.9 School ready
- 10 children grant program.
- 11 1. The state board shall develop and promote a
- 12 school ready children grant program which shall provide
- 13 for all of the following components:
- 14 a. Identify the performance measures that will be
- 15 used to assess the effectiveness of the school ready
- 16 children grants.
- 17 b. Identify guidelines and a process to be used for
- 18 determining the readiness of an early childhood Iowa
- 19 area board for administering a school ready children
- 20 grant.
- 21 c. Provide for technical assistance concerning
- 22 funding sources, program design, and other pertinent
- 23 areas.
- 24 2. The state board shall provide maximum
- 25 flexibility to grantees for the use of the grant moneys
- 26 included in a school ready children grant.
- 27 3. A school ready children grant shall, to the
- 28 extent possible, be used to support programs that meet
- 29 quality standards identified by the state board. At a
- 30 minimum, a grant shall be used to provide all of the
- 31 following:
- 32 a. Preschool services provided on a voluntary basis
- 33 to children deemed at risk.
- 34 b. Family support services and parent education
- 35 programs promoted to parents of children from zero
- 36 through age five. Family support services shall
- 37 include but are not limited to home visitation.
- 38 c. Other services to support the strategic plan
- 39 developed by the state board.
- 40 4. a. A school ready children grant shall be
- 41 awarded to an area board annually, as funding is
- 42 available. Receipt of continued funding is subject
- 43 to submission of the required annual report and the
- 44 state board's determination that the area board is
- 45 measuring, through the use of performance measures
- 46 and community-wide indicators developed by the state
- 47 board with input from area boards, progress toward and
- 48 is achieving the desired results and other results
- 49 identified in the community plan. Each area board
- 50 shall participate in the levels of excellence rating

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1 system to measure the area's success. If the use of
2 performance measures and community-wide indicators does
3 not show that an area board has made progress toward
4 achieving the results identified in the community
5 plan, the state board may request a plan of corrective
6 action, withhold any increase in funding, or withdraw
7 grant funding.

8 b. The state board shall distribute school
9 ready children grant moneys to area boards with
10 approved comprehensive community plans based upon
11 a determination of an early childhood Iowa area's
12 readiness to effectively utilize the grant moneys.
13 The grant moneys shall be adjusted for other federal
14 and state grant moneys to be received by the area for
15 services to children from zero through age five.

16 c. An area board's readiness shall be determined
17 by evidence of successful collaboration among public
18 and private early care, education, health, and
19 human services interests in the area or a documented
20 program design that supports a strong likelihood of
21 a successful collaboration between these interests.
22 Other criteria which may be used by the state board
23 to determine readiness and evaluate the funding
24 flexibility for an area include one or more of the
25 following:

26 (1) The levels of excellence rating received by the
27 area.

28 (2) Experience or other evidence of the area's
29 capacity to successfully implement the services in the
30 area's community plan.

31 (3) Local public and private funding and other
32 resources committed to implementation of the community
33 plan.

34 (4) The adequacy of plans for commitment of local
35 funding and other resources for implementation of the
36 community plan.

37 d. The provisions for distribution of school ready
38 children grant moneys shall be determined by the state
39 board.

40 e. The amount of school ready children grant
41 funding an area board may carry forward from one fiscal
42 year to the succeeding fiscal year shall not exceed
43 twenty percent of the grant amount for the fiscal year.
44 All of the school ready children grant funds received
45 by an area board for a fiscal year which remain
46 unencumbered or unobligated at the close of a fiscal
47 year shall be carried forward to the succeeding fiscal
48 year. However, the grant amount for the succeeding
49 fiscal year shall be reduced by the amount in excess
50 of twenty percent of the grant amount received for the

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1 fiscal year.

2 Sec. ____ NEW SECTION. 256I.10 Early childhood
3 Iowa internet site.

4 1. The department shall provide for the operation
5 of an internet site for purposes of widely distributing
6 information regarding early care, education, health,
7 and human services and other information provided
8 by the departments represented on the state board
9 and the public and private agencies addressing the
10 comprehensive system for such services.

11 2. Information provided on the internet site shall
12 include but is not limited to all of the following:

13 a. Information about the early childhood Iowa
14 initiative for state and local use.

15 b. A link to a special internet site directed to
16 parents, including parent-specific information on early
17 care, education, health, and human services and links
18 to other resources available on the internet and from
19 other sources.

20 c. Program standards for early care, education,
21 health, and human services that have been approved by
22 state agencies.

23 3. The department shall provide to the state board
24 information regarding the extent and frequency of usage
25 of the internet site or sites and this information
26 shall be included in the board's annual report to the
27 governor and general assembly.

28 Sec. ____ NEW SECTION. 256I.11 Early childhood
29 Iowa fund.

30 1. An early childhood Iowa fund is created in
31 the state treasury. The moneys credited to the
32 fund are not subject to section 8.33 and moneys in
33 the fund shall not be transferred, used, obligated,
34 appropriated, or otherwise encumbered except as
35 provided by law. Notwithstanding section 12C.7,
36 subsection 2, interest or earnings on moneys deposited
37 in the fund shall be credited to the fund.

38 2. A school ready children grants account is
39 created in the fund under the authority of the director
40 of the department of education. Moneys credited to
41 the account shall be distributed by the department
42 in the form of grants to early childhood Iowa areas
43 pursuant to criteria established by the state board in
44 accordance with law.

45 3. Unless a different amount is authorized by law,
46 up to five percent of the school ready children grant
47 moneys distributed to an area board may be used by the
48 area board for administrative costs.

49 4. a. An early childhood programs grants account
50 is created in the fund under the authority of the

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1 director of the department of education. Moneys
2 credited to the account under the auspices of the
3 department of human services are appropriated to and
4 shall be distributed by the department of education
5 in the form of grants to early childhood Iowa areas
6 pursuant to criteria established by the state board
7 in accordance with law. The criteria shall include
8 but are not limited to a requirement that an early
9 childhood Iowa area must be designated by the state
10 board in order to be eligible to receive an early
11 childhood programs grant.

12 b. The maximum funding amount an early childhood
13 Iowa area is eligible to receive from the early
14 childhood programs grant account for a fiscal year
15 shall be determined by applying the area's percentage
16 of the state's average monthly family investment
17 program population in the preceding fiscal year to the
18 total amount credited to the account for the fiscal
19 year.

20 c. An early childhood Iowa area receiving funding
21 from the early childhood programs grant account
22 shall comply with any federal reporting requirements
23 associated with the use of that funding and other
24 results and reporting requirements established by the
25 state board. The early childhood coordination center
26 shall provide technical assistance in identifying and
27 meeting the federal requirements. The availability of
28 funding provided from the account is subject to changes
29 in federal requirements and amendments to Iowa law.

30 d. The moneys distributed from the early childhood
31 programs grant account shall be used by early childhood
32 Iowa areas for the purposes of enhancing quality
33 child care capacity in support of parent capability
34 to obtain or retain employment. The moneys shall be
35 used with a primary emphasis on low-income families
36 and children from zero to age five. Moneys shall be
37 provided in a flexible manner and shall be used to
38 implement strategies identified by the early childhood
39 Iowa area to achieve such purposes. The department of
40 education may use a portion of the funding appropriated
41 to the department under this subsection for provision
42 of technical assistance and other support to the early
43 childhood Iowa areas developing and implementing
44 strategies with grant moneys distributed from the
45 account.

46 e. Moneys from a federal block grant that are
47 credited to the early childhood programs grant account
48 but are not distributed to an early childhood Iowa area
49 or otherwise remain unobligated or unexpended at the
50 end of the fiscal year shall revert to the fund created

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1 in section 8.41 to be available for appropriation by
 2 the general assembly in a subsequent fiscal year.
 3 5. A first years first account is created in
 4 the fund under the authority of the department of
 5 education. The account shall consist of gift or grant
 6 moneys obtained from any source, including but not
 7 limited to the federal government. Moneys credited to
 8 the account are appropriated to the department to be
 9 used for the early childhood-related purposes for which
 10 the moneys were received.

11 Sec. ____. Section 135.106, subsection 3, Code 2009,
 12 is amended to read as follows:

13 3. It is the intent of the general assembly to
 14 provide communities with the discretion and authority
 15 to redesign existing local programs and services
 16 targeted at and assisting families expecting babies
 17 and families with children who are newborn through
 18 five years of age. The Iowa department of public
 19 health, department of human services, department of
 20 education, and other state agencies and programs, as
 21 appropriate, shall provide technical assistance and
 22 support to communities desiring to redesign their
 23 local programs and shall facilitate the consolidation
 24 of existing state funding appropriated and made
 25 available to the community for family support services.
 26 Funds which are consolidated in accordance with this
 27 subsection shall be used to support the redesigned
 28 service delivery system. In redesigning services,
 29 communities are encouraged to implement a single
 30 uniform family risk assessment mechanism and shall
 31 demonstrate the potential for improved outcomes for
 32 children and families. Requests by local communities
 33 for the redesigning of services shall be submitted to
 34 the Iowa department of public health, department of
 35 human services, and department of education, and are
 36 subject to the approval of the early childhood Iowa
 37 ~~empowerment state~~ board in consultation with the
 38 departments, based on the practices utilized with
 39 ~~community empowerment~~ early childhood Iowa areas under
 40 chapter ~~28~~ 256I.

41 Sec. ____. Section 135.119, subsection 2, paragraph
 42 d, Code Supplement 2009, is amended to read as follows:

43 d. The program plan shall incorporate a multiyear,
 44 collaborative approach for implementation of the
 45 plan. The plan shall address how to involve those who
 46 regularly work with parents and persons responsible for
 47 the care of a child, including but not limited to child
 48 abuse prevention programs, child care resource and
 49 referral programs, child care providers, family support
 50 programs, programs receiving funding through the

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1 ~~community empowerment early childhood Iowa~~ initiative
2 public and private schools, health care providers,
3 local health departments, birth centers, and birthing
4 hospitals.

5 Sec. ____. Section 135.159, subsection 3, paragraph
6 i, Code Supplement 2009, is amended to read as follows:
7 i. For children, coordinate with and integrate
8 guidelines, data, and information from existing newborn
9 and child health programs and entities, including but
10 not limited to the healthy opportunities for parents
11 to experience success - healthy families Iowa program,
12 the ~~community empowerment program early childhood Iowa~~
13 initiative, the center for congenital and inherited
14 disorders screening and health care programs, standards
15 of care for pediatric health guidelines, the office of
16 multicultural health established in section 135.12, the
17 oral health bureau established in section 135.15, and
18 other similar programs and services.

19 Sec. ____. Section 142A.4, subsection 8, Code
20 Supplement 2009, is amended to read as follows:
21 8. Assist with the linkage of the initiative with
22 child welfare and juvenile justice decategorization
23 projects, education programming, ~~community~~
24 ~~empowerment early childhood Iowa~~ areas, and other
25 programs and services directed to youth at the state
26 and community level.

27 Sec. ____. Section 142A.8, subsection 2, Code 2009,
28 is amended to read as follows:
29 2. A community partnership area shall encompass
30 a county or multicounty area, school district or
31 multischool district area, economic development
32 enterprise zone that meets the requirements of an urban
33 or rural enterprise community under ~~Title Tit.~~ XIII of
34 the federal Omnibus Budget Reconciliation Act of 1993,
35 or ~~community empowerment early childhood Iowa~~ area, in
36 accordance with criteria adopted by the commission for
37 appropriate population levels and size of geographic
38 areas.

39 Sec. ____. Section 216A.140, subsection 5, paragraph
40 j, Code Supplement 2009, is amended to read as follows:
41 j. ~~Office of community empowerment Early childhood~~
42 coordination center in the department of management.

43 Sec. ____. Section 217.42, subsection 1, Code 2009,
44 is amended to read as follows:

45 1. The organizational structure to deliver the
46 department's field services shall be based upon service
47 areas. The service areas shall serve as a basis for
48 providing field services to persons residing in the
49 counties comprising the service area. The service
50 areas shall be those designated by the department

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1 effective January 1, 2002. In determining the
 2 service areas, the department shall consider other
 3 geographic service areas including but not limited to
 4 judicial districts and ~~community empowerment~~ early
 5 childhood Iowa areas. The department shall consult
 6 with the county boards of supervisors in a service
 7 area with respect to the selection of the service
 8 area manager responsible for the service area who is
 9 initially selected for the service area designated
 10 effective January 1, 2002, and any service area manager
 11 selected for the service area thereafter. Following
 12 establishment of the service areas effective January
 13 1, 2002, if a county seeks to change the boundaries
 14 of a service area, the change shall only take place
 15 if the change is mutually agreeable to the department
 16 and all affected counties. If it is necessary for the
 17 department to significantly modify its field operations
 18 or the composition of a designated service area, or
 19 if it is necessary for the department to change the
 20 number of offices operating less than full-time, the
 21 department shall consult with the affected counties
 22 prior to implementing such action.

23 Sec. ____ Section 232.188, subsection 4, paragraph
 24 c, Code 2009, is amended to read as follows:

25 c. A decategorization governance board shall
 26 coordinate the project's planning and budgeting
 27 activities with the departmental service area manager
 28 for the county or counties comprising the project area
 29 and the ~~community empowerment~~ early childhood Iowa area
 30 board or boards for the ~~community empowerment~~ early
 31 childhood Iowa area or areas within which the
 32 decategorization project is located.

33 Sec. ____ Section 237A.21, subsection 3, paragraph
 34 n, Code Supplement 2009, is amended to read as follows:

35 n. One designee of the ~~community empowerment~~
 36 ~~office~~ early childhood coordination center of the
 37 department of management.

38 Sec. ____ Section 237A.21, subsection 3, paragraph
 39 q, Code Supplement 2009, is amended to read as follows:

40 q. One person who represents the early childhood
 41 Iowa ~~council~~ state board created in section
 42 ~~135.173~~ 256I.3.

43 Sec. ____ Section 237A.22, subsection 1, paragraph
 44 j, Code Supplement 2009, is amended to read as follows:

45 j. Advise and assist the early childhood Iowa
 46 ~~council~~ state board in developing the strategic plan
 47 required pursuant to section ~~135.173~~ 256I.4.

48 Sec. ____ Section 237A.26, subsection 8, Code 2009,
 49 is amended to read as follows:

50 8. For purposes of improving the quality and

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1 consistency of data collection, consultation, and other
2 support to child care home and child development home
3 providers, a resource and referral services agency
4 grantee shall coordinate and assist with publicly
5 and privately funded efforts administered at the
6 community level to provide the support. The support
7 and efforts addressed by a grantee may include but are
8 not limited to community-funded child care home and
9 child development home consultants. Community members
10 involved with the assistance may include but are not
11 limited to the efforts of ~~a community empowerment an~~
12 early childhood Iowa area board under chapter ~~28 256I~~,
13 and of community representatives of education, health,
14 human services, business, faith, and public interests.

15 Sec. ____ Section 237A.30, subsection 1, Code 2009,
16 is amended to read as follows:

17 1. The department shall work with the ~~community~~
18 ~~empowerment office of~~ early childhood coordination
19 center in the department of management established in
20 section ~~28.3 256L.5~~ and the state child care advisory
21 council in designing and implementing a voluntary
22 quality rating system for each provider type of child
23 care facility.

24 Sec. ____ Section 256C.3, subsection 3, paragraph
25 e, Code 2009, is amended to read as follows:

26 e. Collaboration with participating families, early
27 care providers, and community partners including but
28 not limited to ~~community empowerment~~ early childhood
29 Iowa area boards, head start programs, shared visions
30 and other programs provided under the auspices of the
31 child development coordinating council, licensed child
32 care centers, registered child development homes,
33 area education agencies, child care resource and
34 referral services provided under section 237A.26, early
35 childhood special education programs, services funded
36 by ~~Title Tit.~~ I of the federal Elementary and Secondary
37 Education Act of 1965, and family support programs.

38 Sec. ____ Section 256C.3, subsection 4, paragraph
39 a, Code 2009, is amended to read as follows:

40 a. Methods of demonstrating community readiness
41 to implement high-quality instruction in a local
42 program shall be identified. The potential provider
43 shall submit a collaborative program proposal that
44 demonstrates the involvement of multiple community
45 stakeholders including but not limited to, and only as
46 applicable, parents, the school district, accredited
47 nonpublic schools and faith-based representatives, the
48 area education agency, the ~~community empowerment~~ early
49 childhood Iowa area board, representatives of business,
50 head start programs, shared visions and other programs

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1 provided under the auspices of the child development
2 coordinating council, center-based and home-based
3 providers of child care services, human services,
4 public health, and economic development programs. The
5 methods may include but are not limited to a school
6 district providing evidence of a public hearing on
7 the proposed programming and written documentation of
8 collaboration agreements between the school district,
9 existing community providers, and other community
10 stakeholders addressing operational procedures and
11 other critical measures.

12 Sec. ____ Section 256C.4, subsection 2, paragraph
13 b, Code 2009, is amended to read as follows:

14 b. The enrollment count of eligible students shall
15 not include a child who is included in the enrollment
16 count determined under section 257.6 or a child who is
17 served by a program already receiving state or federal
18 funds for the purpose of the provision of four-year-old
19 preschool programming while the child is being served
20 by the program. Such preschool programming includes
21 but is not limited to child development assistance
22 programs provided under chapter 256A, special education
23 programs provided under section 256B.9, school ready
24 children grant programs and other programs provided
25 under chapter ~~28~~ 256L, and federal head start programs
26 and the services funded by ~~Title Tit.~~ I of the federal
27 Elementary and Secondary Education Act of 1965.

28 Sec. ____ Section 279.60, Code 2009, is amended to
29 read as follows:

30 279.60 Kindergarten assessment – access to data –
31 reports.

32 Each school district shall administer the dynamic
33 indicators of basic early literacy skills kindergarten
34 benchmark assessment or other kindergarten benchmark
35 assessment adopted by the department of education
36 in consultation with the early childhood Iowa
37 ~~empowerment state~~ board to every kindergarten student
38 enrolled in the district not later than the date
39 specified in section 257.6, subsection 1. The school
40 district shall also collect information from each
41 parent, guardian, or legal custodian of a kindergarten
42 student enrolled in the district, including but not
43 limited to whether the student attended preschool,
44 factors identified by the early ~~care staff~~ childhood
45 coordination center pursuant to section ~~28.3~~ 256L.5,
46 and other demographic factors. Each school district
47 shall report the results of the assessment and the
48 preschool information collected to the department of
49 education in the manner prescribed by the department
50 not later than January 1 of that school year. The

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1 ~~early care staff designated pursuant to section~~
2 ~~28.3~~ early childhood coordination center in the
3 department of management shall have access to the raw
4 data. The department shall review the information
5 submitted pursuant to this section and shall submit
6 its findings and recommendations annually in a report
7 to the governor, the general assembly, the early
8 childhood Iowa empowerment state board, and the
9 ~~community empowerment~~ early childhood Iowa area board.

10 Sec. ____ Section 915.35, subsection 4, paragraph
11 b, Code Supplement 2009, is amended to read as follows:
12 b. A child protection assistance team may also
13 consult with or include juvenile court officers,
14 medical and mental health professionals, physicians
15 or other hospital-based health professionals,
16 court-appointed special advocates, guardians ad litem,
17 and members of a multidisciplinary team created by
18 the department of human services for child abuse
19 investigations. A child protection assistance team
20 may work cooperatively with the ~~local community~~
21 ~~empowerment~~ early childhood Iowa area board established
22 under ~~section 28.6~~ chapter 256I. The child protection
23 assistance team shall work with the department of human
24 services in accordance with section 232.71B, subsection
25 3, in developing the protocols for prioritizing the
26 actions taken in response to child abuse reports and
27 for law enforcement agencies working jointly with the
28 department at the local level in processes for child
29 abuse reports. The department of justice may provide
30 training and other assistance to support the activities
31 of a child protection assistance team.

32 Sec. ____ REPEALS.

33 1. Chapter 28, Code and Code Supplement 2009, is
34 repealed.

35 2. Section 135.173, Code Supplement 2009, is
36 repealed.

37 3. Section 135.174, Code 2009, is repealed.

38 Sec. ____ IMPLEMENTATION OF ACT. Section 25B.2,
39 subsection 3, shall not apply to this division of this
40 Act.

41 Sec. ____ TRANSITION.

42 1. Effective on or after July 1, 2010, as
43 determined by the early childhood Iowa state board
44 created pursuant to this division of this Act, the
45 designations granted by the Iowa empowerment board to
46 community empowerment areas and community empowerment
47 area boards under chapter 28, Code 2009, are withdrawn.
48 However, subject to the approval of the early childhood
49 Iowa state board in accordance with the area board
50 designation criteria established by this division

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1 of this Act, all or a portion of the membership of a
 2 community empowerment area board may be redesignated to
 3 serve as the membership of the initial early childhood
 4 Iowa area board for the relevant early childhood Iowa
 5 area to be served. Subject to rules to be adopted by
 6 the state board addressing redesignation of community
 7 empowerment areas as early childhood Iowa areas,
 8 existing multicounty community empowerment area boards
 9 may choose to be redefined as early childhood Iowa area
 10 boards.

11 2. Effective on or after July 1, 2010, as
 12 determined by the early childhood Iowa state board, any
 13 school ready children grant or other state or federal
 14 funds in the possession of a community empowerment area
 15 remaining unobligated or unexpended shall be returned
 16 to the department of education. The department shall
 17 credit funds received to the school ready children
 18 grant account or other corresponding account of the
 19 early childhood Iowa fund. The moneys credited shall
 20 be redisseminated to an early childhood Iowa area or
 21 areas that correspond geographically to the boundaries
 22 of the community empowerment area that returned the
 23 funds.

24 3. Until the early childhood Iowa state board
 25 has adopted administrative rules to implement the
 26 provisions of chapter 256I, as enacted by this division
 27 of this Act, the department of management shall apply
 28 the relevant rules adopted to implement the community
 29 empowerment initiative under chapter 28, Code 2009.
 30 The state board shall also adopt rules addressing
 31 transition of contracts entered into by community
 32 empowerment area boards that include provisions in
 33 effect on or after July 1, 2010. >>

34 4. By renumbering as necessary.

KOESTER of Polk
 PETTENGILL of Benton
 TYMESON of Madison

HORBACK of Tama
 S. OLSON of Clinton
 KAUFMANN of Cedar

H-8077

1 Amend Senate File 2088, as amended, passed, and
 2 reprinted by the Senate, as follows: 1.
 3 Page 40, after line 10 by inserting:
 4 <Sec. ____ BOARD OF REGENTS – PURCHASING
 5 REQUIREMENTS. The board of regents, and institutions
 6 under the control of the board of regents, shall, if
 7 making purchases in excess of one hundred thousand
 8 dollars, provide thirty days prior notice of the intent
 9 of the board or institution to purchase or to issue a

10 request for proposals to purchase items in excess of
11 one hundred thousand dollars on an appropriate internet
12 site for that board or institution.>

PETERSEN of Polk

H-8078

1 Amend Senate File 2088, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 117, line 28, by striking <subsections> and
4 inserting <subsection>
5 2. Page 117, by striking lines 29 through 31.
6 3. Page 117, line 32, by striking <4.> and
7 inserting <3.>

WATTS of Dallas

H-8081

1 Amend Senate File 2088 as follows:
2 1. Page 212, line 35, by striking <under a> and
3 inserting <under each>
4 2. Page 213, line 2, by striking <waivers> and
5 inserting <applicable waiver>
6 3. Page 213, line 5, after <median> by inserting
7 <as applicable to each waiver>

HEDDENS of Story

H-8082

1 Amend House File 2280 as follows:
2 1. Page 4, line 8, by striking <Fees> and inserting
3 <Authorization fees>
4 2. Page 14, after line 11 by inserting:
5 <Sec. ____ NEW SECTION. 162.17 Voluntary quality
6 mark program – special fees.
7 1. The department may establish a quality mark
8 program. The purpose of the program is to recognize
9 commercial establishments that provide exceptional care
10 to dogs or cats in their possession or control and to
11 encourage other commercial establishments to provide
12 that same exceptional care. The exceptional care must
13 exceed the standard of care required under section
14 162.10A.
15 2. As part of the program the department may do all
16 of the following:
17 a. Award a quality mark to participating commercial
18 establishments based on criteria for exceptional care
19 as provided by the department. The department may
20 require that a participating commercial establishment

21 volunteer for additional inspections as provided in
 22 section 162.10B. The department may award the quality
 23 mark regardless of the type of participating commercial
 24 establishment operated or may award a different quality
 25 mark according to the type of participating commercial
 26 establishment operated. In order to be awarded a
 27 quality mark the commercial establishment must be a
 28 state licensee.

29 b. Cooperate with commercial establishments in
 30 order to expand the number of quality marks awarded
 31 to eligible commercial establishments as provided in
 32 paragraph "a".

33 c. Establish and administer a campaign to increase
 34 public awareness of quality marks awarded to commercial
 35 establishments as provided in paragraph "a", which may
 36 include education, promotion, and marketing efforts.

37 3. The department may impose, assess, and collect
 38 a fee from a participating commercial establishment.
 39 The department shall retain all fees that it collects
 40 under this subsection for the exclusive purpose of
 41 administering and enforcing the provisions of this
 42 section. The fees shall be considered repayment
 43 receipts as defined in section 8.2.>

44 3. By renumbering as necessary.

ISENHART of Dubuque

H-8084

1 Amend the amendment, H-8045, to Senate File 2088,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. By striking page 5, line 37, through page 7,
 5 line 37.

6 2. By renumbering as necessary.

SMITH of Marshall

H-8093

1 Amend the amendment, H-8077, to Senate File 2088,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, line 8, by striking <thirty> and
 5 inserting <three business>

PETERSEN of Polk

H-8095

1 Amend the amendment, H-8045, to Senate File 2088,
 2 as amended, passed, and reprinted by the Senate, as

3 follows:

- 4 1. By striking page 18, line 44, through page 19,
5 line 49, and inserting:
6 <__. By striking page 166, line 25, through page
7 198, line 6.>
8 2. By renumbering as necessary.

WINCKLER of Scott

H-8101

- 1 Amend the amendment, H-8045, to Senate File 2088,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 31, by striking lines 7 and 8 and
5 inserting:
6 <Sec. ___. REPEAL. Sections 135.28 and 142C.16,

L. MILLER of Scott

H-8102

- 1 Amend House File 2199 as follows:
2 1. Page 2, after line 34 by inserting:
3 <Sec. ___. CONTINGENT REPEAL. If the United
4 States food and drug administration takes
5 formal action to decline approval of the use of
6 pharmaceutical-delivering contact lenses, this Act is
7 repealed. The board of optometry shall immediately
8 notify the Code editor upon receipt of information that
9 the contingency described in this section has occurred.
10 2. Title page line 2, after <lenses> by inserting
11 <and providing a contingency for repeal>
12 3. By renumbering as necessary.

THEDE of Scott

H-8107

- 1 Amend Senate File 2117, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, after line 34 by inserting:
4 <Sec. ___. CONTINGENT REPEAL. If the United
5 States food and drug administration takes
6 formal action to decline approval of the use of
7 pharmaceutical-delivering contact lenses, this Act is
8 repealed. The board of optometry shall immediately
9 notify the Code editor upon receipt of information
10 that the contingency described in this section has
11 occurred.>
12 2. Title page line 2, after <lenses> by inserting

13 <and providing a contingency for repeal>
14 3. By renumbering as necessary.

THEDE of Scott

H-8108

1 Amend House File 2413 as follows:
2 1. Page 1, line 21, by striking <shall> and
3 inserting <may>
4 2. Page 1, line 30, by striking <shall> and
5 inserting <may>
6 3. Title page, line 1, by striking <directing> and
7 inserting <allowing>

RAECKER of Polk

H-8109

1 Amend House File 2376 as follows:
2 1. Page 1, before line 1 by inserting:
3 <Section 1. Section 368.7, subsection 1, paragraphs
4 a and f, Code 2009, are amended to read as follows:
5 a. All of the owners of land in a territory
6 adjoining a city may apply in writing to the council
7 of the adjoining city requesting annexation of the
8 territory. Territory comprising railway right-of-way
9 or territory comprising not more than twenty percent
10 of the owners of the land area may be included in
11 the application without the consent of the owner to
12 avoid creating an island or to create more uniform
13 boundaries. Public land may be included in the
14 territory to be annexed. However, the area of the
15 territory that is public land included without the
16 written consent of the agency with jurisdiction
17 over the public land shall not be used to determine
18 the percentage of ~~territory~~ the owners of the land
19 area that is included with the consent of the owner and
20 without the consent of the owner.
21 f. An annexation including territory comprising not
22 more than twenty percent of the owners of the land area
23 without consent of the property owners is not complete
24 without approval by four-fifths of the members of the
25 city development board after a hearing for all affected
26 property owners and the county. When considering such
27 an annexation application, the board may request that
28 the annexing city provide information on the amount of
29 land located in the annexing city that is currently
30 vacant or undeveloped and whether municipal services
31 are being provided to current residents of the annexing
32 city.>
33 2. Page 2, after line 22 by inserting:

34 <Sec. ____ APPLICABILITY. The section of this Act
35 amending section 368.7 applies to applications for
36 voluntary annexation filed on or after the effective
37 date of this Act.>

38 3. Title page line 3, after <board> by inserting <,
39 amending provisions relating to procedures in certain
40 voluntary annexations, and including applicability
41 provisions>

42 4. By renumbering as necessary.

TYMESON of Madison

H-8110

1 Amend House File 2376 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 368.7, subsection 1, paragraph
4 a, Code 2009, is amended to read as follows:

5 a. All of the owners of land in a territory
6 adjoining a city may apply in writing to the council
7 of the adjoining city requesting annexation of the
8 territory. Territory comprising railway right-of-way
9 or territory comprising not more than twenty percent
10 of the land area may be included in the application
11 without the consent of the owner to avoid creating an
12 island or to create more uniform boundaries. Public
13 land may be included in the territory to be annexed.
14 However, the area of the territory that is public land
15 ~~included without the written consent of the agency with~~
16 ~~jurisdiction over the public land~~ shall not be used to
17 determine the percentage of territory that is included
18 with the consent of the owner and without the consent
19 of the owner.>

20 2. Page 2, after line 22 by inserting

21 <Sec. ____ APPLICABILITY. The section of this
22 Act amending section 368.7 applies to applications for
23 voluntary annexation filed on or after the effective
24 date of this Act.>

25 3. Title page, line 3, after <board> by inserting
26 <, amending provisions relating to the inclusion of
27 public lands in certain voluntary annexations, and
28 including applicability provisions>

29 4. By renumbering as necessary.

TYMESON of Madison

H-8111

1 Amend House File 426 as follows:

2 1. Page 1, after line 8 by inserting:

3 <Sec. ____ Section 321.361, Code 2009, is amended
4 by adding the following new subsection:

- 5 NEW SUBSECTION. 1A. Local authorities may by
 6 ordinance permit vehicles stopped or parked upon a
 7 roadway where there are adjacent curbs, to be stopped
 8 or parked with the left-hand wheels of the vehicle
 9 adjacent to and within eighteen inches of the left-hand
 10 curb, if deemed safer than stopping or parking
 11 regulations under subsection 1.>
 12 2. Title page, by striking lines 1 through 3 and
 13 inserting <An Act relating to the operation of motor
 14 vehicles including certain reporting and parking
 15 requirements.>
 16 3. By renumbering as necessary.

ISENHART of Dubuque

H-8112

1 Amend House File 2144 as follows:

2 1. Page 3, after line 12 by inserting:

3 <DIVISION ____
 4 PHARMACY TECHNICIANS

5 Sec. ____ Section 155A.6A, subsection 3, Code 2009,
 6 is amended to read as follows:

7 3. a. Beginning July 1, 2009, a person who is in
 8 the process of acquiring national certification as a
 9 pharmacy technician and who is in training to become a
 10 pharmacy technician shall register with the board as a
 11 pharmacy technician. The registration shall be issued
 12 for a period not to exceed one year and shall not be
 13 renewable.

14 b. A person who is registered as a pharmacy
 15 technician prior to January 1, 2010, who has worked
 16 prior to January 1, 2010, as a pharmacy technician
 17 for a minimum of two thousand hours under the
 18 supervision of a licensed pharmacist, or who has
 19 received certification as a pharmacy technician through
 20 a certification program accredited by the national
 21 commission for certifying agencies, is exempt from
 22 meeting any examination requirement for registration
 23 pursuant to subsection 2.

24 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
 25 of this Act, being deemed of immediate importance,
 26 takes effect upon enactment.>

27 2. Title page, line 2, by striking <, and> and
 28 inserting <and the board of pharmacy.>

29 3. Title page, line 3, after <applicable> by
 30 inserting <, and including effective date provisions>

CHAMBERS of O'Brien
 DOLECHECK of Ringgold
 ALONS of Sioux

H-8116

1 Amend House File 2421 as follows:

2 1. Page 2, after line 19 by inserting:

3 <3A. "E-verify program" means one of the following:

4 a. The electronic verification of work

5 authorization status program created under the federal
6 Illegal Immigration Reform and Immigrant Responsibility
7 Act of 1996, 8 U.S.C. § 1324a, and operated by the
8 United States department of homeland security.

9 b. Any federal work authorization status program
10 equivalent to the program described in paragraph
11 "a" and operated by the United States department of
12 homeland security or any other designated federal
13 agency authorized to verify the work authorization
14 status of newly hired employees, pursuant to the
15 federal Immigration Reform and Control Act of 1986,
16 Pub. L. No. 99-603.>

17 2. Page 5, by striking line 5 and inserting:

18 <15. a. "Worker" means an individual who is
19 employment eligible as determined by a contractor
20 or subcontractor using the e-verify program and who
21 performs any>

22 3. Page 5, line 31, by striking <July> and
23 inserting <January>

24 4. Page 10, after line 26 by inserting:

25 <3A. The public body shall not award a contract for
26 a public improvement or otherwise undertake a public
27 improvement unless all contractors and subcontractors
28 contracted to work on the public improvement agree
29 to use the federal e-verify program to ensure, prior
30 to commencing work on the public improvement, the
31 employment eligibility of all workers who will perform
32 work on the public improvement.>

33 5. Page 11, by striking lines 30 through 32 and
34 inserting:

35 <2. Submit to the public body responsible for the
36 public improvement monthly certified payroll records
37 and one-time verification records from the e-verify
38 program that each worker included in such payroll
39 records is employment eligible to work on the public
40 improvement. The public body may request a preference
41 for electronic records.>

42 6. Page 14, after line 8 by inserting:

43 <(03) Failed to require each worker, prior to
44 commencing work on the public improvement, to complete
45 a minimum ten-hour construction safety program approved
46 by the United States occupational safety and health
47 administration.>

48 7. Page 19, by striking lines 24 through 31.

49 8. Page 19, line 35, by striking <may> and
50 inserting <shall>

Page 2

1 9. Page 20, line 2, after <et seq.> by inserting
 2 <and shall adopt rules pursuant to chapter 17A
 3 to implement the provisions of this section to be
 4 effective July 1, 2011.>
 5 10. Page 20, by striking lines 3 and 4 and
 6 inserting:
 7 <Sec. ____ EFFECTIVE DATE. This Act shall take
 8 effect July 1, 2011, except for the provision of the
 9 section of this Act requiring the adoption of rules
 10 regarding temporary wage rate determinations as set by
 11 the federal Davis-Bacon Act, which provision requiring
 12 rulemaking shall take effect July 1, 2010.
 13 Sec. ____ APPLICABILITY. The section of this Act
 14 enacting section 91F.4 shall first be applicable to
 15 determinations and publication of prevailing wage rates
 16 by the commissioner of labor on January 3, 2012.>
 17 11. By renumbering as necessary.

R. OLSON of Polk

H-8117

1 Amend House File 2417 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting:
 4 <Section 1. Section 598.41C, subsection 1, Code
 5 2009, is amended to read as follows:
 6 1. a. If an application for modification of a
 7 decree or a petition for modification of an order
 8 regarding child custody or physical care is filed prior
 9 to or during the time a parent is serving active duty
 10 in the military service of the United States, the court
 11 may only enter an order or decree temporarily modifying
 12 the existing child custody or physical care order or
 13 decree if there is clear and convincing evidence that
 14 the modification is in the best interest of the child.
 15 b. If the active duty of a parent affects the
 16 parent's ability or anticipated ability to appear at a
 17 regularly scheduled hearing, the court shall provide
 18 for an expedited hearing in matters instituted under
 19 this section.
 20 c. If the active duty or anticipated active duty of
 21 a parent prevents the parent from appearing in person
 22 at a hearing, the court shall provide, upon reasonable
 23 advance notice, for the parent to present testimony
 24 and evidence by electronic means in matters instituted
 25 under this section. For the purposes of this
 26 paragraph, "electronic means" includes communication by
 27 telephone, video teleconference, or the internet.
 28 d. Upon the parent's completion of active duty,

29 the court shall reinstate the custody or physical
30 care order or decree that was in effect immediately
31 preceding the period of active duty. If an application
32 for modification of a decree or a petition for
33 modification of an order is filed after a parent
34 completes active duty, the parent's absence due to
35 active duty does not constitute a substantial change
36 in circumstances, and the court shall not consider a
37 parent's absence due to that active duty in making a
38 determination regarding the best interest of the child.

39 Sec. 2. NEW SECTION. 598.41D Assignment of
40 visitation – parent serving active duty – family
41 member.

42 1. Notwithstanding any provision to the contrary, a
43 parent who has been granted court-ordered visitation
44 with the parent's minor child may file an application
45 for modification of a decree or a petition for
46 modification of an order regarding child visitation,
47 prior to or during the time the parent is serving
48 active duty in the military service of the United
49 States, to temporarily assign that parent's visitation
50 rights to a family member of the minor child, as

Page 2

1 specified by the parent. The application or petition
2 shall be accompanied by an affidavit from the family
3 member indicating the family member's knowledge of the
4 application or petition and willingness to exercise the
5 parent's visitation rights during the parent's absence.
6 The application or petition shall also request any
7 change in the visitation schedule necessitated by the
8 assignment.

9 2. a. If the active duty of a parent affects the
10 parent's ability or anticipated ability to appear at a
11 regularly scheduled hearing, the court shall provide
12 for an expedited hearing in matters instituted under
13 this section.

14 b. If the active duty or anticipated active duty of
15 a parent prevents the parent from appearing in person
16 at a hearing, the court shall provide, upon reasonable
17 advance notice, for the parent to present testimony
18 and evidence by electronic means in matters instituted
19 under this section. For the purposes of this
20 paragraph, "electronic means" includes communication by
21 telephone, video teleconference or the internet.

22 3. a. The court may grant the parent's request for
23 temporary assignment of visitation and any change in
24 the visitation schedule requested if the court finds
25 that such visitation is in the best interest of the
26 child.

27 b. In determining the best interest of the child,

28 the court shall ensure all of the following:

- 29 (1) That the specified family member is not a sex
30 offender as defined in section 692A.101.
- 31 (2) That the specified family member does not have
32 a history of domestic abuse, as defined in section
33 236.2. In determining whether a history of domestic
34 abuse exists, the court's consideration shall include
35 but is not limited to commencement of an action
36 pursuant to section 236.3, the issuance of a protective
37 order against the individual or the issuance of a
38 court order or consent agreement pursuant to section
39 236.5, the issuance of an emergency order pursuant to
40 section 236.6, the holding of an individual in contempt
41 pursuant to section 664A.7, the response of a peace
42 officer to the scene of alleged domestic abuse or the
43 arrest of an individual following response to a report
44 of alleged domestic abuse, or a conviction for domestic
45 abuse assault pursuant to section 708.2A.
- 46 (3) That the specified family member does not have
47 a record of founded child or dependent adult abuse.
- 48 (4) That the specified family member has an
49 established relationship with the child.
- 50 (5) That the specified family member is able to

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1 personally and financially support the child during
2 visitation.

3 4. An order granting assignment of visitation
4 rights under this section does not create separate
5 rights to visitation for a person other than the
6 parent.

7 5. The parent shall provide a copy of the order
8 granting assignment of visitation to the school and
9 school district of the child to whom the order applies.

10 6. An order granting temporary assignment of
11 visitation rights pursuant to this section shall
12 terminate upon notification of the court by the parent
13 or automatically upon the parent's completion of active
14 duty, whichever occurs first.

15 7. After a parent completes active duty, if an
16 application for modification of a decree or a petition
17 for modification of an order is filed, the parent's
18 absence due to active duty or the assignment of
19 visitation rights does not constitute a substantial
20 change in circumstances, and the court shall not
21 consider a parent's absence due to that active duty
22 or the assignment of visitation rights in making a
23 determination regarding the best interest of the child
24 relative to such an application or petition filed after
25 a parent completes active duty.

26 8. As used in this section, "active duty" means

27 active military duty pursuant to orders issued under
 28 Tit. X of the United States Code. However, this
 29 section shall not apply to active guard and reserve
 30 duty or similar full-time military duty performed by
 31 a parent when the child remains in actual custody of
 32 the parent.

33 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being
 34 deemed of immediate importance, takes effect upon
 35 enactment.>

GAYMAN of Scott

H-8118

1 Amend House File 2413 as follows:

2 1. Page 1, by striking lines 10 through 12 and
 3 inserting <September. School ~~shall continue for at~~
 4 ~~least one hundred eighty days, except as provided~~
 5 ~~in subsection 3, and may be maintained during the~~
 6 entire calendar year. However, if the minimum hours
 7 of instructional time in a school year shall be nine
 8 hundred ninety hours. If the>

RAECKER of Polk

H-8119

1 Amend House File 2284 as follows:

2 1. Page 1, after line 15 by inserting:
 3 <Sec. ____. Section 147.13, subsection 11, Code
 4 Supplement 2009, is amended by striking the subsection.

5 Sec. ____. Section 147.13, subsection 12, Code
 6 Supplement 2009, is amended to read as follows:

7 12. For barbering and cosmetology arts and
 8 sciences, the board of barbering and cosmetology arts
 9 and sciences.

10 Sec. ____. Section 147.14, subsection 1, paragraph
 11 a, Code Supplement 2009, is amended to read as follows:

12 a. For barbering and cosmetology arts and sciences,
 13 three members licensed to practice barbering, three
 14 members licensed to practice cosmetology arts and
 15 sciences, and ~~two~~ five members who are not licensed to
 16 practice barbering or cosmetology arts and sciences and
 17 who shall represent the general public.

18 Sec. ____. Section 147.14, subsection 1, paragraph
 19 n, Code Supplement 2009, is amended by striking the
 20 paragraph.>

21 2. Page 4, after line 30 by inserting:

22 <Sec. ____. Section 157.1, subsection 1, Code 2009,
 23 is amended to read as follows:

24 1. "Board" means the board of barbering
 25 and cosmetology arts and sciences.

26 3. Page 6, after line 1 by inserting:
 27 <Sec. ____ Section 158.1, subsection 5, Code
 28 Supplement 2009, is amended to read as follows:
 29 5. "Board" means the board of barbering and
 30 cosmetology arts and sciences.>
 31 4. Page 6, after line 9 by inserting:
 32 <Sec. ____ Section 272C.1, subsection 6, paragraph
 33 g, Code Supplement 2009, is amended to read as follows:
 34 g. The board of barbering and cosmetology arts and
 35 sciences, created pursuant to chapter 147.
 36 Sec. ____ Section 272C.1, subsection 6, paragraph
 37 i, Code Supplement 2009, is amended by striking the
 38 paragraph.
 39 Sec. ____ Section 272C.2A, Code 2009, is amended to
 40 read as follows:
 41 272C.2A Continuing education minimum requirements –
 42 barbering and cosmetology arts and sciences.
 43 The board of barbering and ~~the board of~~ cosmetology
 44 arts and sciences, created pursuant to chapter 147,
 45 shall ~~each~~ require, as a condition of license renewal,
 46 a minimum of six hours of continuing education in the
 47 two years immediately prior to a licensee's license
 48 renewal. The board of barbering and cosmetology arts
 49 and sciences may notify cosmetology arts and sciences
 50 licensees on a quarterly basis regarding continuing

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1 education opportunities.
 2 Sec. ____ Section 714.25, subsection 2, unnumbered
 3 paragraph 1, Code 2009, is amended to read as follows:
 4 A proprietary school shall, prior to the time a
 5 student is obligated for payment of any moneys, inform
 6 the student, the college student aid commission, and
 7 in the case of a school licensed under section 157.8'
 8 or 158.7, the board of barbering and cosmetology arts
 9 and sciences ~~or in the case of a school licensed under~~
 10 ~~section 158.7, the board of barbering, of all of the~~
 11 ~~following:~~>
 12 5. Page 6, after line 11 by inserting:
 13 <Sec. ____ INITIAL BOARD. Notwithstanding
 14 section 147.14, as amended by this Act, of the
 15 initial appointments to the board of barbering and
 16 cosmetology arts and sciences, two public members shall
 17 be appointed for a one-year term, two public members
 18 shall be appointed for a two-year term, and one public
 19 member shall be appointed for a three-year term. Two
 20 of the members licensed under chapter 157 or 158 shall
 21 be appointed for a one-year term, two of the licensed
 22 members shall be appointed for a two-year term, and
 23 two of the licensed members shall be appointed for a

24 three-year term.
 25 6. By renumbering as necessary.

UPMEYER of Hancock

H-8121

1 Amend House File 2376 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Sec. ____ Section 331.304, subsection 3, paragraph
 4 a, Code 2009, is amended to read as follows:

5 a. A county building code shall not apply within
 6 the incorporated area of a city except at the option of
 7 the city, ~~and shall not apply within a city's two-mile~~
 8 ~~limit referred to in section 414.23, to the extent~~
 9 ~~that the city has adopted a building code within the~~
 10 ~~two-mile limit.~~

11 Sec. ____ Section 331.321, subsection 1, paragraph
 12 u, Code Supplement 2009, is amended by striking the
 13 paragraph.>

14 2. Page 2, after line 22 by inserting:

15 <Sec. ____ Section 427B.2, subsection 2, Code
 16 Supplement 2009, is amended to read as follows:

17 2. The board of supervisors of a county which has
 18 not appointed a zoning commission may provide for a
 19 partial exemption from property taxation of the actual
 20 value added to industrial real estate as provided under
 21 section 427B.1 ~~in the following areas:~~

22 ~~a. Outside an area outside the incorporated limits~~
 23 ~~of a city to which a city has extended its zoning~~
 24 ~~ordinance pursuant to section 414.23 which complies~~
 25 ~~with the city's zoning ordinance.~~

26 ~~b. Outside the incorporated limits of a city which~~
 27 ~~has adopted a zoning ordinance but which has not~~
 28 ~~extended the ordinance to the area permitted under~~
 29 ~~section 414.23 if the property would be within the area~~
 30 ~~to which a city may extend a zoning ordinance pursuant~~
 31 ~~to section 414.23.~~

32 ~~c. Outside the incorporated limits of a city which~~
 33 ~~has not adopted a zoning ordinance but which would be~~
 34 ~~within the area to which a city may extend a zoning~~
 35 ~~ordinance pursuant to section 414.23.~~

36 Sec. ____ Section 716.7, subsection 2, Code 2009,
 37 is amended by adding the following new paragraph:

38 NEW PARAGRAPH. f. Entering upon or in property
 39 that is under consideration for condemnation by an
 40 acquiring agency, as defined in section 6B.1, but prior
 41 to the commencement of eminent domain proceedings under
 42 chapter 6A or 6B, without the express permission of
 43 the owner, lessee, or person in lawful possession.

44 Sec. ____ REPEAL. Section 414.23, Code 2009, is
 45 repealed.>

- 46 3. Title page line 1, after <Act> by inserting
 47 <relating to real property by amending provisions
 48 relating to trespassing and zoning and>
 49 4. By renumbering as necessary.

WATTS of Dallas

H-8122

- 1 Amend House File 2420 as follows:
 2 1. Page 2, line 11, after <20.32> by inserting <
 3 multicultural diversity policies, harassment policies,
 4 discipline policies, shift assignments, transfer and
 5 promotion procedures, and participation in workplace
 6 committees>

TYMESON of Madison

H-8123

- 1 Amend House File 2420 as follows:
 2 1. Page 5, after line 15 by inserting:
 3 <(6) Provides, in the collective bargaining
 4 agreement, that an employee who is a member of and
 5 adheres to established and traditional tenets of
 6 teachings of a bona fide religion or religious body
 7 which has historically held conscientious objections
 8 to joining or financially supporting an employee
 9 organization and which is exempt from taxation under
 10 the provisions of the Internal Revenue Code shall not
 11 be required to join or pay a reasonable reimbursement
 12 amount to any employee organization pursuant to the
 13 reasonable reimbursement amount agreement.>
 14 2. By renumbering as necessary.

TYMESON of Madison

H-8124

- 1 Amend House File 2420 as follows:
 2 1. Page 6, after line 13 by inserting:
 3 <Sec. ____ NEW SECTION. 20.33 Employer and labor
 4 organization communications.
 5 1. As used in this section, unless the context
 6 otherwise requires, "political matters" includes
 7 political party affiliation or the decision to join or
 8 not join any lawful political, social, or community
 9 group or activity or any employee organization.
 10 2. a. Any public employer shall not require
 11 the public employer's public employees to attend
 12 an employer sponsored meeting or participate in
 13 any communications with the public employer, the

14 primary purpose of which is to communicate the public
15 employer's opinion about religious or political
16 matters, except that a public employer may communicate
17 to employees information about religious or political
18 matters that the public employer is required by law
19 to communicate, but only to the extent of such legal
20 requirement.

21 b. An employee organization shall not require the
22 employee organization's public employee members to
23 attend a meeting sponsored by the employee organization
24 or participate in any communications with the employee
25 organization, the primary purpose of which is to
26 communicate the employee organization's opinion about
27 religious or political matters, except that an employee
28 organization may communicate to members information
29 about religious or political matters that the employee
30 organization is required by law to communicate, but
31 only to the extent of such legal requirement.

32 3. a. A public employer shall not discharge,
33 discipline, or otherwise penalize or threaten to
34 discharge, discipline, or otherwise penalize any public
35 employee because the public employee, or a person
36 acting on behalf of the public employee, makes a good
37 faith report, verbally or in writing, of a violation or
38 suspected violation of this section. This subsection
39 shall not apply if the public employee knows that such
40 report is false at the time the report is made.

41 b. An employee organization shall not discharge,
42 discipline, or otherwise penalize or threaten to
43 discharge, discipline, or otherwise penalize any public
44 employee member of the employee organization because
45 the public employee, or a person acting on behalf
46 of the public employee, makes a good faith report,
47 verbally or in writing, of a violation or suspected
48 violation of this section. This subsection shall not
49 apply if the public employee knows that such report is
50 false at the time the report is made.

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1 4. A public employee alleging to be aggrieved by
2 a violation of this section may file a civil action
3 within ninety days after the date of the alleged
4 violation in a court of competent jurisdiction in the
5 county where the violation is alleged to have occurred
6 or where the public employer or employee organization
7 has its principal office. The court may award a
8 prevailing public employee all appropriate relief,
9 including reinstatement, back pay, and reestablishment
10 of any public employee or employee organization
11 benefits to which the public employee would otherwise
12 have been eligible if such violation had not occurred.

13 The court shall award a prevailing public employee
 14 treble damages in an amount up to three times the
 15 amount of all other damages awarded, reasonable
 16 attorney fees, and costs.

17 5. This section shall not be construed to limit
 18 a public employee's right to bring any other action
 19 allowed by law against a public employer for wrongful
 20 termination or to diminish or impair the rights of a
 21 person under any collective bargaining agreement.

22 6. This section shall not prohibit any of the
 23 following:

24 a. A political organization from requiring its
 25 employees to attend a public employer sponsored meeting
 26 or to participate in any communications with the
 27 public employer or its agents or representatives, the
 28 primary purpose of which is to communicate the public
 29 employer's political tenets or purposes.

30 b. An institution of higher education from
 31 requiring student instructors to attend lectures on
 32 religious or political matters that are part of the
 33 regular coursework at such institution.>

34 2. Title page, line 1, after <An Act> by inserting
 35 <concerning employment, by providing for public
 36 employer and employee organization communications and>

37 3. By renumbering as necessary.

TYMESON of Madison

H-8125

1 Amend House File 2420 as follows:

2 1. Page 6, after line 18 by inserting:
 3 <Sec. ____. CONTINGENT EFFECTIVE DATE. This Act
 4 takes effect upon the repeal of that portion of the
 5 First Amendment to the Constitution of the United
 6 States that provides for the right of the people
 7 peaceably to assemble.>

8 2. Title page, line 4, before <applicability> by
 9 inserting <effective date and>

10 3. By renumbering as necessary.

CHAMBERS of O'Brien

H-8126

1 Amend House File 2420 as follows:

2 1. Page 2, after line 13 by inserting:
 3 <Sec. ____. Section 20.15, subsection 1, Code 2009,
 4 is amended to read as follows:

5 1. Upon the filing of a petition for certification
 6 of an employee organization and each two years
 7 thereafter, the board shall submit a question to the

8 public employees at an election in an appropriate
9 bargaining unit. The question on the ballot shall
10 permit the public employees to vote for no bargaining
11 representation or for any employee organization
12 which has petitioned for certification or which has
13 presented proof satisfactory to the board of support
14 of ten percent or more of the public employees in the
15 appropriate unit.>

16 2. By renumbering as necessary.

CHAMBERS of O'Brien

H-8127

1 Amend House File 2420 as follows:

2 1. By striking the enacting clause and inserting:

3 <BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE
4 OF IOWA:>

5 2. By striking page 1, line 1, through page 6, line
6 18, and inserting:

7 <Section 1. The following amendment to the
8 Constitution of the State of Iowa is proposed:

9 The Constitution of the State of Iowa is amended by
10 adding the following new sections to new Article XIII:

11 ARTICLE XIII

12 LABOR UNION MEMBERSHIP

13 SECTION 1. Right to join union. It is declared
14 to be the policy of the state of Iowa that no person
15 within its boundaries shall be deprived of the right
16 to work at the person's chosen occupation for any
17 public or private employer because of membership in,
18 affiliation with, withdrawal or expulsion from, or
19 refusal to join, any labor union, organization, or
20 association, and any contract which contravenes this
21 policy is illegal and void.

22 SEC. 2. Refusal to employ prohibited. It shall
23 be unlawful for any person, firm, association or
24 corporation to refuse or deny public or private
25 employment to any person because of membership in, or
26 affiliation with, or resignation or withdrawal from, a
27 labor union, organization or association, or because
28 of refusal to join or affiliate with a labor union,
29 organization or association.

30 SEC. 3. Contracts to exclude unlawful. It shall be
31 unlawful for any person, firm, association, corporation
32 or labor organization to enter into any understanding,
33 contract, or agreement, whether written or oral, to
34 exclude from public or private employment members of a
35 labor union, organization or association, or persons
36 who do not belong to, or who refuse to join, a labor
37 union, organization or association, or because of
38 resignation or withdrawal therefrom.

39 SEC. 4. Union dues as prerequisite to employment –
 40 prohibited. It shall be unlawful for any person, firm,
 41 association, labor organization or corporation, or
 42 political subdivision, either directly or indirectly,
 43 or in any manner or by any means as a prerequisite
 44 to or a condition of public or private employment
 45 to require any person to pay dues, charges, fees,
 46 contributions, fines or assessments to any labor union,
 47 labor association or labor organization.
 48 SEC. 5. Deducting dues from pay unlawful. It
 49 shall be unlawful for any person, firm, association,
 50 labor organization or corporation to deduct labor

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1 organization dues, charges, fees, contributions, fines
 2 or assessments from a public or private employee's
 3 earnings, wages or compensation, unless the public
 4 or private employer has first been presented with
 5 an individual written order therefore signed by the
 6 employee, which written order shall be terminable at
 7 any time by the employee giving at least thirty days'
 8 written notice of such termination to the employer.
 9 Sec. 2. REFERRAL AND PUBLICATION. The foregoing
 10 proposed amendment to the Constitution of the State of
 11 Iowa is referred to the General Assembly to be chosen
 12 at the next general election for members of the General
 13 Assembly and the Secretary of State is directed to
 14 cause it to be published for three consecutive months
 15 previous to the date of that election as provided by
 16 law.>
 17 3. Title page, by striking lines 1 through 4 and
 18 inserting: <A Joint Resolution proposing an amendment
 19 to the Constitution of the State of Iowa providing for
 20 labor union membership.>

COWNIE of Polk

H-8128

1 Amend House File 2420, as passed by the House, as
 2 follows:
 3 1. Page 3, line 29, after <date> by inserting <the
 4 public employee has been employed within the bargaining
 5 unit for six months or prior to the date>

COWNIE of Polk

H-8129

1 Amend House File 2420 as follows:
 2 1. Page 6, after line 13 by inserting:

3 <4. Representation voluntary. Notwithstanding
 4 any provision of this chapter to the contrary and if
 5 reasonable reimbursement is included in a collective
 6 bargaining agreement, an employee organization
 7 shall only be required to represent employees in the
 8 applicable bargaining unit that voluntarily agree to
 9 such representation and shall only be permitted to
 10 collect a reasonable reimbursement amount from those
 11 employees who voluntarily agree to be represented by
 12 the employee organization.>
 13 2. By renumbering as necessary.

VAN ENGELENHOVEN of Marion

H-8130

1 Amend House File 2420 as follows:
 2 1. Page 5, after line 15 by inserting:
 3 <(6) Provides, in the collective bargaining
 4 agreement, that the employee organization make
 5 available to nonmembers who pay a reasonable
 6 reimbursement amount all documents and materials made
 7 available to members of the employee organization.>
 8 2. By renumbering as necessary.

VAN ENGELENHOVEN of Marion

H-8131

1 Amend House File 2420 as follows:
 2 1. Page 1, after line 7 by inserting:
 3 <NEW SUBSECTION. 1B. "Bargaining unit" means only
 4 those employees in a particular class of employees who
 5 have not declared themselves a free agent employee.>
 6 2. Page 1, after line 10 by inserting:
 7 <NEW SUBSECTION. 5A. "Free agent employee" means a
 8 public employee who has signed a release declaring that
 9 the employee will not be represented by an employee
 10 organization and that the employee understands that
 11 signing the release waives any claim or right to
 12 representation by that employee organization.>
 13 3. Page 1, after line 23 by inserting:
 14 <Sec. ____ Section 20.8, Code 2009, is amended by
 15 adding the following new subsection:
 16 NEW SUBSECTION. 5. Declare themselves a free agent
 17 employee.>
 18 4. By renumbering as necessary.

WATTS of Dallas

H-8132

1 Amend House File 2420 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 20.3, subsection 1, Code 2009,
4 is amended to read as follows:

5 1. "Arbitration" means the procedure whereby the
6 parties involved in an impasse submit their differences
7 to a third party for a ~~final and binding~~ decision or as
8 provided in this chapter.>

9 2. Page 2, after line 13 by inserting:

10 <Sec. ____. Section 20.17, subsection 10, Code 2009,
11 is amended to read as follows:

12 10. The negotiation of a proposed collective
13 bargaining agreement by representatives of a state
14 public employer and a state employee organization shall
15 be complete not later than March 15 of the year when
16 the agreement is to become effective. The board shall
17 provide, by rule, a date on which any impasse item
18 must be submitted to ~~binding~~ arbitration and for such
19 other procedures as deemed necessary to provide for the
20 completion of negotiations of proposed state collective
21 bargaining agreements not later than March 15. The
22 date selected for the mandatory submission of impasse
23 items to ~~binding~~ arbitration shall be sufficiently in
24 advance of March 15 to insure that the arbitrators'
25 decision can be reasonably made before March 15.

26 Sec. ____. Section 20.22, subsection 1, Code 2009,
27 is amended to read as follows:

28 1. If an impasse persists after the findings
29 of fact and recommendations are made public by the
30 fact-finder, the parties may continue to negotiate
31 or, the board shall have the power, upon request of
32 either party, to arrange for arbitration, ~~which shall~~
33 ~~be binding~~. The request for arbitration shall be in
34 writing and a copy of the request shall be served upon
35 the other party.

36 Sec. ____. Section 20.22, subsection 12, Code 2009,
37 is amended to read as follows:

38 12. The selections by the panel of arbitrators
39 and items agreed upon by the public employer and
40 the employee organization, shall be deemed to be the
41 collective bargaining agreement between the parties'
42 subject to the provisions of section 20.22A.

43 Sec. ____. Section 20.22, subsection 13, Code 2009,
44 is amended to read as follows:

45 13. The determination of the panel of arbitrators
46 shall be by majority vote and shall be final and
47 binding subject to the provisions of section 20.17,
48 subsection 6, and section 20.22A. The panel of
49 arbitrators shall give written explanation for its
50 selection and inform the parties of its decision.

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1 Sec. ____ NEW SECTION. 20.22A State employee
2 negotiations.

3 1. The items of a collective bargaining agreement
4 reached pursuant to this chapter between a public
5 employer and an employee organization representing
6 state employees which require economic adjustments
7 shall not take effect and the agreement is not final
8 and binding until moneys have been appropriated to
9 fund the economic adjustments by the general assembly,
10 specifically to fund the economic adjustments of the
11 collective bargaining agreement at issue. Items of a
12 collective bargaining agreement concerning an employee
13 organization representing state employees that are not
14 economic adjustments are not subject to approval by the
15 general assembly and are final and binding upon their
16 determination subject to the provisions of section
17 20.17, subsection 6.

18 2. Within ten days following the determination of
19 a collective bargaining agreement on all negotiated
20 items by agreement of the parties or by an arbitration
21 decision, the governor, or the governor's designee,
22 shall inform the general assembly the amount of
23 the appropriation necessary to fund the economic
24 adjustments requires to fund the collective bargaining
25 agreement.

26 3. The general assembly shall appropriate funds in
27 any amount up to and including the amount indicated
28 by the governor, or the governor's designee, under
29 subsection 2. If less than the entire amount indicated
30 by the governor, or the governor's designee, is
31 appropriated by the general assembly, the collective
32 bargaining agreement shall be administered on the basis
33 of the amounts appropriated by and any directions of
34 the general assembly.

35 4. The general assembly shall make an appropriation
36 as provided by this section prior to the date the
37 collective bargaining agreement is to become effective.

38 5. The items of a collective bargaining agreement
39 that require economic adjustments subject to the
40 provisions of this section shall become final and
41 binding upon an appropriation of funds by the general
42 assembly, subject to the provisions of section 20.17,
43 subsection 6.>

44 3. By renumbering as necessary.

H-8133

- 1 Amend House File 2420 as follows:
- 2 1. Page 5, after line 15 by inserting:
- 3 <(6) Provides, in the collective bargaining
- 4 agreement, that an accounting of all expenses of
- 5 personnel working directly for the certified employee
- 6 organization shall be made available to the public and
- 7 published on a quarterly basis during the time period a
- 8 reasonable reimbursement amount is collected.>
- 9 2. By renumbering as necessary.

WATTS of Dallas

H-8134

- 1 Amend House File 2420 as follows:
- 2 1. Page 2, line 22, after <agreement> by inserting
- 3 <by an affirmative vote of all public employees subject
- 4 to the agreement>

WATTS of Dallas

H-8135

- 1 Amend House File 2420 as follows:
- 2 1. Page 5, after line 15 by inserting:
- 3 <(6) Provides, in the collective bargaining
- 4 agreement, that any projected increase in revenue to
- 5 a certified employee organization from collection
- 6 of reasonable reimbursement amounts shall be used
- 7 to reduce on a pro rata basis the amount of dues
- 8 and charges required to be paid by a member of the
- 9 certified employee organization and the reasonable
- 10 reimbursement amount.>
- 11 2. By renumbering as necessary.

GRASSLEY of Butler

H-8136

- 1 Amend House File 2420 as follows:
- 2 1. Page 5, after line 15 by inserting:
- 3 <(6) Provides, in the collective bargaining
- 4 agreement, that the exclusive bargaining representative
- 5 conduct, and make available to the public, an annual
- 6 audit of the amount of the reasonable reimbursement
- 7 amounts collected and how the reasonable reimbursement
- 8 amounts were used during the year.>
- 9 2. By renumbering as necessary.

GRASSLEY of Butler

H-8137

- 1 Amend House File 2420 as follows:
2 1. Page 5, after line 15 by inserting:
3 <(6) Provides, in the collective bargaining
4 agreement, that a reasonable reimbursement amount shall
5 not be collected if the agreement does not allow an
6 employee to opt out of representation by the employee
7 organization or if the agreement requires an employee
8 to become a member of the employee organization or pay
9 a reasonable reimbursement amount.>
10 2. By renumbering as necessary.

GRASSLEY of Butler

H-8138

- 1 Amend House File 2420 as follows:
2 1. Page 1, by striking lines 3 through 7.
3 2. Page 2, by striking line 10 and inserting <for
4 grievance services>
5 3. Page 2, line 15, by striking <bargaining and>
6 4. Page 2, line 20, by striking <bargaining
7 services and>
8 5. By striking page 2, line 25, through page 5,
9 line 23.
10 6. Page 6, line 9, by striking <ten> and inserting
11 <twenty>
12 7. Page 6, line 16, by striking <bargaining
13 services and>
14 8. By renumbering as necessary.

HORBACH of Tama

H-8139

- 1 Amend House File 2158 as follows:
2 1. Page 1, after line 13 by inserting:
3 <Sec. ____ Section 234.46, subsection 3, Code 2009,
4 is amended to read as follows:
5 3. This section shall not be construed as granting
6 an entitlement for any program, services, or other
7 support for the persons described in this section. Any
8 state obligation to provide a program, services, or
9 other support pursuant to this section is limited to
10 the extent of the funds appropriated for the purposes
11 of the program. If the division projects that the
12 funding available for the program for a fiscal year
13 will be insufficient based upon anticipated enrollment,
14 the division may establish waiting lists or implement
15 other measures as necessary to maintain program
16 expenditures within the funding available.>

- 17 2. Title page, line 1, by striking <eligibility
 18 for>
 19 3. By renumbering as necessary.

WESSEL-KROESCHELL of Story

H-8141

- 1 Amend House File 2280 as follows:
 2 1. Page 4, line 15, after <dollars.> by inserting
 3 <However, a licensed veterinarian who operates
 4 an animal shelter or pound on the premises of the
 5 veterinarian's clinic is not required to pay the fee in
 6 order to receive a certificate of registration for the
 7 animal shelter or pound.>

DE BOEF of Keokuk

H-8143

- 1 Amend House File 2280 as follows:
 2 1. Page 10, after line 19 by inserting:
 3 <2A. The department may impose a civil penalty of
 4 not more than two hundred fifty dollars on a person who
 5 willfully makes a false or frivolous complaint received
 6 by the department under subsection 2, paragraph "a".
 7 The civil penalty shall be assessed and collected as
 8 provided in section 162.12A.>
 9 2. By renumbering as necessary.

ALONS of Sioux

H-8147

- 1 Amend House File 2420 as follows:
 2 1. Page 6, after line 18 by inserting:
 3 <Sec. ____ CONTINGENT EFFECTIVE DATE. This Act
 4 takes effect upon the striking of the words "free and
 5 independent" from the preamble of the Constitution of
 6 the State of Iowa.>
 7 2. Title page, line 4, before <applicability> by
 8 inserting <effective date and>
 9 3. By renumbering as necessary.

CHAMBERS of O'Brien

H-8148

- 1 Amend House File 2420 as follows:
 2 1. Page 6, after line 18 by inserting:
 3 <Sec. ____ CONTINGENT EFFECTIVE DATE. This
 4 Act takes effect upon the striking of the words

- 5 "acquiring, possessing and protecting property" from
 6 section 1 of Article I of the Constitution of the State
 7 of Iowa.>
 8 2. Title page, line 4, before <applicability> by
 9 inserting <effective date and>
 10 3. By renumbering as necessary.

CHAMBERS of O'Brien

H-8150

- 1 Amend House File 2413 as follows:
 2 1. Page 1, by striking lines 24 and 25 and
 3 inserting <purposes of improving student achievement,
 4 including but not limited to federal>
 5 2. Page 1, by striking lines 31 through 33 and
 6 inserting <improve student achievement by measures
 7 including but not limited to extending the school
 8 calendar or instructional hours of the school day,
 9 closing the achievement gap.>
 10 3. Title page, by striking lines 2 and 3 and
 11 inserting <order to improve student achievement, close
 12 the achievement gap, and turn around persistently
 13 lowest-achieving schools.>

SWEENEY of Hardin

H-8161

- 1 Amend House File 2420 as follows:
 2 1. Page 1, before line 1 by inserting:
 3 <Section 1. TITLE OF ACT. This Act shall be known
 4 as the "Repealing the Right to Work Act".
 5 Sec. ____ Section 20.1, subsection 1, Code 2009, is
 6 amended by striking the subsection and inserting in
 7 lieu thereof the following:
 8 1. The general assembly declares that it is the
 9 public policy of the state to promote harmonious and
 10 cooperative relationships between government and its
 11 employees by permitting public employees to organize
 12 and bargain collectively; to protect the citizens of
 13 this state by assuring effective and orderly operations
 14 of government in providing for their health, safety,
 15 and welfare; to prohibit and prevent all strikes by
 16 public employees; and to force citizens and employees
 17 to either join, fund, participate in, or pay fees
 18 to employee organizations they choose not to join,
 19 participate in, or support.>
 20 2. Page 2, line 9, by striking <shall> and
 21 inserting <may>
 22 3. Page 6, after line 13 by inserting:
 23 <4. Nonmember reimbursement. A collective

24 bargaining agreement which provides for reasonable
 25 reimbursement for bargaining services and grievance
 26 services by nonmembers of the employee organization
 27 shall provide that the public employer shall reimburse
 28 the nonmember in additional wages representing the
 29 amount the nonmember is required to reimburse the
 30 employee organization for bargaining and grievance
 31 services as provided in this section.>

32 4. Title page, by striking lines 2 and 3 and
 33 inserting <by creating a "Repealing the Right to Work
 34 Act" and providing for the payment of union dues or
 35 fees for services not requested by certain executive>

36 5. By renumbering as necessary.

RANTS of Woodbury

H-8163

1 Amend House File 2324 as follows:

2 1. Page 2, by striking lines 28 through 33.

3 2. Title page, by striking lines 2 through 4 and
 4 inserting <for common ownership and management of the
 5 operations, and including effective date>

6 3. By renumbering as necessary.

ZIRKELBACH of Jones

H-8165

1 Amend House File 2324 as follows:

2 1. Page 2, line 32, by striking <is not required
 3 to> and inserting <shall>

4 2. Page 2, line 33, after <section> by inserting
 5 <by December 21, 2011>

6 3. Page 2, after line 33 by inserting:
 7 <Sec. ____ Section 459.314, Code Supplement 2009,
 8 is amended by adding the following new subsection:
 9 NEW SUBSECTION. 3. However, until December 21,
 10 2011, except as otherwise provided in subsection
 11 2, paragraph "a" or "b", a person shall not apply
 12 manure on land located within four hundred feet from
 13 a designated area and notwithstanding subsection 2,
 14 paragraph "c", the department may adopt rules providing
 15 for an increased separation distance requirement for
 16 the application of manure located in proximity to a
 17 high-quality water resource that is no more than one
 18 thousand six hundred feet from a designated area.>

19 4. By renumbering as necessary.

KUHN of Floyd

H-8166

- 1 Amend House File 2467 as follows:
2 1. Page 1, by striking lines 1 through 6.
3 2. Page 1, line 18, after <of> by inserting <the>
4 3. By renumbering as necessary.

QUIRK of Chickasaw

H-8168

- 1 Amend House File 2492 as follows:
2 1. Page 20, after line 31 by inserting:
3 <Sec. ____ DEPARTMENT OF EDUCATION – AUTHORIZING
4 FUND TRANSFERS – VALIDATION AND RETROACTIVE
5 APPLICABILITY.
6 1. a. Notwithstanding any other statute or rule
7 of law to the contrary, if a school district whose
8 accreditation was removed by action of the state board
9 of education effective July 1, 2008, had a negative
10 fund balance in its general fund at the end of the
11 school budget year beginning July 1, 2007, the director
12 of the department of education is authorized to and
13 shall approve by August 1, 2010, the transfer of any
14 positive balance from one or more funds of the school
15 district to the school district's general fund for the
16 school budget year beginning July 1, 2007, and the
17 transfer made is hereby validated and to that extent,
18 this Act applies retroactively to July 1, 2007.
19 b. On the date on which the director of the
20 department of education approves the transfer of funds
21 pursuant to this subsection, the department shall
22 provide notice of the approval of the funds transferred
23 pursuant to this subsection to the boards of directors
24 of the school districts to which the former school
25 district's territory was merged and shall transmit to
26 the state board of education a record of the approval
27 of the funds transferred pursuant to this subsection.
28 2. The board of directors of a school district to
29 which the former school district's territory was merged
30 shall be exempted from any liability resulting from
31 the action taken by the director of the department of
32 education pursuant to subsection 1 if the school board,
33 within 30 days of the date on which the director of
34 the department of education took action pursuant to
35 subsection 1, adopts a resolution to accept the action
36 taken by the director pursuant to subsection 1.>
37 2. Page 21, after line 7 by inserting:
38 <Sec. ____ EFFECTIVE UPON ENACTMENT. The section
39 of this Act providing for authorization and validation
40 of fund transfers by the department of education, being
41 deemed of immediate importance, takes effect upon

42 enactment.>

43 3. Title page, line 2, after <boards> by inserting
44 <and including effective date, validation, and
45 retroactive applicability provisions>

ARNOLD of Lucas

H-8169

1 Amend House File 2470 as follows:

2 1. Page 1, line 32, after <identification> by
3 inserting <unless the precinct election official has
4 reasonable doubt as to the prospective voter's claim
5 of identity>

6 2. Page 2, before line 3 by inserting:
7 <Sec. ____ Section 49.81, subsection 1, Code 2009,
8 is amended to read as follows:

9 1. a. A prospective voter who is prohibited under
10 section 48A.8, subsection 4, section 49.77, subsection
11 4, or section 49.80 from voting except under this
12 section shall be notified by the appropriate precinct
13 election official that the voter may cast a provisional
14 ballot.

15 b. If a booth meeting the requirement of section
16 49.25 is not available at that polling place, the
17 precinct election officials shall make alternative
18 arrangements to insure the voter the opportunity to
19 vote in secret. The voter shall mark the ballot, fold
20 it or insert it in a secrecy envelope as required by
21 section 49.84, and immediately seal it in an envelope
22 of the type prescribed by subsection 4. The voter
23 shall deliver the sealed envelope to a precinct
24 election official who shall deposit it in an envelope
25 marked "provisional ballots". The ballot shall be
26 considered as having been cast in the special precinct
27 established by section 53.20 for purposes of the
28 postelection canvass.>

29 3. Page 2, by striking lines 5 through 7 and
30 inserting:

31 <NEW UNNUMBERED PARAGRAPH. An election official
32 shall not prevent persons appointed under subsections 2
33 and 5 from advocating that a prospective voter receive
34 a provisional ballot if the election official has
35 determined that the prospective voter is prohibited
36 from casting a ballot in the usual manner for the
37 reasons specified in section 49.79 or section 49.81,
38 subsection 1, paragraph "a".>

39 4. Page 5, by striking lines 5 through 10.

40 5. By renumbering as necessary.

GASKILL of Wapello

H-8170

1 Amend House File 2463 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 231C.3, subsection 4, paragraph
5 a, Code Supplement 2009, is amended by striking the
6 paragraph and inserting in lieu thereof the following:

7 a. For the purposes of determining whether a
8 housing provider is an assisted living program
9 regulated by this chapter, services are provided with
10 housing if the services are provided directly by the
11 housing provider, through a contractual relationship
12 between the housing provider and a third party, or by
13 a third party that controls, is controlled by, or is
14 under common control with the housing provider.

15 Sec. 2. Section 231C.4, Code 2009, is amended to
16 read as follows:

17 231C.4 Fire and safety standards.

18 1. The state fire marshal shall adopt rules, in
19 coordination with the department, relating to the
20 certification and monitoring of the fire and safety
21 standards of certified assisted living programs.

22 2. A certified assisted living program that does
23 not comply with the fire and safety standards in effect
24 on July 1, 2009, regarding a working sprinkler system,
25 shall comply with such requirements no later than July
26 1, 2013.

27 Sec. 3. Section 231C.7, subsection 1, Code 2009, is
28 amended to read as follows:

29 1. Any person with concerns regarding
30 the operations or service delivery of ~~an a~~
31 certified assisted living program or the alleged
32 operations of an uncertified program in violation
33 of this chapter or rules adopted pursuant to this
34 chapter may file a complaint with the department. The
35 name of the person who files a complaint with the
36 department and any personal identifying information of
37 the person or any tenant identified in the complaint
38 shall be kept confidential and shall not be subject to
39 discovery, subpoena, or other means of legal compulsion
40 for its release to a person other than department
41 employees involved with the complaint.

42 Sec. 4. Section 231C.7, Code 2009, is amended by
43 adding the following new subsection:

44 NEW SUBSECTION. 3. The department may initiate
45 proceedings under this chapter upon complaint or on its
46 own initiative upon receipt of information suggesting
47 a violation of this chapter, rules adopted pursuant
48 to this chapter, or administrative or judicial orders
49 issued under this chapter. The department may conduct
50 investigations as necessary to determine whether

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1 probable cause exists to initiate administrative or
2 other proceedings under this chapter.
3 Sec. 5. Section 231C.9, Code 2009, is amended to
4 read as follows:
5 231C.9 Public disclosure of findings.
6 Upon completion of a monitoring evaluation or
7 complaint investigation of an assisted living program
8 certified under this chapter or an investigation of
9 an uncertified program alleged to be operating in
10 violation of this chapter by the department pursuant
11 to this chapter, including the conclusion of informal
12 review, the department's final findings with respect
13 to compliance by the assisted living program with
14 requirements for certification or the uncertified
15 program's compliance with this chapter shall be made
16 available to the public in a readily available form
17 and place. Other information relating to an assisted
18 living program certified under this chapter or an
19 uncertified program that is obtained by the department
20 which does not constitute the department's final
21 findings from a monitoring evaluation or complaint
22 investigation of the certified assisted living program
23 or an investigation of an uncertified program shall not
24 be made available to the public except in proceedings
25 involving the denial, suspension, or revocation of
26 a certificate under this chapter; the issuance of a
27 cease and desist order or an administrative proceeding
28 under section 231C.13A; or a proceeding under section
29 231C.13B or 231C.15.
30 Sec. 6. NEW SECTION. 231C.13A Uncertified or
31 decertifying program – cease and desist orders –
32 injunctive and other relief.
33 1. If, as a result of an investigation of an
34 uncertified program or a program in the process of
35 decertifying, including an investigation under section
36 231C.7, the department or the attorney general believes
37 that a person has engaged in or is about to engage in
38 an act or practice which constitutes or will constitute
39 a violation of this chapter, rules adopted pursuant to
40 this chapter, or orders issued under this chapter, the
41 department or the attorney general may petition the
42 district court for injunctive relief to enjoin such act
43 or practice by the person and, if necessary to assure
44 effective relief, by the person's employees, owners,
45 managers, officers, directors, or other agents, and
46 those related to or affiliated with the person. Upon
47 a proper showing by the department or the attorney
48 general that such person has engaged in or is about
49 to engage in any such act or practice, the district
50 court shall grant an injunction, restraining order, or

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1 other appropriate injunctive relief. The department or
2 the attorney general shall not be required to post a
3 bond to obtain injunctive relief under this subsection.

4 In addition, the court may order equitable relief as
5 necessary to protect the health, safety, and welfare of
6 tenants, including the appointment of a receiver.

7 2. a. In addition to or as an alternative to
8 seeking injunctive relief under subsection 1 or
9 injunctive relief or a criminal penalty under section
10 231C.15, the department may issue an administrative
11 order to any person the department believes has engaged
12 in or is about to engage in an act or practice which
13 constitutes or will constitute a violation of this
14 chapter, rules adopted pursuant to this chapter, or
15 orders issued under this chapter, requiring the person
16 to cease and desist from engaging in such act or
17 practice.

18 b. The cease and desist order may be served by
19 restricted certified mail, return receipt requested,
20 by personal service as provided under the Iowa rules
21 of civil procedure, or by acceptance of service by the
22 person or the person's counsel.

23 c. The order shall be effective from the date of
24 service if grounds for an emergency order exist under
25 section 17A.18A.

26 d. A person aggrieved by the order who wishes
27 to challenge the terms of the order shall request a
28 hearing within thirty days of service of the order.
29 The order shall describe the person's right to request
30 such a hearing.

31 e. If a hearing is not timely requested, the person
32 shall be deemed to have exhausted all administrative
33 remedies, and the order shall be the department's final
34 agency action by operation of law.

35 f. If a hearing is timely requested, the department
36 shall issue separate notice of hearing for a contested
37 case consistent with the provisions of chapter 17A.

38 g. A person aggrieved by the department's final
39 agency decision following a contested case may seek
40 judicial review under chapter 17A.

41 h. (1) If a person does not comply with a cease
42 and desist order, the department may petition the
43 district court in Polk County or in the county where
44 the person may be located, to enforce the order.

45 (2) The court shall not require the department
46 to post a bond in an action or proceeding under this
47 paragraph "h".

48 (3) If the court finds, after notice and
49 opportunity for hearing, that the person is not in
50 compliance with an order, the court may hold the person

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1 in civil contempt of the order. The court may impose
 2 a civil penalty against the person for contempt in an
 3 amount not less than three thousand dollars but not to
 4 exceed ten thousand dollars for each violation and may
 5 grant any other relief the court determines just and
 6 proper in the circumstances.

7 Sec. 7. EFFECTIVE UPON ENACTMENT. This Act, being
 8 deemed of immediate importance, takes effect upon
 9 enactment.>

10 2. Title page, by striking lines 1 through 3 and
 11 inserting <An Act relating to assisted living programs,
 12 providing penalties, and including effective date
 13 provisions.>

ISENHART of Dubuque

H-8173

1 Amend House File 2420 as follows:

2 1. Page 1, by striking lines 8 through 10.

3 2. Page 2, lines 7 and 8, by striking <For
 4 executive branch employees negotiations> and inserting
 5 <Negotiations>

6 3. Page 2, line 18, by striking <executive branch>

7 4. Title page, lines 3 and 4, by striking
 8 <executive branch> and inserting <public>

9 5. By renumbering as necessary.

MASCHER of Johnson

H-8175

1 Amend House File 2297 as follows:

2 1. Page 2, line 17, by striking <is a practicing>
 3 and inserting <as an obstetrician or>

4 2. Page 2, by striking lines 23 through 25 and
 5 inserting <midwives; and two members who shall
 6 represent the general public and who are not licensed
 7 as a midwife, physician, or nurse.>

8 3. Page 3, line 8, after <periods> by inserting
 9 <,including newborn care up to six weeks,>

10 4. Page 3, line 22, by striking <2011> and
 11 inserting <2012>

12 5. Page 3, line 26, after <shall> by inserting
 13 <meet minimum education requirements and>

14 6. Page 3, line 32, after <resuscitation.> by
 15 inserting <In reviewing applications, the board
 16 may request, at the applicant's expense, that the
 17 department of public safety perform a criminal history
 18 check and the department of human services perform

19 child and dependent adult abuse record checks of the
 20 applicant. If an applicant has a criminal record or a
 21 record of founded child or dependent adult abuse, the
 22 board shall perform an evaluation to determine whether
 23 the record warrants denial of licensure.>

24 7. Page 4, after line 3 by inserting:
 25 <Sec. ____ NEW SECTION. 148F.3A Insurance.
 26 If the board determines that liability insurance is
 27 available at an affordable price to licensed midwives,
 28 the board may mandate such coverage by rule. Until
 29 that time, a licensed midwife shall provide each
 30 client with a disclosure statement indicating that the
 31 midwife does not have liability insurance as provided
 32 in section 148F.5.>

33 8. Page 4, line 16, after <midwife,> by inserting
 34 <as specified in section 148F.2,>

35 9. Page 4, line 33, by striking <shall> and
 36 inserting <may>

37 10. Page 5, by striking lines 6 through 13 and
 38 inserting:
 39 <3. In establishing rules, the board shall reflect
 40 the knowledge and skills identified by the north
 41 American registry of midwives' current job description
 42 for the profession and the standards of practice of
 43 midwifery established by the national association
 44 of certified professional midwives or a successor
 45 organization.>

46 11. Page 5, line 16, after <information> by
 47 inserting <, in a manner determined by the board by
 48 rule.>

49 12. Page 6, line 4, by striking <2011> and
 50 inserting <2012>

Page 2

1 13. Page 6, line 15, by striking <2011> and
 2 inserting <2012>

3 14. Page 7, line 14, by striking <These> and
 4 inserting <The>

5 15. Page 7, line 16, by striking <2011> and
 6 inserting <2012>

7 16. By renumbering as necessary.

MASCHER of Johnson

H-8177

1 Amend House File 2382 as follows:

2 1. Page 1, line 4, before <Cities> by inserting
 3 <1.>

4 2. Page 1, after line 28 by inserting:

5 <2. Notwithstanding subsection 1, a city may

6 make an application to the workers' compensation
 7 commissioner requesting that the city be allowed to
 8 choose the care for its members receiving hospital,
 9 nursing, and medical attention pursuant to this
 10 section. After hearing, the workers' compensation
 11 commissioner shall grant the city's request upon a
 12 finding, by a preponderance of the evidence, that the
 13 city will experience unreasonable increased costs if
 14 its members have the right to choose the care. The
 15 workers' compensation commissioner shall by rule
 16 define what constitutes unreasonable increased costs
 17 and establish application and hearing procedures for
 18 consideration of requests made by cities pursuant
 19 to this subsection. The workers' compensation
 20 commissioner's ruling on a city's request pursuant to
 21 this subsection shall be considered final agency action
 22 pursuant to chapter 17A.>

HUNTER of Polk

H-8179

1 Amend House File 2468 as follows:
 2 1. Title page, line 1, after <of> by inserting
 3 <all-terrain vehicles and>

MAY of Dickinson

H-8180

1 Amend Senate File 153, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, before line 1 by inserting:
 4 <Sec. ____ Section 148C.3, Code 2009, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 2A. a. A physician assistant
 7 shall notify the board of their participation in a
 8 business relationship pursuant to section 490A.1502
 9 or 496C.4, by supplying a copy of the articles of
 10 organization or incorporation and any amended articles.
 11 b. A physician assistant organized or incorporated
 12 pursuant to section 490A.1502 or 496C.4 shall not
 13 employ their supervising physician.
 14 c. The board shall adopt rules, in conjunction
 15 with the board of medicine and the board of nursing,
 16 to regulate the practice of physician assistants as a
 17 profession under chapters 490A and 496C, which allow
 18 medicine and surgery, osteopathic medicine and surgery,
 19 practice as a physician assistant, and practice as a
 20 nurse practitioner to be practiced as professions in
 21 combination by licensed individuals or a partnership of
 22 licensed individuals.

- 23 d. Notwithstanding section 490A.1502 or 496C.4,
 24 or any other provision of law, a licensed physician
 25 assistant may be a member, shareholder, officer,
 26 director, or professional employee of a limited
 27 liability company or professional corporation so long
 28 as the sum of all membership interest or shares owned
 29 by licensed physician assistants or nurse practitioners
 30 in the company or corporation does not exceed
 31 forty-nine percent of the total interests or number of
 32 shares of the professional corporation when practicing
 33 their professions in combination with licensed
 34 individuals or a partnership of licensed individuals.>
 35 2. Page 2, after line 3 by inserting:
 36 <3. A professional limited liability company formed
 37 solely by a physician assistant shall use the words
 38 "physician assistant" in its name.>
 39 3. Page 4, after line 4 by inserting:
 40 <3. A professional corporation formed solely by
 41 a physician assistant shall use the words "physician
 42 assistant" in its name and shall not use the word
 43 "medicine" or "medical" in its name.>
 44 4. By renumbering as necessary.

L. MILLER of Scott

H-8181

- 1 Amend House File 2492 as follows:
 2 1. Page 5, after line 27 by inserting:
 3 <Sec. ____ Section 257.17, Code 2009, is amended to
 4 read as follows:
 5 257.17 Aid reduction for early school starts.
 6 State aid payments made pursuant to section
 7 257.16 for a fiscal year shall be reduced by one
 8 one-hundred-eightieth for each day of that fiscal year
 9 for which the school district begins school before the
 10 earliest starting date specified in section 279.10,
 11 subsection 1. However, this section does not apply to
 12 a school district that has received approval from the
 13 ~~director of the department of education under section~~
 14 ~~279.10, subsection 4, to commence classes for regularly~~
 15 ~~established elementary and secondary schools in~~
 16 ~~advance of the starting date established in for a pilot~~
 17 ~~program for an innovative school year in accordance~~
 18 ~~with section 279.10, subsection 4 3.~~>
 19 2. Page 8, after line 25 by inserting:
 20 <Sec. ____ Section 279.10, subsections 1 and 2,
 21 Code 2009, are amended to read as follows:
 22 1. The school year shall begin on the first day
 23 of July and each regularly established elementary
 24 and secondary school shall begin no sooner than ~~a day~~
 25 ~~during the calendar week in which the first day of~~

26 ~~September falls the fourth Monday in August but no~~
 27 ~~later than the first Monday in December. However, if~~
 28 ~~the first day of September falls on a Sunday, school~~
 29 ~~may begin on a day during the calendar week which~~
 30 ~~immediately precedes the first day of September unless~~
 31 ~~the school district has received approval from the~~
 32 ~~department of education for a pilot program for an~~
 33 ~~innovative school year in accordance with subsection 3.~~
 34 School shall continue for at least one hundred eighty
 35 days, except as provided in subsection 3, and may be
 36 maintained during the entire calendar year. However,
 37 if the board of directors of a district extends the
 38 school calendar because inclement weather caused the
 39 district to temporarily close school during the regular
 40 school calendar, the district may excuse a graduating
 41 senior who has met district or school requirements for
 42 graduation from attendance during the extended school
 43 calendar. A school corporation may begin employment
 44 of personnel for in-service training and development
 45 purposes before the date to begin elementary and
 46 secondary school.
 47 2. The board of directors shall hold a public
 48 hearing on any ~~proposal~~ request made pursuant to
 49 subsection 3 prior to submitting it to the department
 50 of education for approval.

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1 Sec. ____ Section 179.10, subsection 4, Code 2009,
 2 is amended by striking the subsection.>
 3 3. Page 9, line 20, by striking <subsection 2, Code
 4 2009, is> and inserting <subsections 1 and 2, Code
 5 2009, are>
 6 4. Page 9, after line 21 by inserting:
 7 <1. The board of directors of each public
 8 school district and the authorities in charge of
 9 each nonpublic school shall prescribe the minimum
 10 educational program and an attendance policy which
 11 shall require each child to attend school for at least
 12 one hundred forty-eight days, to be met by attendance
 13 for at least thirty-seven days each school quarter,
 14 for the schools under their jurisdictions. Each public
 15 school and nonpublic school shall comply with the start
 16 date and school calendar requirements specified in
 17 section 279.10, subsection 1.>
 18 5. Page 21, after line 7 by inserting:
 19 <Sec. ____ EFFECTIVE DATES. The provisions of the
 20 sections of this Act amending section 257.17, section
 21 279.10, subsections 1 and 2, section 279.10, subsection
 22 4, and section 280.3, subsection 1, take effect July 1,
 23 2011, and are applicable for school years beginning on
 24 or after that date.

25 6. Title page, line 2, after <boards> by inserting
 26 <and including effective date and applicability
 27 provisions> 7. By renumbering as necessary.

MAY of Dickinson

H-8182

1 Amend House File 2436 as follows:
 2 1. Page 3, after line 9 by inserting:
 3 <Sec. __. NEW SECTION. 321.180C Intermediate
 4 driver's license – special procedure.
 5 1. Teaching parent. As an alternative to the
 6 driver education requirements under section 321.178,
 7 a teaching parent may instruct a student in a driver
 8 education course that meets the requirements of this
 9 section and provide evidence that the requirements
 10 under this section have been met.
 11 2. Definitions. For purposes of this section:
 12 a. "Approved course" means driver education
 13 curriculum approved by the department pursuant to rules
 14 adopted under chapter 17A. An approved course shall,
 15 at a minimum, meet the requirements of subsection 3
 16 and be appropriate for teaching-parent-directed driver
 17 education and related street or highway instruction.
 18 Driver education materials that meet or exceed
 19 standards established by the department for an approved
 20 course in driver education for a public or private
 21 school shall be approved unless otherwise determined by
 22 the department. The list of approved courses shall be
 23 posted on the department's internet site.
 24 b. "Student" means a person between the ages of
 25 fourteen and twenty-one years who is within the custody
 26 and control of the teaching parent and who satisfies
 27 preliminary licensing requirements of the department.
 28 c. "Teaching parent" means a parent, guardian,
 29 or legal custodian of a student who is currently
 30 providing competent private instruction to the student
 31 pursuant to section 299A.2 or 299A.3 and who provided
 32 such instruction to the student during the previous
 33 year; who has a valid driver's license, other than a
 34 motorized bicycle license or a temporary restricted
 35 license, that permits unaccompanied driving; and who
 36 has maintained a clear driving record for the previous
 37 two years. For purposes of this paragraph, "clear
 38 driving record" means the individual has not been
 39 identified as a candidate for suspension of a driver's
 40 license under the habitual offender provisions of the
 41 department's regulations; is not subject to a driver's
 42 license suspension, revocation, denial, cancellation,
 43 disqualification, or bar; and has no record of a
 44 conviction for a moving traffic violation determined to

45 be the cause of a motor vehicle accident.
46 3. Course of instruction.
47 a. An approved course administered by a teaching
48 parent shall consist of but not be limited to the
49 following:
50 (1) Thirty clock hours of classroom instruction.

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1 (2) Forty hours of street or highway driving
2 including four hours of driving after sunset and before
3 sunrise while accompanied by the teaching parent.
4 (3) Four hours of classroom instruction concerning
5 substance abuse.
6 (4) A minimum of twenty minutes of instruction
7 concerning railroad crossing safety.
8 (5) Instruction relating to becoming an organ
9 donor under the revised uniform anatomical gift Act as
10 provided in chapter 142C.
11 (6) Instruction providing an awareness about
12 sharing the road with bicycles and motorcycles.
13 b. The content of the course of instruction
14 required under this subsection shall be equivalent
15 to that required under section 321.178. However,
16 reference and study materials, physical classroom
17 requirements, and extra vehicle safety equipment
18 required for instruction under section 321.178 shall
19 not be required for the course of instruction provided
20 under this section.
21 4. Course completion and certification. Upon
22 application by a student for an intermediate license,
23 the teaching parent shall provide evidence showing
24 the student's completion of an approved course and
25 substantial compliance with the requirements of
26 subsection 3 by affidavit signed by the teaching
27 parent on a form to be provided by the department. The
28 evidence shall include all of the following:
29 a. Documentation that the instructor is a teaching
30 parent as defined in subsection 2.
31 b. Documentation that the student is receiving
32 competent private instruction under section 299A.2
33 or the name of the school district within which the
34 student is receiving instruction under section 299A.3.
35 c. The name of the approved course completed by the
36 student.
37 d. An affidavit attesting to satisfactory
38 completion of course work and street or highway driving
39 instruction.
40 e. Copies of written tests completed by the
41 student.
42 f. A statement of the number of classroom hours of
43 instruction.

44 g. A log of completed street or highway driving
 45 instruction including the dates when the lessons were
 46 conducted, the student's and the teaching parent's name
 47 and initials noted next to each entry, notes on driving
 48 activities including a list of driving deficiencies and
 49 improvements, and the duration of the driving time for
 50 each session.

Page 3

1 5. Intermediate license. Any student who
 2 successfully completes an approved course as
 3 provided in this section, passes a driving test to
 4 be administered by the department, and is otherwise
 5 qualified under section 321.180B, subsection 2, shall
 6 be eligible for an intermediate license pursuant
 7 to section 321.180B. Twenty of the forty hours of
 8 street or highway driving instruction required under
 9 subsection 3, paragraph "a", subparagraph (2), may
 10 be utilized to satisfy the requirement of section
 11 321.180B, subsection 2.
 12 6. Full license. A student must comply with
 13 section 321.180B, subsection 4, to be eligible for a
 14 full driver's license pursuant to section 321.180B.>
 15 2. By renumbering as necessary.

HAGENOW of Polk

H-8183

1 Amend House File 2420 as follows:
 2 1. Page 6, after line 13 by inserting:
 3 <Sec. ____ NEW SECTION. 20.33 MANDATORY
 4 RENEGOTIATION - EXECUTIVE BRANCH PUBLIC EMPLOYEES.
 5 A collective bargaining agreement between a public
 6 employer and a certified employee organization
 7 representing executive branch employees shall provide
 8 the agreement to be renegotiated if the governor
 9 applies a reduction in appropriations pursuant to
 10 section 8.31, subsections 2 and 5. The board shall
 11 adopt a negotiation schedule to ensure that the
 12 renegotiation of the collective bargaining agreement is
 13 completed in an expedited manner.>
 14 2. Page 6, line 17, after <services> by inserting
 15 <and mandatory renegotiation of collective bargaining
 16 agreements>
 17 3. Title page line 4, after <employees> by
 18 inserting <and mandatory renegotiation of certain
 19 collective bargaining agreements>
 20 4. By renumbering as necessary.

RAECKER of Polk

H-8184

1 Amend House File 2442 as follows:

2 1. Page 3, after line 30 by inserting:

3 <Sec. ____ Section 633.20, subsection 3, Code 2009,
4 is amended to read as follows:

5 3. A person appointed as an associate probate
6 judge shall have jurisdiction to audit accounts of
7 fiduciaries and to perform ministerial duties as
8 a referee provided in this section and shall have
9 additional jurisdiction to perform the judicial
10 functions as the court prescribes provided in section
11 633.20D.

12 Sec. ____ NEW SECTION. 633.20D Associate probate
13 judge – jurisdiction – appeals.

14 1. An associate probate judge shall have
15 the same jurisdiction to conduct probate court
16 proceedings, to issue no-contact or protective orders,
17 injunctions, contempt orders for adults in probate
18 court proceedings, and to issue orders, findings, and
19 decisions as the judge of the probate court. However,
20 the chief judge may limit the exercise of probate court
21 jurisdiction by the associate probate judge.

22 2. The parties to a proceeding heard by an
23 associate probate judge are entitled to appeal the
24 order, finding, or decision of an associate probate
25 judge, in the manner of an appeal from orders,
26 findings, or decisions of district court judges. An
27 appeal does not automatically stay the order, finding,
28 or decision of an associate probate judge.>

HUSER of Polk

H-8185

1 Amend House File 2442 as follows:

2 1. Page 1, after line 28 by inserting:

3 <Sec. ____ Section 236.4, Code 2009, is amended by
4 adding the following new subsection:

5 NEW SUBSECTION. 5A. Prior to the entry of a
6 temporary order under this section that involves a
7 child-custody determination as defined in section
8 598B.102, the plaintiff shall furnish information to
9 the court in compliance with section 598B.209.>

10 2. Page 1, after line 34 by inserting:

11 <Sec. ____ Section 236.5, subsection 1, paragraph
12 b, subparagraph (4), Code Supplement 2009, is amended
13 by adding the following new subparagraph division:
14 NEW SUBPARAGRAPH DIVISION. (d) Prior to entry of
15 an order or agreement under this section that involves
16 a child-custody determination as defined in section
17 598B.102, the parties shall furnish information to the

18 court in compliance with section 598B.209.>

19 3. By renumbering as necessary.

HUSER of Polk

H-8187

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. 714.3A Aggravated theft.

6 1. A person commits aggravated theft when the
7 person resists or obstructs another person attempting
8 to detain the person after the person has removed
9 property which has not been purchased from a store
10 or mercantile establishment, either on the premises
11 or outside the premises of the store or mercantile
12 establishment.

13 2. a. A person who commits aggravated theft is
14 guilty of an aggravated misdemeanor.

15 b. A person who commits aggravated theft, and who
16 has previously been convicted of an aggravated theft,
17 robbery in the first degree in violation of section
18 711.2, robbery in the second degree in violation of
19 section 711.3, or extortion in violation of section
20 711.4, is guilty of a class "D" felony.

21 3. In determining if a violation is a class "D"
22 felony offense the following shall apply:

23 a. A deferred judgment entered pursuant to section
24 907.3 for a violation of any offense specified in
25 subsection 2 shall be counted as a previous offense.

26 b. A conviction or the equivalent of a deferred
27 judgment for a violation in any other states under
28 statutes substantially corresponding to an offense
29 specified in subsection 2 shall be counted as a
30 previous offense. The courts shall judicially notice
31 the statutes of other states which define offenses
32 substantially equivalent to the offenses specified
33 in this section and can therefore be considered
34 corresponding statutes.>

35 2. Title page, lines 1 and 2, by striking <robbery
36 in the third degree> and inserting <aggravated theft>

STRUYK of Pottawattamie

H-8188

1 Amend House File 2456 as follows:

2 1. Page 1, line 25, by striking <write or send> and
3 inserting <write, send, or read>

4 2. Page 1, lines 27 and 28, by striking <writing or

- 5 sending> and inserting <writing, sending, or reading>
 6 3. Title page line 1, by striking <writing or
 7 sending>, and inserting: <writing, sending, or
 8 reading>
 9 4. By renumbering as necessary.

HEATON of Henry

H-8189

- 1 Amend Senate File 2291, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 19, after <race> by inserting <
 4 gender,>

MAY of Dickinson
 ABDUL-SAMAD of Polk

H-8190

- 1 Amend House File 2476 as follows:
 2 1. Page 1, line 33, after <efficiency> by inserting
 3 <in a cost-effective manner>

SODERBERG of Plymouth

H-8191

- 1 Amend House File 2456 as follows:
 2 1. Page 2, line 25, before <section> by inserting
 3 <section 321.256, 321.257,>
 4 2. Title page, line 3, by striking <penalties.> and
 5 inserting <penalties, including penalties for certain
 6 traffic violations which result in death or serious
 7 injury.>
 8 3. By renumbering as necessary.

WINDSCHITL of Harrison

H-8194

- 1 Amend House File 2229 as follows:
 2 1. Page 1, after line 21 by inserting:
 3 <4. This section is applicable only to dental plans
 4 issued pursuant to chapter 514.>

STRUYK of Pottawattamie

H-8195

- 1 Amend House File 2456 as follows:
 2 1. Page 2, after line 21 by inserting:
 3 <Sec. __. NEW SECTION. 321.296 Speed limit

4 enforcement in work zones – photo traffic enforcement.
5 The department of public safety, in cooperation with
6 the department of transportation, shall place photo
7 traffic enforcement devices in all road work zones on
8 primary highways to enforce violations of the posted
9 speed limits in the road work zones.

10 1. For purposes of this section, "photo traffic
11 enforcement device" means a device used primarily
12 for highway speed limit enforcement, substantially
13 consisting of a low-powered Doppler radar unit and
14 camera which automatically produces a photograph of a
15 vehicle, including the vehicle's registration plate,
16 traveling in excess of the legal speed limit, with the
17 vehicle's speed and the date, time of day, and location
18 of the violation printed on the photograph.

19 2. The department of transportation shall post
20 signs providing notice to motorists in every road work
21 zone where a photo traffic enforcement device is in
22 use.

23 3. If a peace officer of the department of public
24 safety determines from examination of the evidence
25 produced by a photo traffic enforcement device that
26 a speeding violation occurred in a road work zone,
27 the peace officer may initiate an investigation not
28 more than seven calendar days after the date of the
29 violation. The peace officer may request that the
30 owner of the vehicle supply information identifying
31 the driver of the vehicle in accordance with section
32 321.484, or in the case of a commercial motor vehicle,
33 the peace officer may request that the employer of the
34 driver provide information identifying the driver of
35 the vehicle.

36 a. If, from the investigation, the peace officer
37 is able to identify the driver of the vehicle and has
38 reasonable cause to believe a speeding violation has
39 occurred, the peace officer shall prepare a uniform
40 traffic citation for the violation and shall serve it
41 personally or by certified mail on the driver of the
42 vehicle.

43 b. If, from the investigation, the peace officer
44 has reasonable cause to believe that a speeding
45 violation occurred but is unable to identify the
46 driver, the peace officer shall serve a uniform traffic
47 citation for the violation on the owner of the motor
48 vehicle or, in the case of a commercial motor vehicle,
49 on the employer of the driver. Notwithstanding section
50 321.484, in a proceeding where the peace officer who

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1 conducted the investigation was not able to identify
2 the driver of the motor vehicle, proof that the motor

3 vehicle captured on camera and described in the uniform
 4 traffic citation was used to commit the speeding
 5 violation in a road work zone, together with proof that
 6 the defendant named in the citation was the owner of
 7 the motor vehicle or, in the case of a commercial motor
 8 vehicle, the employer of the driver, at the time the
 9 violation occurred, constitutes a permissible inference
 10 that the owner or employer was the person who committed
 11 the violation.

12 c. For purposes of this subsection, "owner" means a
 13 person who holds the legal title to a motor vehicle;
 14 however, if the motor vehicle is the subject of a
 15 security agreement with a right of possession in
 16 the debtor, the debtor shall be deemed the owner for
 17 purposes of this subsection, or if the motor vehicle is
 18 leased as defined in section 321.493, the lessee shall
 19 be deemed the owner for purposes of this subsection.

20 4. A photograph that meets the requirements of
 21 subsection 1 shall be accepted as prima facie evidence
 22 of the speeding violation in any legal proceeding where
 23 the speed of the motor vehicle is at issue.>

24 2. Page 2, after line 34 by inserting:

25 <Sec. ____. Section 321.484, subsection 2, Code
 26 2009, is amended to read as follows:

27 2. If a peace officer as defined in section 801.4
 28 has reasonable cause to believe the driver of a motor
 29 vehicle has violated section 321.261, 321.262, 321.264,
 30 321.341, 321.342, 321.343, 321.344, or 321.372, or
 31 has committed a violation recorded by a photo traffic
 32 enforcement device under section 321.296, the officer
 33 may request any owner of the motor vehicle to supply
 34 information identifying the driver. When requested,
 35 the owner of the vehicle shall identify the driver to
 36 the best of the owner's ability. However, the owner of
 37 the vehicle is not required to supply identification
 38 information to the officer if the owner believes the
 39 information is self-incriminating.>

40 3. Title page, line 1, after <Act> by inserting
 41 <relating to traffic safety by>

42 4. Title page, line 2, by striking <vehicle> and
 43 inserting <vehicle, providing for the use of photo
 44 traffic enforcement in road work zones on primary
 45 highways,>

46 5. By renumbering as necessary.

WINDSCHITL of Harrison

H-8196

1 Amend House File 2504 as follows:

2 1. Title page, by striking lines 1 through 3 and
 3 inserting: <An Act providing for the doubling of

4 criminal fines and civil penalties in disaster areas,
 5 providing penalties, and including effective date
 6 provisions.>

T. OLSON of Linn

H-8197

1 Amend Senate File 2225, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 6, by striking <minimum>
 4 2. Page 1, line 7, by striking <minimum>
 5 3. Page 2, line 8, after <offenses> by inserting
 6 <and civil violations>
 7 4. Page 2, line 13, by striking <minimum>
 8 5. Page 2, line 14, by striking <minimum>
 9 6. Page 3, line 7, after <crimes> by inserting <or
 10 civil violations>
 11 7. Page 3, line 10, after <crimes> by inserting <or
 12 civil violations>
 13 8. Page 3, line 14, after <offenses> by inserting
 14 <and civil violations>
 15 9. Title page, line 1, after <criminal> by
 16 inserting <and civil>

T. OLSON of Linn

H-8199

1 Amend House File 816 as follows:
 2 1. Page 1, before line 34 by inserting:
 3 <Sec. ____ NEW SECTION. 422.72A Suspected misuse
 4 of personal information – notice required.
 5 1. For the purposes of this section, the following
 6 definitions apply:
 7 a. "Affected individual" means an individual who is
 8 identified by or connected with personal information
 9 contained in the department's records.
 10 b. "Personal information" means all of the
 11 following:
 12 (1) Social security number.
 13 (2) Tax identification number.
 14 (3) Driver's license number or other unique
 15 identification number created or collected by a
 16 government body.
 17 (4) Financial account number, credit card number,
 18 or debit card number in combination with any required
 19 security code, access code, or password that would
 20 permit access to an individual's financial account.
 21 (5) Unique electronic identifier or routing code,
 22 in combination with any required security code, access
 23 code, or password.

24 c. "Suspected misuse of personal information"
 25 means circumstances exist which would cause a
 26 reasonable person to believe that an individual's
 27 personal information is being used by an unauthorized
 28 individual. Such circumstances include but are not
 29 limited to either of the following:
 30 (1) A tax identification number under which wages
 31 are being reported by two or more individuals.
 32 (2) A tax identification number of an individual
 33 under the age of sixteen with reported wages exceeding
 34 one thousand dollars for a single quarterly period.
 35 2. a. Unless otherwise prohibited by state or
 36 federal law, the department shall provide notice
 37 to each affected individual if department records
 38 indicate a suspected misuse of personal information.
 39 Notice shall be made without unreasonable delay. If
 40 the affected individual is a minor, notice shall be
 41 provided to the minor's parent or guardian.
 42 b. If notice is provided to an affected individual
 43 under paragraph "a", notice of the suspected misuse
 44 of personal information shall also be provided to an
 45 appropriate law enforcement agency.
 46 3. Notice provided to an affected individual shall
 47 be clear and conspicuous and be provided by at least
 48 one of the following:
 49 a. Written notice to the affected individual's last
 50 address of record.

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1 b. Electronic mail notice, if the affected
 2 individual has agreed to receive communications
 3 electronically.
 4 c. Telephonic notice, if the communication is made
 5 directly with the affected individual.>
 6 2. Title page, line 3, after <interest> by
 7 inserting <and requiring the department to provide
 8 notice of suspected misuse of personal information>
 9 3. By renumbering as necessary.

PETTENGILL of Benton

H-8200

1 Amend the amendment, H-8193, to House File 2456 as
 2 follows:
 3 1. Page 1, by striking lines 2 through 11 and
 4 inserting:
 5 <__. Page 1, line 4, by striking <driving.> and
 6 inserting <driving – persons under eighteen years of
 7 age.>
 8 __. Page 1, line 24, after <person> by inserting

- 9 <under eighteen years of age>
 10 _____. Page 1, line 25, by striking <write or send>
 11 and inserting <write, send, or read>
 12 _____. Page 1, lines 27 and 28, by striking <writing
 13 or sending> and inserting <writing, sending, or
 14 reading>
 15 _____. Title page, line 1, by striking <a person
 16 from writing or sending>, and inserting <a person
 17 under eighteen years of age from writing, sending, or
 18 reading>>
 19 2. By renumbering as necessary.

RANTS of Woodbury

H-8201

- 1 Amend the amendment, H-8193, to House File 2456 as
 2 follows:
 3 1. Page 1, by striking lines 2 through 11 and
 4 inserting:
 5 <____. Page 1, line 4, by striking <Text-messaging
 6 while driving.> and inserting <Use of electronic
 7 communication device – persons under eighteen. >
 8 _____. Page 1, line 10, after <to> by inserting
 9 <engage in a call or>
 10 _____. Page 1, line 12, after <to> by inserting
 11 <engage in a call or>
 12 _____. Page 1, by striking lines 24 through 32 and
 13 inserting:
 14 <2. A person under eighteen years of age shall
 15 not use a hand-held electronic communication device
 16 to engage in a call, to write, send, or read a text
 17 message, or for any other purpose while driving a motor
 18 vehicle unless the motor vehicle is at a complete
 19 stop off the roadway. A person does not violate
 20 this section by using a global positioning system or
 21 navigation system. >
 22 _____. Page 2, line 2, by striking <to write, send,
 23 or read a text message>
 24 _____. Page 2, lines 5 and 6, by striking <to write,
 25 send, or read a text message>
 26 _____. Page 3, line 14, by striking <"Text
 27 messaging"> and inserting <"Use of electronic
 28 communication device" >
 29 _____. Title page, lines 1 and 2, by striking <from
 30 writing or sending a text message>, and inserting
 31 <under eighteen years of age from using a hand-held
 32 electronic communication device > >
 33 2. By renumbering as necessary.

RANTS of Woodbury

H-8205

1 Amend House File 2440 as follows:

2 1. Page 2, after line 33 by inserting:

3 <Sec. ____ MARKET FACTOR TEACHER INCENTIVES –
4 FUNDS TRANSFER. Notwithstanding any provision of law
5 to the contrary, any remaining allocations paid to a
6 school district for market factor teacher incentives
7 pursuant to section 284.11, Code Supplement 2007, prior
8 to the school budget year beginning July 1, 2009, and
9 which are maintained in a separate listing within a
10 school district's budget shall be transferred by the
11 district into the school district's general fund to be
12 used for general fund purposes beginning with school
13 budget years beginning on or after July 1, 2009.

14 Sec. ____ EFFECTIVE UPON ENACTMENT. This Act,
15 being deemed of immediate importance, takes effect upon
16 enactment.>

17 2. Title page, line 3, after <crime> by inserting
18 <, providing for a transfer of market factor teacher
19 incentive funds, and including effective date
20 provisions>

21 3. By renumbering as necessary.

PETTENGILL of Benton

H-8206

1 Amend House File 2445 as follows:

2 1. Page 2, after line 10 by inserting:

3 <Sec. ____ Section 135.175, subsection 3, Code
4 Supplement 2009, is amended to read as follows:

5 3. The department and any entity identified in this
6 section as having control over any of the accounts
7 within the fund, may receive contributions, grants, and
8 in-kind contributions to support the purposes of the
9 fund and the accounts within the fund. Not more than
10 five percent of the moneys allocated to any account
11 within the fund may be used for administrative costs.>

12 2. Page 3, line 5, after <nurses.> by inserting
13 <Grants awarded shall authorize the use of a reasonable
14 portion of the grant moneys for training in the use of
15 the infrastructure purchased with the grant moneys.>

T. OLSON of Linn
L. MILLER of Scott

H-8207

- 1 Amend House File 2410 as follows:
- 2 1. Page 1, by striking lines 19 through 23.
- 3 2. By renumbering as necessary.

SCHULTE of Linn

H-8211

- 1 Amend House File 2492 as follows:
- 2 1. Page 20, before line 30 by inserting:
- 3 <Sec. ____ Section 256.9, subsection 60, paragraph
- 4 b, as enacted by 2010 Iowa Acts, Senate File 2033,
- 5 section 1, is amended by striking the paragraph.>
- 6 2. By renumbering as necessary.

MAY of Dickinson
 DOLECHECK of Ringgold
 CHAMBERS of O'Brien
 RAECKER of Polk
 TYMESON of Madison

H-8212

- 1 Amend House File 2297 as follows:
- 2 1. Page 2, line 17, by striking <is a practicing>
- 3 and inserting <as an obstetrician or>
- 4 2. Page 2, by striking lines 23 through 25 and
- 5 inserting <midwives; and two members who shall
- 6 represent the general public and who are not licensed
- 7 as a midwife, physician, or nurse.>
- 8 3. Page 3, line 8, after <periods> by inserting
- 9 <,including newborn care up to six weeks,>
- 10 4. Page 3, line 22, by striking <2011> and
- 11 inserting <2012>
- 12 5. Page 3, line 26, after <shall> by inserting
- 13 <meet minimum education requirements and>
- 14 6. Page 3, line 32, after <resuscitation.> by
- 15 inserting <Applicants must also hold a certified
- 16 professional midwife credential issued by the north
- 17 American registry of midwives or any other nationally
- 18 accredited credential as specified by the board. If
- 19 an applicant has been subject to prior revocation of a
- 20 license to practice medicine or nursing, the applicant
- 21 is not eligible for licensure under this chapter,
- 22 unless the applicant makes a satisfactory appeal to the
- 23 board.
- 24 In reviewing applications, the board may request,
- 25 at the applicant's expense, that the department of
- 26 public safety perform a criminal history check and
- 27 the department of human services perform child and

28 dependent adult abuse record checks of the applicant.
 29 If an applicant has a criminal record or a record of
 30 founded child or dependent adult abuse, the board shall
 31 perform an evaluation to determine whether the record
 32 warrants denial of licensure.>
 33 7. Page 4, after line 3 by inserting:
 34 <Sec. ____ NEW SECTION. 148F.3A Insurance.
 35 If the board determines that liability insurance is
 36 available at an affordable price to licensed midwives,
 37 the board may mandate such coverage by rule. Until
 38 that time, a licensed midwife shall provide each
 39 client with a disclosure statement indicating that the
 40 midwife does not have liability insurance as provided
 41 in section 148F.5.>
 42 8. Page 4, line 16, after <midwife,> by inserting
 43 <as specified in section 148F.2,>
 44 9. Page 4, by striking lines 25 through 28.
 45 10. Page 4, line 33, by striking <shall> and
 46 inserting <may>
 47 11. Page 5, by striking lines 6 through 13 and
 48 inserting:
 49 <3. In establishing rules, the board shall reflect
 50 the knowledge and skills identified by the north

Page 2

1 American registry of midwives' current job description
 2 for the profession and the standards of practice of
 3 midwifery established by the national association
 4 of certified professional midwives or a successor
 5 organization.>
 6 12. Page 5, line 16, after <information> by
 7 inserting <, in a manner determined by the board by
 8 rule,>
 9 13. Page 6, line 4, by striking <2011> and
 10 inserting <2012>
 11 14. Page 6, by striking lines 13 through 21.
 12 15. Page 7, line 14, by striking <These> and
 13 inserting <The>
 14 16. Page 7, line 16, by striking <2011> and
 15 inserting <2012>
 16 17. By renumbering as necessary.

MASCHER of Johnson

H-8213

1 Amend House File 2492 as follows:
 2 1. Page 4, after line 2 by inserting:
 3 <Sec. ____ Section 256.9, Code Supplement 2009, is
 4 amended by adding the following new subsection:
 5 NEW SUBSECTION. 59. Prepare and submit to the

6 general assembly on or before January 10, 2010, a
 7 report on state and federal mandated requirements
 8 with which school districts must comply. For each
 9 succeeding fiscal year, the report shall be updated,
 10 and the updated report shall be submitted to the
 11 general assembly on or before January 10.>
 12 2. By renumbering as necessary.

UPMEYER of Hancock

H-8214

1 Amend House File 2492 as follows:
 2 1. Page 5, after line 7 by inserting:
 3 <Sec. ____ **NEW SECTION.** 256F.14 Frontier schools.
 4 1. The board of directors of a school district, the
 5 administrators of an accredited nonpublic school, the
 6 board of directors of a community college, the state
 7 board of regents, an accredited private institution
 8 as defined in section 261.9, or a private nonprofit
 9 corporation organized under chapter 504 may submit an
 10 application to the state board to establish a frontier
 11 school. The state board shall adopt rules specifying
 12 the criteria for approval of frontier schools. The
 13 department shall develop an application process. The
 14 applicant shall specify in its application all of the
 15 following:
 16 a. Mission and instructional focus of the school.
 17 b. Organizational structure and management of the
 18 school.
 19 c. Impact of labor agreements and contracts on the
 20 success of the school.
 21 d. Roles and responsibilities of all involved
 22 constituencies.
 23 e. Arrangements for special needs students.
 24 f. Connection of the school to the school district.
 25 g. Facility and operation costs.
 26 h. Methods for measuring results, including but not
 27 limited to student achievement results.
 28 2. For purposes of this section, "frontier school"
 29 means a school that is nonsectarian in its program,
 30 admission policies, employment practices, and all
 31 other operations. The school is a public school and is
 32 part of the state's system of public education. The
 33 primary focus of a frontier school shall be to provide
 34 a comprehensive program of instruction for at least one
 35 grade or age group from five through eighteen years
 36 of age. Frontier schools may be designed to allow
 37 significant autonomy to the schools. However, frontier
 38 schools shall be accountable for significant results.
 39 3. Except as provided in this subsection, frontier
 40 schools are exempt from all statutes and rules

41 applicable to a school, a school board, or a school
 42 district, although a frontier school may elect to
 43 comply with one or more provisions of statute or rule.
 44 However, a frontier school shall meet all applicable
 45 state and local health and safety requirements; a
 46 frontier school shall be organized and operated as a
 47 nonprofit corporation under chapter 504; the provisions
 48 of chapters 21 and 22 shall apply to meetings and
 49 records of a frontier school board; and a frontier
 50 school is subject to and shall comply with chapters

Page 2

1 216 and 216A relating to civil and human rights, and
 2 sections 275.55A, 279.9A, 280.17B, 280.21B, and 282.4,
 3 relating to suspension and expulsion of a student. The
 4 frontier school shall employ or contract with necessary
 5 teachers, as defined in section 272.1, who hold a valid
 6 license with an endorsement for the type of service for
 7 which the teacher is employed. Frontier schools are
 8 subject to the same financial audits, audit procedures,
 9 and audit requirements as a school district. The
 10 audits shall be consistent with the requirements of
 11 sections 11.6, 11.14, 11.19, 256.9, subsection 19,
 12 and section 279.29, except to the extent deviations
 13 are necessary because of the program at the school.
 14 The department, auditor of state, or the legislative
 15 services agency may conduct financial, program, or
 16 compliance audits. The provisions of chapter 20 shall
 17 not apply to the board of directors of a frontier
 18 school or its employees.

19 4. A student enrolled in a frontier school shall
 20 be counted, for state school foundation aid purposes,
 21 in the student's district of residence. A student's
 22 residence, for purposes of this section, means a
 23 residence under section 282.1. The board of directors
 24 of the district of residence shall pay to the frontier
 25 school the state cost per pupil for the previous school
 26 year, plus any moneys received for the student as a
 27 result of the non-English speaking weighting under
 28 section 280.4, subsection 3, for the previous school
 29 year multiplied by the state cost per pupil for the
 30 previous year.>

31 2. Title page, line 2, after <education> by
 32 inserting <, frontier schools,>

33 3. By renumbering as necessary.

MAY of Dickinson
 DOLECHECK of Ringgold
 CHAMBERS of O'Brien
 RAECKER of Polk
 TYMESON of Madison

H-8215

1 Amend House File 2492 as follows:

2 1. Page 5, after line 27 by inserting:

3 <Sec. ____ Section 257.6, subsection 1, paragraph
4 a, subparagraph (5), Code Supplement 2009, is amended
5 to read as follows:

6 (5) Resident pupils receiving competent private
7 instruction from a licensed practitioner provided
8 through a public school district pursuant to chapter
9 299A shall be counted as three-tenths of one pupil.
10 Revenues received by a school district attributed to a
11 school district's weighted enrollment pursuant to this
12 paragraph shall be expended for the purpose for which
13 the weighting was assigned under this paragraph. If
14 the school district determines that the expenditures
15 associated with providing competent private instruction
16 pursuant to chapter 299A are in excess of the
17 revenue attributed to the school district's weighted
18 enrollment for such instruction in accordance with this
19 subparagraph, the school district may submit a request
20 to the school budget review committee for modified
21 allowable growth in accordance with section 257.31,
22 subsection 5, paragraph "n". ~~A home school assistance
23 program shall not provide moneys~~ Moneys received
24 pursuant to this subparagraph, ~~nor resources paid for
25 with moneys received pursuant to this subparagraph, to
26 parents or students utilizing the program shall be used~~
27 as provided in section 299A.12.>

28 2. Page 17, after line 35 by inserting:

29 <Sec. ____ NEW SECTION. 299A.12 Home school
30 assistance program.

31 1. The board of directors of a school district
32 may expend moneys received pursuant to section 257.6,
33 subsection 1, paragraph "a", subparagraph (5), for
34 purposes of providing a home school assistance program
35 to provide instruction outside the basic educational
36 program provided to regularly enrolled students by the
37 school district.

38 2. Purposes for which a school district may expend
39 funds received pursuant to section 257.6, subsection 1,
40 paragraph "a", subparagraph (5), shall include but not
41 be limited to the following:

42 a. Instruction and assisting parents with
43 instruction.

44 b. Student and teaching-parent support services and
45 staff support services.

46 c. Salary and benefits for the supervising teacher
47 of the home school assistance program students. If the
48 teacher is a part-time home school assistance program
49 teacher and a part-time regular classroom teacher,
50 funds received pursuant to section 257.6, subsection

Page 2

- 1 1, paragraph "a", subparagraph (5), may be used only
2 for the portion of time in which the teacher is a home
3 school assistance program teacher.
- 4 d. Salary and benefits for clerical, office, and
5 administrative staff of the home school assistance
6 program. If the staff members are shared with other
7 programs or functions within the district, funds
8 received pursuant to section 257.6, subsection 1,
9 paragraph "a", subparagraph (5), shall only be expended
10 for the portion of time spent providing the home school
11 assistance program services.
- 12 e. Staff development for the home school assistance
13 program teacher.
- 14 f. Travel for the home school assistance program
15 teacher.
- 16 g. Resources, materials, software, and supplies,
17 and purchased services that meet the following
18 criteria:
- 19 (1) Are necessary to provide the services of home
20 school assistance.
- 21 (2) Are retained as the possessions of the school
22 district for its prekindergarten through grade twelve
23 home school assistance program.
- 24 3. Purposes for which a school district shall
25 not expend funds received pursuant to section 257.6,
26 subsection 1, paragraph "a", subparagraph (5) include
27 but are not limited to the following:
- 28 a. Indirect costs or use charges.
- 29 b. To supplant operational or maintenance costs in
30 addition to the cost of maintaining school district
31 facilities.
- 32 c. Capital expenditures other than equipment or
33 facility acquisition or lease expenditures.
- 34 d. Student transportation except in cases of home
35 school assistance program-approved field trips or other
36 educational activities.
- 37 e. To supplant administrative costs other than the
38 cost of employing an administrator for the home school
39 assistance program.
- 40 f. Dual enrollment program costs and postsecondary
41 enrollment options program costs.
- 42 g. Any other expenditures not directly related to
43 providing the home school assistance program. A home
44 school assistance program shall not provide moneys to
45 parents or students utilizing the program.>
- 46 3. By renumbering as necessary.

H-8216

- 1 Amend House File 2492 as follows:
 2 1. Page 1, before line 1 by inserting:
 3 <DIVISION _____
 4 GENERAL PROVISIONS>
 5 2. Page 21, after line 7 by inserting:
 6 <DIVISION _____
 7 MARKET FACTOR TEACHER INCENTIVES
 8 Sec. ____ MARKET FACTOR TEACHER INCENTIVES –
 9 FUNDS TRANSFER. Notwithstanding any provisions to the
 10 contrary, any remaining allocations paid to a school
 11 district for market factor teacher incentives pursuant
 12 to section 284.11, Code Supplement 2007, prior to the
 13 school budget year beginning July 1, 2009, and which
 14 are maintained in a separate listing within a school
 15 district's budget shall be transferred by the district
 16 into the school district's general fund to be used for
 17 general fund purposes beginning with school budget
 18 years beginning on or after July 1, 2009.
 19 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
 20 of this Act, being deemed of immediate importance,
 21 takes effect upon enactment.>
 22 3. Title page, line 2, after <boards> by inserting
 23 <, and including effective date provisions>
 24 4. By renumbering as necessary.

PETTENGILL of Benton

H-8217

- 1 Amend House File 2485 as follows:
 2 1. Title page, line 1, after <relating to> by
 3 inserting <technical and substantive changes to>

HORBACH of Tama

H-8220

- 1 Amend House File 2475 as follows:
 2 1. By striking everything after the enacting clause
 3 and inserting:
 4 <Section 1. NEW SECTION. 216A.105 Deliverable
 5 fuels – mandatory delivery – qualifications.
 6 1. A deliverable fuel vendor engaged in the
 7 business of providing deliverable fuel to customers in
 8 this state shall not withhold the sale or delivery of
 9 deliverable fuel to a customer between November 1 and
 10 April 1 annually if the customer makes a cash payment
 11 for deliverable fuel in the amount of five hundred
 12 dollars; or, if the fuel is propane, the cash payment
 13 shall be five hundred dollars or an amount equal to

14 the price in effect at the time of delivery for three
15 hundred gallons of propane, whichever is greater.
16 2. A deliverable fuel vendor providing deliverable
17 fuel to a customer may apply a customer's cash payment
18 pursuant to subsection 1 as follows:
19 a. Seventy-five percent toward the current
20 deliverable fuel sale or delivery.
21 b. Twenty-five percent toward any unpaid balance.
22 3. A customer shall be responsible for the
23 reasonable cost of system safety checks conducted by
24 a deliverable fuel vendor, unless the cost is paid
25 for with program funds. System safety check payments
26 shall be in addition to, and shall not reduce, the cash
27 payment otherwise available for deliverable fuel sale
28 or delivery. A propane vendor conducting a system
29 safety check shall inform customers of the existence
30 of projects developed by the Iowa propane education
31 and research council to provide assistance to persons
32 eligible for the program, if applicable, based upon the
33 results of the safety check.
34 4. A customer of a deliverable fuel vendor with an
35 unpaid balance owing to that vendor shall not attempt
36 to obtain deliverable fuel from another vendor pursuant
37 to this section unless and until a reasonable payment
38 arrangement for paying off the unpaid balance has been
39 entered into between the customer and the deliverable
40 fuel vendor. The division shall provide assistance in
41 facilitating a reasonable payment arrangement.
42 5. A deliverable fuel vendor is not prohibited
43 from withholding the sale or delivery of deliverable
44 fuel to a customer who cannot make a cash payment for
45 deliverable fuel as required in subsection 1.
46 6. For the purposes of this section, unless the
47 context otherwise requires:
48 a. "Customer" means an existing customer of a
49 deliverable fuel vendor who has qualified for the
50 federal low-income home energy assistance program for

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1 the purchase or delivery of deliverable fuel.
2 b. "Deliverable fuel" means propane or any other
3 heating fuel sold and delivered in this state for home
4 heating purposes.
5 c. "Deliverable fuel vendor" means a retail propane
6 marketer or marketer of a deliverable fuel other than
7 propane that has agreed to participate in the federal
8 low-income home energy assistance program.
9 d. "Program" means the federal low-income home
10 energy assistance program.
11 e. "Propane" and "retail propane marketer" mean the
12 same as defined in section 101C.2.

13 Sec. 2. REPEAL. Section 101C.14, Code 2009, is
 14 repealed.
 15 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being
 16 deemed of immediate importance, takes effect upon
 17 enactment.>

WAGNER of Linn

H-8221

1 Amend House File 2492 as follows:
 2 1. Page 9, after line 19 by inserting:
 3 Sec. ____ Section 279.46, Code 2009, is amended to
 4 read as follows:
 5 279.46 Retirement incentives – tax.
 6 1. The board of directors of a school district
 7 may adopt a program for payment of a monetary bonus,
 8 continuation of health or medical insurance coverage,
 9 or other incentives for encouraging its employees to
 10 retire before the normal retirement date as defined
 11 in chapter 97B. The program is available only to
 12 employees who notify the board of directors prior
 13 to April 1 of the fiscal year that they intend to
 14 retire not later than the start of the next following
 15 school calendar. The age at which employees shall be
 16 designated eligible for the program shall be at the
 17 discretion of the board.
 18 2. An employee retiring under this section may
 19 apply for a retirement allowance under chapter 97B or
 20 chapter 294.
 21 3. A school district shall not offer permanent
 22 part-time employment, permanent full-time employment,
 23 temporary employment, or retention as an independent
 24 contractor to an employee retiring under a program
 25 adopted pursuant to subsection 1.
 26 4. The board may include in the district management
 27 levy an amount to pay the total estimated accumulated
 28 cost to the school district of the health or medical
 29 insurance coverage, bonus, or other incentives for
 30 employees within the age range of fifty-five to
 31 sixty-five years of age who retire under this section.>
 32 2. By renumbering as necessary.

SCHULTE of Linn

H-8223

1 Amend Senate File 2226, as passed by the Senate, as
 2 follows:
 3 1. Page 2, after line 13 by inserting:
 4 <1A. Upon the filing of an application or petition,
 5 the court shall appoint a guardian ad litem to

- 6 represent the best interests of the child.>
7 2. Page 3, line 14, after <child> by inserting <and
8 assigning visitation to the specified family member
9 will provide the child the opportunity to maintain an
10 ongoing family relationship that is important to the
11 child>
12 3. Page 3, line 20, after <parent> by inserting
13 <whose visitation rights are temporarily assigned>
14 4. By renumbering as necessary.

GAYMAN of Scott

H-8224

- 1 Amend House File 2410 as follows:
2 1. Title page, line 2, after <drugs> by inserting
3 <used for the treatment of patients with epilepsy>

WINDSCHITL of Harrison

H-8225

- 1 Amend House File 2410 as follows:
2 1. Page 1, after line 33 by inserting:
3 <f. This subsection shall not apply to drug product
4 selection that results in the selection of a drug
5 product that is AB rated by the United States food and
6 drug administration for bioequivalence.>

WINDSCHITL of Harrison

H-8226

- 1 Amend House File 2410 as follows:
2 1. Page 1, after line 33 by inserting:
3 <f. An authorized prescriber under this subsection
4 shall include the patient's diagnosis on the face of
5 the prescription or shall provide the pharmacist with
6 this information if issuing the prescription in verbal
7 form.>

WINDSCHITL of Harrison

H-8227

- 1 Amend House File 2410 as follows:
2 1. Page 1, by striking lines 7 through 11 and
3 inserting <treatment of epilepsy, prior to providing
4 notification to the authorized prescriber.>

- 5 2. Page 1, by striking lines 14 through 18 and
- 6 inserting <verbal communication to the prescriber.>

WINDSCHITL of Harrison

H-8228

- 1 Amend House File 2470 as follows:
- 2 1. Page 1, by striking lines 11 through 23.
- 3 2. By renumbering as necessary.

ROBERTS of Carroll

H-8229

- 1 Amend the amendment, H-8169, to House File 2470 as
- 2 follows:
- 3 1. Page 1, before line 2 by inserting:
- 4 <__. Page 1, by striking lines 11 through 23.>
- 5 2. By renumbering as necessary.

ROBERTS of Carroll

H-8230

- 1 Amend House File 2474 as follows:
- 2 1. Page 1, after line 34 by inserting:
- 3 <6. Use existing public education materials that
- 4 educate citizens of this state about the effects of
- 5 high-cost loans on Iowa families and their financial
- 6 stability. The materials shall include and reflect,
- 7 among other information, data and information available
- 8 from the division of banking of the department of
- 9 commerce concerning the types of loans available to
- 10 citizens of this state, including but not limited to
- 11 the rate of use for each type of loan, the total dollar
- 12 cost of the loan to borrowers, the effective annual
- 13 percentage rate applicable to the loan, the frequency
- 14 of use by citizens of this state for each type of
- 15 loan, and the types and availability of alternatives
- 16 to high-cost loans. The data and information shall
- 17 include examples of the total cost of repayment of each
- 18 type of loan described, the amount paid in interest and
- 19 fees, and the length of time anticipated to repay each
- 20 type of loan.>

PETERSEN of Polk

H-8231

- 1 Amend Senate File 2291, as amended, passed, and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 1, line 19, after <ethnicity,> by inserting
4 <electronically>

SWEENEY of Hardin

H-8232

- 1 Amend House File 2017 as follows:
2 1. Page 1, line 7, after <5.> by inserting <a.>
3 2. Page 1, lines 8 and 9 by striking <six inches
4 toward the stern>
5 3. Page 1, line 12, by striking <eight> and
6 inserting <ten>
7 4. Page 1, after line 13 by inserting:
8 <b. During the twelve-month period beginning July
9 1, 2010, and ending June 30, 2011, peace officers shall
10 issue only warning citations for violations of this
11 subsection. This paragraph is repealed July 1, 2011.>

ZIRKELBACH of Jones

H-8239

- 1 Amend House File 2508 as follows:
2 1. Page 1, before line 1 by inserting:
3 <Section 1. NEW SECTION. 100.17 Carbon monoxide
4 detectors.
5 1. As used in this section:
6 a. "Carbon monoxide detector" means a device which
7 detects carbon monoxide and which incorporates control
8 equipment and an alarm-sounding unit operated from a
9 power supply either in the unit or obtained at the
10 point of installation. A "carbon monoxide detector"
11 may include a device that also meets the definition of
12 a smoke detector under section 100.18, if the device
13 produces a distinct audible alarm for each type of
14 hazard.
15 b. "Dormitory" means the same as defined in section
16 100.18.
17 c. "Fossil fuel" means coal, kerosene, oil,
18 wood, fuel gases, or other petroleum or hydrocarbon
19 products that emit carbon monoxide as a by-product of
20 combustion.
21 d. "Multiple-unit residential dwelling" means a
22 residential building, an apartment house, or a portion
23 of a building or an apartment house with two or more
24 dwelling units. "Multiple-unit residential dwelling"
25 does not include a hotel, motel, dormitory, or rooming
26 house.
27 2. a. A multiple-unit residential dwelling
28 containing a fossil fuel heater, fossil fuel furnace,
29 fossil fuel appliance, fossil fuel fireplace, or an

30 attached garage shall have approved carbon monoxide
 31 detectors installed in each dwelling unit according
 32 to the requirements of this section and the rules
 33 established by the state fire marshal under subsection
 34 3.

35 b. A single-family dwelling containing a fossil
 36 fuel heater, fossil fuel furnace, fossil fuel
 37 appliance, fossil fuel fireplace, or an attached garage
 38 shall have approved carbon monoxide detectors installed
 39 according to the requirements of this section and the
 40 rules established by the state fire marshal under
 41 subsection 3.

42 c. Carbon monoxide detectors required under
 43 paragraph "a" or "b" shall be installed in the
 44 immediate vicinity of the sleeping area of the
 45 dwelling.

46 3. a. The state fire marshal shall adopt rules
 47 under chapter 17A concerning the placement of carbon
 48 monoxide detectors and the use of acceptable carbon
 49 monoxide detectors.

50 b. This section does not prohibit a county or city

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1 from adopting carbon monoxide detector requirements
 2 that are more stringent than those in this section.

3 4. a. The owner of a single-family dwelling or
 4 multiple-unit residential dwelling that is used as a
 5 rental property and subject to the requirements of
 6 subsection 2, shall do all of the following:

7 (1) Provide and install one approved carbon
 8 monoxide detector within each dwelling or dwelling unit
 9 located in the immediate vicinity of the sleeping area
 10 of the dwelling or dwelling unit.

11 (2) Replace any carbon monoxide detector that has
 12 been stolen, removed, or rendered inoperable prior
 13 to the commencement of a tenancy, unless the carbon
 14 monoxide detector was replaced by the previous tenant.

15 (3) Ensure that all batteries required for
 16 operation of the carbon monoxide detector are replaced
 17 prior to the commencement of a tenancy.

18 b. Except as required under paragraph "a", an
 19 owner of a single-family dwelling or multiple-unit
 20 residential dwelling that is used as a rental property
 21 and subject to the requirements of subsection 2,
 22 is not required to maintain, repair, or replace a
 23 carbon monoxide detector, including the replacement of
 24 batteries, if applicable.

25 5. In lieu of the carbon monoxide detector
 26 installation requirements under subsections 2 and 4,
 27 the owner of a multiple-unit residential dwelling that
 28 is used as a rental property and that is otherwise

29 subject to the requirements of subsection 2, may
30 install an approved carbon monoxide detector not
31 less than ten feet and not more than twenty-five
32 feet from each centralized fossil fuel heater, fossil
33 fuel furnace, fossil fuel appliance, or fossil fuel
34 fireplace if the carbon monoxide detector is able
35 to produce an alarm to alert all residents of the
36 multiple-unit residential dwelling of a hazard.
37 However, this subsection shall not relieve the owner
38 of the installation requirements under subsections
39 2 and 4 for any dwelling unit in the multiple-unit
40 residential dwelling that also contains an attached
41 garage or a fossil fuel heater, fossil fuel furnace,
42 fossil fuel appliance, or fossil fuel fireplace that
43 is not centralized.

44 6. A lessee or tenant of a single-family dwelling
45 or multiple-unit residential dwelling that is used as
46 a rental property and subject to the requirements of
47 subsection 2 shall do all of the following:

48 a. Test and maintain the carbon monoxide detector
49 in good repair.
50 b. Replace batteries as needed.

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1 c. Replace a carbon monoxide detector that is
2 stolen, removed, or rendered inoperable during the
3 lessee or tenant's tenancy.

4 d. Notify the owner of the single-family dwelling
5 or multiple-unit residential dwelling or the owner's
6 authorized agent in writing if the lessee or tenant is
7 unable to correct a deficiency related to the carbon
8 monoxide detector.

9 7. A person shall not render inoperable a carbon
10 monoxide detector that is required to be installed
11 under this section, unless the person is replacing
12 the batteries in the carbon monoxide detector or
13 inspecting, maintaining, or repairing the carbon
14 monoxide detector.

15 8. a. A person who files for a homestead tax
16 credit pursuant to chapter 425 shall certify that the
17 single-family dwelling for which the credit is filed
18 has a carbon monoxide detector installed in compliance
19 with this section, or that one will be installed within
20 thirty days of the date the filing for the credit is
21 made.

22 b. Each property tax statement delivered under
23 section 445.5 for property subject to the requirements
24 of this section shall include information relating to
25 the applicable carbon monoxide requirements.>

26 2. Page 1, after line 18 by inserting:
27 <Sec. ___. Section 445.5, Code 2009, is amended by

28 adding the following new subsection:
 29 **NEW SUBSECTION.** 1A. For each parcel that is
 30 subject to the carbon monoxide detector requirements
 31 under section 100.17, the treasurer shall include
 32 written information relating to the applicable
 33 carbon monoxide detector requirements along with each
 34 statement mailed under subsection 1.
 35 Sec. ____ EFFECTIVE DATE. The sections of this Act
 36 enacting section 100.17 and amending section 445.5 take
 37 effect July 1, 2013.>
 38 3. Page 1, line 19, by striking <This Act> and
 39 inserting <The sections of this Act amending sections
 40 331.304 and 364.17>
 41 4. Page 1, line 20, by striking <takes> and
 42 inserting <take>
 43 5. Title page, line 1, after <to> by inserting
 44 <residential dwelling safety devices by requiring
 45 carbon monoxide detectors in certain dwellings and
 46 establishing requirements for>
 47 6. By renumbering as necessary.

BURT of Black Hawk

H-8240

1 Amend Senate File 2288, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 6, after line 12 by inserting:
 4 <Sec. ____ Section 257.17, Code 2009, is amended to
 5 read as follows:
 6 257.17 Aid reduction for early school starts.
 7 State aid payments made pursuant to section
 8 257.16 for a fiscal year shall be reduced by one
 9 one-hundred-eightieth for each day of that fiscal year
 10 for which the school district begins school before the
 11 earliest starting date specified in section 279.10,
 12 subsection 1. However, this section does not apply to
 13 a school district that has received approval from the
 14 director of the department of education ~~under section~~
 15 ~~279.10, subsection 4, to commence classes for regularly~~
 16 ~~established elementary and secondary schools in~~
 17 ~~advance of the starting date established in for a pilot~~
 18 ~~program for an innovative school year in accordance~~
 19 ~~with section 279.10, subsection 4 3.>~~
 20 2. Page 9, after line 10 by inserting:
 21 <Sec. ____ Section 279.10, subsections 1 and 2,
 22 Code 2009, are amended to read as follows:
 23 1. The school year shall begin on the first day
 24 of July and each regularly established elementary
 25 and secondary school shall begin no sooner than ~~a day~~
 26 ~~during the calendar week in which the first day of~~
 27 ~~September falls~~ the fourth Monday in August but no

28 later than the first Monday in December. ~~However, if~~
 29 ~~the first day of September falls on a Sunday, school~~
 30 ~~may begin on a day during the calendar week which~~
 31 ~~immediately precedes the first day of September unless~~
 32 the school district has received approval from the
 33 department of education for a pilot program for an
 34 innovative school year in accordance with subsection 3.
 35 School shall continue for at least one hundred eighty
 36 days, except as provided in subsection 3, and may be
 37 maintained during the entire calendar year. However,
 38 if the board of directors of a district extends the
 39 school calendar because inclement weather caused the
 40 district to temporarily close school during the regular
 41 school calendar, the district may excuse a graduating
 42 senior who has met district or school requirements for
 43 graduation from attendance during the extended school
 44 calendar. A school corporation may begin employment
 45 of personnel for in-service training and development
 46 purposes before the date to begin elementary and
 47 secondary school.

48 2. The board of directors shall hold a public
 49 hearing on any ~~proposal~~ request made pursuant to
 50 subsection 3 prior to submitting it to the department

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1 of education for approval.

2 Sec. ____ Section 279.10, subsection 4, Code 2009,
 3 is amended by striking the subsection. >>

4 3. Page 10, line 5, by striking <subsection 2, Code
 5 2009, is> and inserting <subsections 1 and 2, Code
 6 2009, are>

7 4. Page 10, after line 6 by inserting:

8 <1. The board of directors of each public
 9 school district and the authorities in charge of
 10 each nonpublic school shall prescribe the minimum
 11 educational program and an attendance policy which
 12 shall require each child to attend school for at least
 13 one hundred forty-eight days, to be met by attendance
 14 for at least thirty-seven quarter days each school quarter,
 15 for the schools under their jurisdictions. Each public
 16 school and nonpublic school shall comply with the start
 17 date and school calendar requirements specified in
 18 section 279.10, subsection 1.>

19 5. Page 23, after line 13 by inserting:

20 <Sec. ____ EFFECTIVE DATES. The provisions of the
 21 sections of this Act amending section 257.17, section
 22 279.10, subsections 1 and 2, section 279.10, subsection
 23 4, and section 280.3, subsection 1, take effect July 1,
 24 2011, and are applicable for school years beginning on
 25 or after that date.>

26 6. Title page, line 2, after <boards> by inserting

27 <and including effective date and applicability
 28 provisions>
 29 7. By renumbering as necessary.

MAY of Dickinson

H-8241

1 Amend Senate File 2288, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 10, after line 4 by inserting:
 4 <Sec. ____ Section 279.46, Code 2009, is amended to
 5 read as follows:
 6 279.46 Retirement incentives – tax.
 7 1. The board of directors of a school district
 8 may adopt a program for payment of a monetary bonus,
 9 continuation of health or medical insurance coverage,
 10 or other incentives for encouraging its employees to
 11 retire before the normal retirement date as defined
 12 in chapter 97B. The program is available only to
 13 employees who notify the board of directors prior
 14 to April 1 of the fiscal year that they intend to
 15 retire not later than the start of the next following
 16 school calendar. The age at which employees shall be
 17 designated eligible for the program shall be at the
 18 discretion of the board.
 19 2. An employee retiring under this section may
 20 apply for a retirement allowance under chapter 97B or
 21 chapter 294.
 22 3. A school district shall not offer permanent
 23 part-time employment, permanent full-time employment,
 24 temporary employment, or retention as an independent
 25 contractor to an employee retiring under a program
 26 adopted pursuant to subsection 1. However, the
 27 school district may offer the employee employment as a
 28 substitute teacher.
 29 4. The board may include in the district management
 30 levy an amount to pay the total estimated accumulated
 31 cost to the school district of the health or medical
 32 insurance coverage, bonus, or other incentives for
 33 employees within the age range of fifty-five to
 34 sixty-five years of age who retire under this section.>
 35 2. By renumbering as necessary.

SCHULTE of Linn

H-8242

1 Amend Senate File 2288, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, before line 1 by inserting:
 4 <DIVISION _____

- 5 GENERAL PROVISIONS>
- 6 2. Page 23, after line 13 by inserting:
- 7 <DIVISION _____
- 8 MARKET FACTOR TEACHER INCENTIVES
- 9 Sec. ____ MARKET FACTOR TEACHER INCENTIVES –
- 10 FUNDS TRANSFER. Notwithstanding any provisions to the
- 11 contrary, any remaining allocations paid to a school
- 12 district for market factor teacher incentives pursuant
- 13 to section 284.11, Code Supplement 2007, prior to the
- 14 school budget year beginning July 1, 2009, and which
- 15 are maintained in a separate listing within a school
- 16 district's budget shall be transferred by the district
- 17 into the school district's general fund to be used for
- 18 general fund purposes beginning with school budget
- 19 years beginning on or after July 1, 2009.
- 20 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
- 21 of this Act, being deemed of immediate importance,
- 22 takes effect upon enactment.>
- 23 3. Title page, line 2, after <boards> by inserting
- 24 <, and including effective date provisions>
- 25 4. By renumbering as necessary.

PETTENGILL of Benton

H-8243

- 1 Amend Senate File 2288, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, after line 7 by inserting:
- 4 <Sec. ____ NEW SECTION. 256F.14 Innovative charter
- 5 schools.
- 6 1. The board of directors of a school district, the
- 7 administrators of an accredited nonpublic school, the
- 8 board of directors of a community college, the state
- 9 board of regents, an accredited private institution
- 10 as defined in section 261.9, or a private nonprofit
- 11 corporation organized under chapter 504 may submit
- 12 an application to the state board to establish an
- 13 innovative charter school. The state board shall
- 14 adopt rules specifying the criteria for approval of
- 15 innovative charter schools. The department shall
- 16 develop an application process. The applicant shall
- 17 specify in its application all of the following:
- 18 a. Mission and instructional focus of the school.
- 19 b. Organizational structure and management of the
- 20 school.
- 21 c. Impact of labor agreements and contracts on the
- 22 success of the school.
- 23 d. Roles and responsibilities of all involved
- 24 constituencies.
- 25 e. Arrangements for special needs students.
- 26 f. Connection of the school to the school district.

27 g. Facility and operation costs.
28 h. Methods for measuring results, including but not
29 limited to student achievement results.
30 2. For purposes of this section, "innovative charter
31 school" means a school that is nonsectarian in its
32 program, admission policies, employment practices, and
33 all other operations. The school is a public school
34 and is part of the state's system of public education.
35 The primary focus of an innovative charter school shall
36 be to provide a comprehensive program of instruction
37 for at least one grade or age group from five through
38 eighteen years of age. Innovative charter schools
39 may be designed to allow significant autonomy to the
40 schools. However, innovative charter schools shall be
41 accountable for significant results.
42 3. Except as provided in this subsection,
43 innovative charter schools are exempt from all statutes
44 and rules applicable to a school, a school board, or a
45 school district, although an innovative charter school
46 may elect to comply with one or more provisions of
47 statute or rule. However, an innovative charter school
48 shall meet all applicable state and local health and
49 safety requirements; an innovative charter school shall
50 be organized and operated as a nonprofit corporation

Page 2

1 under chapter 504; the provisions of chapters 21
2 and 22 shall apply to meetings and records of an
3 innovative charter school board; and an innovative
4 charter school is subject to and shall comply with
5 chapters 216 and 216A relating to civil and human
6 rights, and sections 275.55A, 279.9A, 280.17B, 280.21B,
7 and 282.4, relating to suspension and expulsion of a
8 student. The innovative charter school shall employ or
9 contract with necessary teachers, as defined in section
10 272.1, who hold a valid license with an endorsement
11 for the type of service for which the teacher is
12 employed. Innovative charter schools are subject
13 to the same financial audits, audit procedures, and
14 audit requirements as a school district. The audits
15 shall be consistent with the requirements of sections
16 11.6, 11.14, 11.19, 256.9, subsection 19, and section
17 279.29, except to the extent deviations are necessary
18 because of the program at the school. The department,
19 auditor of state, or the legislative services agency
20 may conduct financial, program, or compliance audits.
21 The provisions of chapter 20 shall not apply to the
22 board of directors of an innovative charter school or
23 its employees.
24 4. A student enrolled in an innovative charter
25 school shall be counted, for state school foundation

26 aid purposes, in the student's district of residence.
 27 A student's residence, for purposes of this section,
 28 means a residence under section 282.1. The board of
 29 directors of the district of residence shall pay to the
 30 innovative charter school the state cost per pupil for
 31 the previous school year, plus any moneys received for
 32 the student as a result of the non-English speaking
 33 weighting under section 280.4, subsection 3, for the
 34 previous school year multiplied by the state cost per
 35 pupil for the previous year.>
 36 2. Title page, line 2, after <education> by
 37 inserting <, innovative charter schools,>
 38 3. By renumbering as necessary.

MAY of Dickinson
 DOLECHECK of Ringgold
 CHAMBERS of O'Brien
 RAECKER of Polk
 TYMESON of Madison

H-8244

1 Amend Senate File 2288, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 23, before line 1 by inserting:
 4 <Sec. ____ Section 256.9, subsection 60, paragraph
 5 b, as enacted by 2010 Iowa Acts, Senate File 2033,
 6 section 1, is amended by striking the paragraph.>
 7 2. By renumbering as necessary.

MAY of Dickinson
 DOLECHECK of Ringgold
 CHAMBERS of O'Brien
 RAECKER of Polk
 TYMESON of Madison

H-8245

1 Amend Senate File 2288, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 4, after line 2 by inserting:
 4 <Sec. ____ Section 256.9, Code Supplement 2009, is
 5 amended by adding the following new subsection:
 6 NEW SUBSECTION. 59. Prepare and submit to the
 7 general assembly on or before January 10, 2010, a
 8 report on state and federal mandated requirements
 9 with which school districts must comply. For each
 10 succeeding fiscal year, the report shall be updated,
 11 and the updated report shall be submitted to the
 12 general assembly on or before January 10.>
 13 2. By renumbering as necessary.

UPMEYER of Hancock

H-8247

1 Amend House File 2324 as follows:

2 1. Page 1, after line 31 by inserting:

3 <Sec. ____ Section 459.204, Code 2009, is amended
4 to read as follows:

5 459.204 Liquid manure application – separation
6 distance.

7 1. a. This subsection applies on and after the
8 effective date of this Act and prior to December 21,
9 2011.

10 (1) Except as provided in section 459.205, a person
11 shall not apply liquid manure from a confinement
12 feeding operation with a confinement feeding operation
13 structure constructed or expanded prior to May 31,
14 1995, on land located within one thousand five hundred
15 feet from a residence not owned by the titleholder
16 of the land, a commercial enterprise, a bona fide
17 religious institution, an educational institution, or a
18 public use area.

19 (2) Except as provided in section 459.205, a person
20 shall not apply liquid manure from a confinement
21 feeding operation with a confinement feeding operation
22 structure constructed or expanded on or after May 31,
23 1995, on land located within seven hundred fifty feet
24 from a residence not owned by the titleholder of the
25 land, a commercial enterprise, a bona fide religious
26 institution, an educational institution, or a public
27 use area.

28 b. This subsection is repealed on December 21,
29 2011.

30 2. This subsection applies on and after December
31 21, 2011. Except as provided in section 459.205, a
32 person shall not apply liquid manure from a confinement
33 feeding operation on land located within seven
34 hundred fifty feet from a residence not owned by the
35 titleholder of the land, a commercial enterprise,
36 a bona fide religious institution, an educational
37 institution, or a public use area.>

38 2. Page 2, after line 27 by inserting:

39 <Sec. ____ Section 459.313A, subsection 1,
40 unnumbered paragraph 1, Code Supplement 2009, is
41 amended to read as follows:

42 During the period beginning December 21 and ending
43 April 1, the person may apply liquid manure originating
44 from a manure storage structure, that is part of a
45 confinement feeding operation, on snow covered ground
46 only when there is an emergency. During the period
47 beginning February 1 and ending April 1, the person
48 may apply liquid manure originating from a manure
49 storage structure, that is part of a confinement
50 feeding operation, on frozen ground only when there

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1 is an emergency. An emergency occurs only when there
2 is an immediate need to comply with section 459.311,
3 subsection 1, due to unforeseen circumstances affecting
4 the storage of the liquid manure. The unforeseen
5 circumstances must be beyond the control of the owner
6 of the confinement feeding operation, including but
7 not limited to natural disaster, unusual weather
8 conditions, or equipment or structural failure. An
9 emergency does not include a situation in which a
10 person may continue to store liquid manure within a
11 manure storage structure that is part of the person's
12 confinement feeding operation. A person who is
13 authorized to apply liquid manure on snow covered
14 ground or frozen ground when there is an emergency
15 shall comply with all of the following:

16 Sec. ____ Section 459.313A, subsection 1, paragraph
17 d, Code Supplement 2009, is amended to read as follows:
18 d. Any surface water drain tile intake that is on
19 land in the owner's manure management plan and located
20 down gradient of the application must be temporarily
21 blocked beginning not later than the time that the
22 liquid manure is first applied and ending not earlier
23 than ~~two~~ three weeks after the completion of the
24 application.>

25 3. Page 2, by striking lines 30 through 33 and
26 inserting:

27 <NEW SUBSECTION. 4. A confinement feeding
28 operation with all confinement feeding operation
29 structures constructed before May 31, 1995, and not
30 expanded on or after that date, is not required to
31 construct or expand a manure storage structure to
32 comply with this section until December 21, 2011.>

33 4. Page 2, before line 34 by inserting:

34 <Sec. ____ Section 459.314, Code Supplement 2009,
35 is amended by adding the following new subsection:
36 NEW SUBSECTION. 1A. a. This subsection applies on
37 and after the effective date of this Act and prior to
38 December 21, 2011.

39 (1) A person shall not apply liquid manure from
40 a confinement feeding operation with a confinement
41 feeding operation structure constructed or expanded
42 prior to May 31, 1995, on land located within four
43 hundred feet from a designated area, unless one of the
44 following applies:

45 (a) The liquid manure is land-applied by injection
46 or incorporation on the same date as the liquid manure
47 was land-applied.

48 (b) An area of permanent vegetation cover,
49 including filter strips and riparian forest buffers,
50 exists for one hundred feet surrounding the designated

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1 area other than an unplugged agricultural drainage well
 2 or surface intake to an unplugged agricultural drainage
 3 well, and the area of permanent vegetation cover is not
 4 subject to manure application.

5 (c) If applied in proximity to a high-quality water
 6 resource, the liquid manure is applied not less than
 7 eight times the four-hundred-foot distance from the
 8 designated area.

9 (2) A person shall not apply liquid manure from
 10 a confinement feeding operation with a confinement
 11 feeding operation structure constructed or expanded
 12 on or after May 31, 1995, on land located within two
 13 hundred feet from a designated area, unless one of the
 14 following applies:

15 (a) The liquid manure is land-applied by injection
 16 or incorporation on the same date as the liquid manure
 17 was land-applied.

18 (b) An area of permanent vegetation cover,
 19 including filter strips and riparian forest buffers,
 20 exists for fifty feet surrounding the designated area
 21 other than an unplugged agricultural drainage well or
 22 surface intake to an unplugged agricultural drainage
 23 well, and the area of permanent vegetation cover is not
 24 subject to manure application.

25 (c) If applied in proximity to a high-quality water
 26 resource, the liquid manure is applied not less than
 27 four times the distance from the designated area.

28 b. This subsection is repealed on December 21,
 29 2011.

30 Sec. ____ Section 459.314, subsection 2, unnumbered
 31 paragraph 1, Code Supplement 2009, is amended to read
 32 as follows:

33 This subsection applies on and after December 21,
 34 2011. Except as otherwise provided in this subsection,
 35 a person shall not apply manure on land located within
 36 two hundred feet from a designated area, unless one of
 37 the following applies:>

38 5. Title page, line 3, before <on> by inserting
 39 <including on land and>

KUHN of Floyd
 D. OLSON of Boone

H-8248

1 Amend Senate File 2288, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 3, after line 16 by inserting:

4 <Sec. ____ Section 256.7, Code Supplement 2009, is
 5 amended by adding the following new subsection:

6 NEW SUBSECTION. 30. Adopt rules by July 1, 2011,
7 to require school districts and accredited nonpublic
8 schools to administer, beginning not later than the
9 2015-2016 school year, a statewide comprehensive
10 exit examination, developed by the director pursuant
11 to section 256.9, subsection 59, to students as a
12 condition of graduation. The rules shall provide for
13 alternative pathways to graduation and for a timeline
14 for the administration of the exit examinations by
15 school districts and accredited nonpublic schools, and
16 shall direct school districts and schools to allow a
17 student to take the exit examination if the student
18 or the student's parent or guardian submits a written
19 request to the school district or school.>

20 2. Page 4, after line 2 by inserting:

21 <Sec. ____ Section 256.9, Code Supplement 2009, is
22 amended by adding the following new subsection:

23 NEW SUBSECTION. 59. a. Develop a statewide
24 comprehensive exit examination aligned with the core
25 curriculum and the core content standards adopted
26 pursuant to section 256.7, subsections 26 and 28,
27 alternative pathways to graduation, and alternative
28 assessment measures for students with special
29 needs, including but not limited to students with
30 disabilities, English language learners, and general
31 education students who can otherwise demonstrate
32 mastery of high school level curriculum and knowledge
33 using an alternative assessment measure.

34 b. (1) In developing a statewide comprehensive
35 examination, alternative pathways to graduation,
36 and alternative assessment measures, the director
37 shall convene a task force to identify best practices
38 for the adoption of a statewide comprehensive exit
39 examination and determine the levels of support
40 necessary to prepare teachers and students for the
41 assessments and examination. The task force shall
42 review the statewide comprehensive exit examination
43 requirements of other states and the advantages and
44 disadvantages other states have realized in developing,
45 implementing, and administering statewide comprehensive
46 exit examinations, alternative graduation pathways, and
47 alternative assessments, including but not limited to
48 the costs of preparing teachers and students for the
49 examinations. The task force shall also identify the
50 purposes and goals other states have established in

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1 regard to the comprehensive exit examinations. The
2 task force shall be comprised of kindergarten through
3 grade sixteen education stakeholders. The task force
4 shall submit its findings and recommendations in a

- 5 report to the state board of education, the governor,
6 and the general assembly on or before January 17, 2011.
7 (2) This paragraph "b" is repealed on July 1,
8 2011.>
9 3. By renumbering as necessary.

MAY of Dickinson

H-8249

- 1 Amend Senate File 2288, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 7, after line 27 by inserting:
4 <Sec. ____ Section 272.2, Code Supplement 2009, is
5 amended by adding the following new subsection:
6 NEW SUBSECTION. 19. Adopt rules that require any
7 applicant for a teacher license or for renewal of a
8 teacher license to take the praxis II principles of
9 learning and teaching test for the appropriate grade
10 level and a praxis II teaching foundations test in the
11 appropriate subject area. If the applicant is applying
12 for an Iowa endorsement, the board shall require the
13 applicant to take a praxis II subject assessment for
14 each endorsement the applicant seeks. However, the
15 rules shall provide that the applicant is exempt from
16 the testing requirements of this subsection if the
17 applicant provides the board with evidence that the
18 applicant has taken the appropriate praxis II tests and
19 the applicant's scores on the tests meet or exceed the
20 qualifying scores approved by the board.>
21 2. Title page, line 2, after <boards> by inserting
22 <and to testing requirements for applicants for teacher
23 licensure or endorsement>

MAY of Dickinson

H-8250

- 1 Amend House File 2322 as follows:
2 1. Page 1, line 27, after <to the fund.> by
3 inserting <The fund shall not, however, consist of or
4 receive an appropriation from the net proceeds from
5 bonds issued pursuant to sections 12.87 and 12.90.>
6 2. By striking page 2, line 34, through page 3,
7 line 2.
8 3. By renumbering as necessary.

RAECKER of Polk

H-8252

1 Amend the amendment, H-8240, to Senate File 2288,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 2, after line 18 by inserting:

5 <___. Page 10, after line 13 by inserting:

6 <Sec. ___. Section 280.13, Code 2009, is amended to
 7 read as follows:

8 280.13 Requirements for interscholastic athletic
 9 contests and competitions.

10 1. A public school shall not participate in
 11 or allow students representing a public school to
 12 participate in any extracurricular interscholastic
 13 athletic contest or competition which is sponsored
 14 or administered by an organization as defined in
 15 this section, unless the organization is registered
 16 with the department of education, files financial
 17 statements with the department in the form and at
 18 the intervals prescribed by the director of the
 19 department of education, and is in compliance with
 20 rules which the state board of education adopts for
 21 the proper administration, supervision, operation,
 22 adoption of eligibility requirements, and scheduling of
 23 extracurricular interscholastic athletic contests and
 24 competitions and the organizations.

25 2. A public school shall not participate in
 26 or allow students representing a public school to
 27 participate in any extracurricular interscholastic
 28 athletic contest or competition, that is sponsored or
 29 administered in accordance with this section, prior to
 30 the date on which the public school begins its regular
 31 school calendar.

32 3. For the purposes of this section "organization"
 33 means a corporation, association, or organization which
 34 has as one of its primary purposes the sponsoring or
 35 administration of extracurricular interscholastic
 36 athletic contests or competitions, but does not
 37 include an agency of this state, a public or private
 38 school or school board, or an athletic conference or
 39 other association whose interscholastic contests or
 40 competitions do not include more than twenty-four
 41 schools. >>

42 2. By renumbering as necessary.

CHAMBERS of O'Brien

H-8254

1 Amend Senate File 117, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause

4 and inserting:

5 <Section 1. Section 321.234, subsection 2, Code
6 2009, is amended to read as follows:

7 2. A person, including a peace officer, riding a
8 bicycle on the highway is subject to the provisions of
9 this chapter and has all the rights and duties under
10 this chapter applicable to the driver of a vehicle,
11 including but not limited to the duty to obey traffic
12 signs and signals, except those provisions of this
13 chapter which by their nature can have no application
14 or those provisions for which specific exceptions have
15 been set forth regarding police bicycles.

16 Sec. 2. NEW SECTION. 321.281 Actions against
17 bicyclists.

18 1. A person operating a motor vehicle shall not
19 steer the motor vehicle unreasonably close to or toward
20 a person riding a bicycle on a highway, including the
21 roadway or the shoulder adjacent to the roadway.

22 2. A person shall not knowingly project any object
23 or substance at or against a person riding a bicycle
24 on a highway.

25 3. A person who violates this section commits a
26 simple misdemeanor punishable as a scheduled violation
27 under section 805.8A, subsection 14, paragraph "k".

28 Sec. 3. Section 321.288, Code 2009, is amended by
29 adding the following new subsection:

30 NEW SUBSECTION. 7. When approaching and passing a
31 bicycle on the highway.

32 Sec. 4. Section 321.299, Code 2009, is amended to
33 read as follows:

34 321.299 Overtaking a vehicle.

35 The following rules shall govern the overtaking and
36 passing of vehicles proceeding in the same direction,
37 subject to those limitations, exceptions, and special
38 rules ~~hereinafter stated~~ otherwise provided in this
39 chapter:

40 1. The driver of a vehicle overtaking another
41 vehicle or a bicycle proceeding in the same direction
42 shall pass to the left ~~thereof of the vehicle or~~
43 bicycle at a safe distance and shall not again drive to
44 the right side of the roadway until safely clear of the
45 overtaken vehicle or bicycle.

46 2. Except when overtaking and passing on the right
47 is permitted, the driver of an overtaken vehicle
48 shall give way to the right in favor of the overtaking
49 vehicle and shall not increase the speed of the
50 overtaken vehicle until completely passed by the

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1 overtaking vehicle.

2 3. When a vehicle is overtaking and passing a

3 bicycle, the driver of the overtaking vehicle shall
 4 maintain a distance of not less than five feet between
 5 the right side of the driver's vehicle, including
 6 all mirrors or other projections, and the left side
 7 of the bicyclist. This subsection does not apply to
 8 implements of husbandry or to vehicles hauling or
 9 towing implements of husbandry.

10 Sec. 5. Section 321.482A, unnumbered paragraph 1,
 11 Code 2009, is amended to read as follows:

12 Notwithstanding section 321.482, a person who
 13 is convicted of operating a motor vehicle in
 14 violation of section 321.275, subsection 4, section
 15 321.281, 321.297, 321.298, 321.299, 321.302, 321.303,
 16 321.304, 321.305, 321.306, 321.307, 321.308, section
 17 321.309, subsection 2, or section 321.311, 321.319,
 18 321.320, 321.321, 321.322, 321.323, 321.323A, 321.324,
 19 321.324A, 321.327, 321.329, or 321.333 causing serious
 20 injury to or the death of another person may be subject
 21 to the following penalties in addition to the penalty
 22 provided for a scheduled violation in section 805.8A or
 23 any other penalty provided by law:

24 Sec. 6. Section 805.8A, subsection 14, Code
 25 Supplement 2009, is amended by adding the following new
 26 paragraph:

27 NEW PARAGRAPH. k. Actions against a person on a
 28 bicycle. For violations under section 321.281 the
 29 scheduled fine is two hundred fifty dollars.>

30 2. Title page, by striking lines 1 through
 31 4 and inserting <An Act relating to duties and
 32 responsibilities of motor vehicle operators and
 33 bicyclists on a highway, and providing penalties.>

34 3. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES

H-8255

1 Amend the amendment, H-8222, to House File 2448 as
 2 follows:

3 1. Page 4, line 31, by striking <692A.126> and
 4 inserting <692A.126.

5 Sec. ____. Section 728.5, unnumbered paragraph 2,
 6 Code 2009, is amended to read as follows:

7 The Except when a person allows or permits a minor
 8 to participate in any act included in subsections 1
 9 through 6, which is intended to arouse or satisfy the
 10 sexual desires or appeal to the prurient interests

11 of patrons, the provisions of this section shall not
 12 apply to a theater, concert hall, art center, museum,
 13 or similar establishment which is primarily devoted to
 14 the arts or theatrical performances and in which any
 15 of the circumstances contained in this section were

16 permitted or allowed as part of such art exhibits or
 17 performances>

RANTS of Woodbury

H-8256

1 Amend House File 2448 as follows:
 2 1. Page 3, after line 33 by inserting:
 3 <Sec. ____ Section 728.5, unnumbered paragraph 2,
 4 Code 2009, is amended to read as follows:
 5 The Except when a person allows or permits a minor
 6 to participate in any act included in subsections 1
 7 through 6, which is intended to arouse or satisfy the
 8 sexual desires or appeal to the prurient interests
 9 of patrons, the provisions of this section shall not
 10 apply to a theater, concert hall, art center, museum,
 11 or similar establishment which is primarily devoted to
 12 the arts or theatrical performances and in which any
 13 of the circumstances contained in this section were
 14 permitted or allowed as part of such art exhibits or
 15 performances.>
 16 2. By renumbering as necessary.

RANTS of Woodbury

H-8258

1 Amend House File 2436 as follows:
 2 1. Page 1, before line 1 by inserting:
 3 <Section 1. Section 321.178, subsection 2,
 4 paragraph a, Code 2009, is amended to read as follows:
 5 a. (1) A person between sixteen and eighteen
 6 years of age who has completed an approved driver's
 7 education course and is not in attendance at school
 8 and has not met the requirements described in section
 9 299.2, subsection 1, may be issued a restricted license
 10 only for travel to and from work or to transport
 11 dependents to and from temporary care facilities,
 12 if necessary for the person to maintain the person's
 13 present employment. The restricted license shall be
 14 issued by the department only upon confirmation of the
 15 person's employment and need for a restricted license
 16 to travel to and from work or to transport dependents
 17 to and from temporary care facilities if necessary to
 18 maintain the person's employment. The employer shall
 19 notify the department if the employment of the person
 20 is terminated before the person attains the age of
 21 eighteen.
 22 (2) A person issued a restricted license under
 23 this section shall not use an electronic communication
 24 device or an electronic entertainment device, other
 25 than a radio installed in the motor vehicle, while

26 driving a motor vehicle unless the motor vehicle is at
 27 a complete stop off the roadway.>

28 2. Page 3, after line 9 by inserting:

29 <Sec. ____ Section 321.180B, Code Supplement 2009,
 30 is amended by adding the following new subsection:

31 NEW SUBSECTION. 6A. A person issued an instruction
 32 permit or intermediate driver's license under this
 33 section shall not use an electronic communication
 34 device or an electronic entertainment device, other
 35 than a radio installed in the motor vehicle, while
 36 driving a motor vehicle unless the motor vehicle is at
 37 a complete stop off the roadway.>

38 3. Page 3, line 11, by striking <paragraph:> and
 39 inserting <paragraphs:>

40 4. Page 3, line 12, by striking <Ob.> and inserting
 41 <c.>

42 5. Page 3, after line 20 by inserting:

43 <NEW PARAGRAPH. d. A person issued a driver's
 44 license under this section shall not use an electronic
 45 communication device or an electronic entertainment
 46 device, other than a radio installed in the motor
 47 vehicle, while driving a motor vehicle unless the motor
 48 vehicle is at a complete stop off the roadway.

49 Sec. ____ NEW SECTION. 321.238 Use of electronic
 50 devices while driving – preemption of local

Page 2

1 legislation.

2 The provisions of sections 321.178, 321.180B, and
 3 321.194 restricting the use of electronic communication
 4 devices and electronic entertainment devices by certain
 5 motor vehicle operators shall be implemented uniformly
 6 throughout the state. Such provisions shall preempt
 7 any county or municipal ordinance regarding the use
 8 of an electronic communication device or electronic
 9 entertainment device by a motor vehicle operator. In
 10 addition, a county or municipality shall not adopt
 11 or continue in effect an ordinance regarding the use
 12 of an electronic communication device or electronic
 13 entertainment device by a motor vehicle operator.>

14 6. Title page, lines 1 and 2, by striking
 15 <licenses> and inserting <licenses, minor's restricted
 16 licenses,>

17 7. Title page, line 2, by striking <licenses,
 18 making a penalty> and inserting <licenses and to the
 19 use of certain electronic devices by motor vehicle
 20 operators, making penalties>

21 8. By renumbering as necessary.

H-8259

1 Amend Senate File 2288, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 23, before line 1 by inserting:
 4 <Sec. ____ Section 256.9, subsection 60, paragraph
 5 a, as enacted by 2010 Iowa Acts, Senate File 2033,
 6 section 1, is amended to read as follows:

7 ~~a.~~ Require a school district that has one or more
 8 attendance centers identified by the department as a
 9 persistently lowest-achieving school to implement one
 10 or more of the interventions mandated by the United
 11 States department of education for a persistently
 12 lowest-achieving school pursuant to the federal No
 13 Child Left Behind Act of 2001, Pub. L. No. 107-110
 14 § 1003(g), 20 U.S.C. § 6303(g), and any federal
 15 regulations adopted pursuant to the federal Act. The
 16 school district shall collaborate with the teachers and
 17 all other affected staff in determining which of the
 18 interventions the school district will implement.

19 Sec. ____ Section 256.9, subsection 60, paragraph
 20 b, as enacted by 2010 Iowa Acts, Senate File 2033,
 21 section 1, is amended by striking the paragraph. >>
 22 2. By renumbering as necessary.

TYMESON of Madison

H-8260

1 Amend the amendment, H-8169, to House File 2470 as
 2 follows:

3 1. Page 1, after line 28 by inserting:
 4 <____. Page 2, before line 3 by inserting:
 5 Sec. ____ Section 49.104, subsection 2, Code 2009,
 6 is amended to read as follows:

7 2. a. Any number of persons, not exceeding three
 8 at a time from each political party having candidates
 9 to be voted for at such election, to act as challenging
 10 committees, who are appointed and accredited by the
 11 executive or central committee of such political party
 12 or organization.

13 b. The central committee of each political party
 14 shall provide appropriate training for persons
 15 appointed and accredited under this subsection or
 16 subsection 3. >>

17 2. By renumbering as necessary.

GASKILL of Wapello

H-8262

- 1 Amend House File 2474 as follows:
 2 1. Page 1, line 18, after <savings> by inserting
 3 <and responsible borrowing>
 4 2. Page 1, line 20, after <program> by inserting
 5 <and responsible borrowing practices>
 6 3. Page 1, line 24, after <goals> by inserting <and
 7 engaging in responsible borrowing practices>

HELLAND of Polk

H-8264

- 1 Amend House File 2410 as follows:
 2 1. Page 1, by striking lines 3 through 33 and
 3 inserting:
 4 <NEW SUBSECTION. 2A. A health plan operating in
 5 the state shall not discriminate against an individual
 6 with epilepsy who requires a specific brand name drug
 7 product, as denoted by an authorized prescriber's
 8 dispense as written prescription, by requiring the
 9 individual to pay a higher cost-sharing component of a
 10 particular claim for coverage.>

QUIRK of Chickasaw

H-8265

- 1 Amend the amendment, H-8254, to Senate File 117,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, after line 15 by inserting:
 5 <Sec. ____ Section 321.234, Code 2009, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 4A. Persons shall not operate
 8 bicycles more than two abreast on a highway, except
 9 when participating in an organized event authorized by
 10 the state or a political subdivision of the state on a
 11 road that is part of the route temporarily designated
 12 for the event by the state or political subdivision.>
 13 2. Page 2, after line 23 by inserting:
 14 <Sec. ____ Section 805.8A, subsection 9, Code
 15 Supplement 2009, is amended to read as follows:
 16 9. Bicycle or pedestrian violations. For violations
 17 by a pedestrian or a bicyclist under section 321.234,
 18 subsections 3, ~~and 4~~, and 4A, section 321.236,
 19 subsection 10, section 321.257, subsection 2, section
 20 321.275, subsection 8, section 321.325, 321.326,
 21 321.328, 321.331, 321.332, 321.397, or 321.434, the

22 scheduled fine is fifteen dollars.>
23 3. By renumbering as necessary.

HEATON of Henry

H-8266

1 Amend the amendment, H-8254, to Senate File 117,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, after line 15 by inserting:
5 <Sec. ____ Section 321.234, Code 2009, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 4A. A person shall not ride a
8 bicycle on a highway unless there is a mirror attached
9 to the bicycle, or attached to clothing or equipment
10 worn by the rider, that is so located as to reflect to
11 the rider a view of the highway for a distance of at
12 least two hundred feet to the rear of the bicycle.>
13 2. Page 2, after line 23 by inserting:
14 <Sec. ____ Section 805.8A, subsection 9, Code
15 Supplement 2009, is amended to read as follows:
16 9. Bicycle or pedestrian violations. For violations
17 by a pedestrian or a bicyclist under section 321.234,
18 subsections 3, ~~and 4,~~ and 4A, section 321.236,
19 subsection 10, section 321.257, subsection 2, section
20 321.275, subsection 8, section 321.325, 321.326,
21 321.328, 321.331, 321.332, 321.397, or 321.434, the
22 scheduled fine is fifteen dollars.>
23 3. By renumbering as necessary.

HEATON of Henry

H-8267

1 Amend the amendment, H-8254, to Senate File 117,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, line 2, after <3> by inserting <a>
5 2. Page 2, after line 9 by inserting:
6 <b. When a bicycle is being overtaken by a vehicle
7 proceeding in the same direction, the operator of
8 the bicycle shall give way to the right and shall
9 ride within three feet of the curb or edge of the
10 paved surface until the overtaking vehicle is safely
11 clear of the bicycle. If two or more bicycles are
12 being overtaken by a vehicle proceeding in the same
13 direction, the bicycle operators shall adjust their
14 positions so that the bicycles are traveling not more
15 than two abreast, and the operators of the bicycles
16 shall give way to the right so that the bicycle
17 farthest to the left is within six feet of the curb or

18 edge of the paved surface until the overtaking vehicle
 19 is safely clear of the bicycle.>
 20 3. By renumbering as necessary.

HEATON of Henry

H-8268

1 Amend the amendment, H-8254, to Senate File 117,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, after line 15 by inserting:
 5 <Sec. ____ Section 321.234, Code 2009, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 4A. A person shall not wear
 8 earphones while riding a bicycle on the highway.>
 9 2. Page 2, after line 23 by inserting:
 10 <Sec. ____ Section 805.8A, subsection 9, Code
 11 Supplement 2009, is amended to read as follows:
 12 9. Bicycle or pedestrian violations. For violations
 13 by a pedestrian or a bicyclist under section 321.234,
 14 subsections 3, ~~and 4,~~ and 4A, section 321.236,
 15 subsection 10, section 321.257, subsection 2, section
 16 321.275, subsection 8, section 321.325, 321.326,
 17 321.328, 321.331, 321.332, 321.397, or 321.434, the
 18 scheduled fine is fifteen dollars.>
 19 3. By renumbering as necessary.

SODERBERG of Plymouth

H-8269

1 Amend House File 2410 as follows:
 2 1. Page 1, by striking lines 1 through 33 and
 3 inserting:
 4 <Sec. ____ MEDICAL ASSISTANCE PROGRAM – DRUG
 5 PRODUCT MANUFACTURERS OF ANTIEPILEPTIC DRUGS. A drug
 6 product manufacturer that distributes or sells brand
 7 name antiepileptic drug products in this state shall
 8 not be eligible to participate in the state medical
 9 assistance program unless the manufacturer offers for
 10 sale such brand name antiepileptic drug product at the
 11 same price as the most expensive generic bioequivalent
 12 antiepileptic drug.>
 13 2. Title page, lines 1 and 2, by striking <drug
 14 product selection relative to>
 15 3. By renumbering as necessary.

ZIRKELBACH of Jones

H-8270

1 Amend House File 2381 as follows:

2 1. Page 1, by striking lines 8 and 9 and inserting
3 <control licensees. A class "E" license ~~shall~~
4 ~~not~~ may be issued to a premises at which gasoline is
5 sold only if the premises is located at least one
6 thousand feet from the real property boundary of a
7 public or nonpublic elementary or secondary school or
8 child care facility. A holder of a class "E">

9 2. Page 1, after line 17 by inserting:

10 <Sec. ____ Section 123.36, subsection 9, Code 2009,
11 is amended to read as follows:

12 9. a. Class "E" liquor control license, a sum
13 determined as follows:

14 (1) For premises at which gasoline is not sold, a
15 sum of not less than seven hundred and fifty dollars,
16 and not more than seven thousand five hundred dollars
17 as determined on a sliding scale as established by the
18 division taking into account the factors of square
19 footage of the licensed premises, the location of the
20 licensed premises, and the population of the area of
21 the location of the licensed premises.

22 (2) For premises at which gasoline is sold, a
23 sum equal to the greater of five thousand dollars
24 or the amount that would be established pursuant
25 to subparagraph (1) if gasoline was not sold at the
26 licensed premises.

27 b. Notwithstanding subsection 6, the holder of a
28 class "E" liquor control license may sell alcoholic
29 liquor for consumption off the licensed premises
30 on Sunday subject to section 123.49, subsection 2,
31 paragraph "b".>

32 3. Title page, line 2, after <license> by inserting
33 <, establishing fees,>

34 4. By renumbering as necessary.

BAILEY of Hamilton

H-8271

1 Amend House File 2474 as follows:

2 1. Page 1, line 12, by striking <created.> and
3 inserting <created – contingent implementation.>

4 2. Page 1, before line 35 by inserting:

5 <This section shall not be implemented until both
6 the Iowa economic emergency fund created in section
7 8.55, and the cash reserve fund created in section
8 8.56, have reached their maximum balance.>

HELLAND of Polk

H-8272

1 Amend House File 2474 as follows:

2 1. Page 2, line 5, after <basis.> by inserting
3 <The report shall include an accounting of all funds
4 received for the program and how they were expended or
5 used. A copy of the report shall be submitted to the
6 auditor of state.>

HELLAND of Polk

H-8273

1 Amend House File 2475 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. NEW SECTION. 216A.105 Deliverable
5 fuels – mandatory delivery – penalties and remedies.
6 1. A deliverable fuel vendor engaged in the
7 business of providing deliverable fuel to customers in
8 this state shall not withhold the sale or delivery of
9 deliverable fuel to a customer from November 1 through
10 April 1 annually if either of the following apply:
11 a. The customer makes a prepaid cash payment in
12 an amount corresponding to the vendor's stated cash
13 price of that day for two hundred fifty gallons of
14 deliverable fuel.
15 b. The customer is certified as eligible for the
16 federal low-income home energy assistance program.
17 2. A deliverable fuel vendor is not prohibited
18 from withholding the sale or delivery of deliverable
19 fuel to a customer who is certified as eligible
20 for the federal low-income home energy assistance
21 program and has received the maximum amount of annual
22 assistance pursuant to the program, or who cannot make
23 a prepaid cash payment for deliverable fuel pursuant to
24 subsection 1, paragraph "a".
25 3. A deliverable fuel vendor providing deliverable
26 fuel to a customer described in subsection 1, paragraph
27 "a", may apply up to twenty-five percent of the
28 cash payment toward any unpaid balance owed to the
29 deliverable fuel vendor. In the event that a payment
30 arrangement is entered into between a deliverable
31 fuel vendor and a customer described in subsection 1,
32 paragraph "a", and the customer misses three payments
33 pursuant to the arrangement within a one-year period or
34 within the time period during which the arrangement is
35 in effect, the vendor may require payment of all past
36 due payments in full before making a delivery pursuant
37 to this section. In the event that an unpaid balance
38 is owed by a customer who is certified as eligible for
39 the federal low-income home energy assistance program,

40 the division shall offer assistance in facilitating a
41 payment arrangement.
42 4. a. A customer shall be responsible for the
43 reasonable cost of system safety checks conducted
44 by a deliverable fuel vendor, unless the customer
45 is certified as eligible for the federal low-income
46 home energy assistance program and the cost is paid
47 for with program funds. System safety check payments
48 shall be in addition to, and shall not reduce, the
49 cash payment otherwise available for deliverable fuel
50 sale or delivery pursuant to subsection 1, paragraph

Page 2

1 "a". A deliverable fuel vendor of propane conducting a
2 system safety check shall inform customers certified
3 as eligible for the low-income home energy assistance
4 program of the existence of programs and projects
5 developed by the Iowa propane education and research
6 council to provide assistance to persons certified as
7 eligible for the program, if applicable based upon the
8 results of the safety check. A deliverable fuel vendor
9 shall not be required to make or complete a delivery
10 of deliverable fuel if a system safety check reveals
11 mechanical problems or defects with the system which
12 constitute a safety hazard or concern.

13 b. A customer shall be responsible for the
14 reasonable cost of delivering the deliverable fuel to
15 the customer, as determined by the deliverable fuel
16 vendor, unless the customer is certified as eligible
17 for the federal low-income home energy assistance
18 program and the cost is paid for with program funds.
19 Delivery fees or charges shall be in addition to, and
20 shall not reduce, the cash payment otherwise available
21 for the deliverable fuel sale or delivery pursuant to
22 subsection 1, paragraph "a".

23 5. A violation of this section is an unlawful
24 practice pursuant to section 714.16 and a prohibited
25 practice pursuant to chapter 714H.

26 6. For the purposes of this section, unless the
27 context otherwise requires:

28 a. "Customer" means an existing customer of a
29 deliverable fuel vendor or a prospective customer
30 who submits an application or otherwise applies for
31 the purchase or delivery of deliverable fuel from a
32 deliverable fuel vendor serving the general geographic
33 area or vicinity where the fuel will be delivered.

34 b. "Deliverable fuel" means propane or any other
35 heating fuel sold or delivered in this state for home
36 heating purposes.

37 c. "Deliverable fuel vendor" means a retail propane
38 marketer or a retail dispenser or marketer of a

39 deliverable fuel other than propane for home heating
 40 purposes.
 41 d. "Propane" and "retail propane marketer" mean the
 42 same as defined in section 101C.2.>
 43 2. Title page line 2, after <circumstances,> by
 44 inserting <providing penalties,>

REICHERT of Muscatine

H-8275

1 Amend Senate File 2235, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by striking lines 28 and 29 and
 4 inserting <pursuant to section 714.16.>

REICHERT of Muscatine

H-8278

1 Amend House File 2410 as follows:
 2 1. Page 1, after line 33 by inserting:
 3 <f. This subsection shall cease to be applicable
 4 if the United States food and drug administration
 5 and the national institutes of health study and
 6 find no significant difference in the equivalence
 7 of antiepileptic drugs. The board of pharmacy shall
 8 notify the Code editor of such finding.>

SMITH of Marshall

H-8279

1 Amend House File 2410 as follows:
 2 1. Page 1, by striking lines 15 through 18 and
 3 inserting <representative at the time the drug is
 4 dispensed.>

SMITH of Marshall

H-8281

1 Amend House File 2492 as follows:
 2 1. Page 5, line 9, by striking <subparagraph (3),
 3 Code Supplement 2009, is> and inserting <subparagraphs
 4 (3) and (5), Code Supplement 2009, are>
 5 2. Page 5, after line 27 by inserting:
 6 <(5) Resident pupils receiving competent private
 7 instruction from a licensed practitioner provided
 8 through a public school district pursuant to chapter
 9 299A shall be counted as three-tenths of one pupil.
 10 Revenues received by a school district attributed to a

11 school district's weighted enrollment pursuant to this
 12 paragraph shall be expended for the purpose for which
 13 the weighting was assigned under this paragraph. If
 14 the school district determines that the expenditures
 15 associated with providing competent private instruction
 16 pursuant to chapter 299A are in excess of the
 17 revenue attributed to the school district's weighted
 18 enrollment for such instruction in accordance with this
 19 subparagraph, the school district may submit a request
 20 to the school budget review committee for modified
 21 allowable growth in accordance with section 257.31,
 22 subsection 5, paragraph "n". A home school assistance
 23 program shall not provide moneys received pursuant to
 24 this subparagraph, nor resources paid for with moneys
 25 received pursuant to this subparagraph, to parents or
 26 students utilizing the program. Moneys received by a
 27 school district pursuant to this subparagraph shall be
 28 used as provided in section 299A.12.>

29 3. Page 17, after line 35 by inserting:
 30 <Sec. __. NEW SECTION. 299A.12 Home school
 31 assistance program.

32 1. The board of directors of a school district
 33 may expend moneys received pursuant to section 257.6,
 34 subsection 1, paragraph "a", subparagraph (5), for
 35 purposes of providing a home school assistance program.

36 2. Purposes for which a school district may expend
 37 funds received pursuant to section 257.6, subsection 1,
 38 paragraph "a", subparagraph (5), shall include but not
 39 be limited to the following:

- 40 a. Assisting parents with instruction.
- 41 b. Student and teaching-parent support services and
- 42 staff support services.
- 43 c. Salary and benefits for the supervising teacher
- 44 of the home school assistance program students. If the
- 45 teacher is a part-time home school assistance program
- 46 teacher and a part-time regular classroom teacher,
- 47 funds received pursuant to section 257.6, subsection
- 48 1, paragraph "a", subparagraph (5), may be used only
- 49 for the portion of time in which the teacher is a home
- 50 school assistance program teacher.

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- 1 d. Salary and benefits for clerical and office
- 2 staff of the home school assistance program. If
- 3 the staff members are shared with other programs
- 4 or functions within the district, funds received
- 5 pursuant to section 257.6, subsection 1, paragraph
- 6 "a", subparagraph (5), shall only be expended for
- 7 the portion of time spent providing the home school
- 8 assistance program services.
- 9 e. Staff development for the home school assistance

10 program teacher.

11 f. Travel for the home school assistance program
12 teacher.

13 g. Resources, materials, computer software and
14 hardware, and supplies, and purchased services that
15 meet the following criteria:

16 (1) Are necessary to provide the services of home
17 school assistance.

18 (2) Are retained as the possessions of the school
19 district for its prekindergarten through grade twelve
20 home school assistance program.

21 3. Purposes for which a school district shall
22 not expend funds received pursuant to section 257.6,
23 subsection 1, paragraph "a", subparagraph (5), include
24 but are not limited to the following:

25 a. Indirect costs or use charges.

26 b. Operational or maintenance costs in addition to
27 the cost of maintaining school district facilities.

28 c. Capital expenditures.

29 d. Student transportation except in cases of home
30 school assistance program-approved field trips or other
31 educational activities.

32 e. Administrative costs.

33 f. Concurrent enrollment program costs and
34 postsecondary enrollment options program costs.

35 g. Any other expenditures not directly related to
36 providing the home school assistance program. A home
37 school assistance program shall not provide moneys to
38 parents or students utilizing the program.>

39 4. By renumbering as necessary.

KELLEY of Black Hawk

H-8282

1 Amend House File 2446 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 455B.301, subsection 21, Code
4 2009, is amended to read as follows:

5 21. "Sanitary disposal project" means all facilities
6 and appurtenances including all real and personal
7 property connected with such facilities, which are
8 acquired, purchased, constructed, reconstructed,
9 equipped, improved, extended, maintained, or operated
10 to facilitate the final disposition of solid waste
11 without creating a significant hazard to the public
12 health or safety, and which are approved by the
13 executive director. For purposes of this part 1
14 of division IV, "sanitary disposal project" does
15 not mean facilities and appurtenances containing

16 building-related construction debris and demolition
17 materials.>
18 2. By renumbering as necessary.

HROBACH of Tama

H-8283

1 Amend Senate File 2150, as passed by the Senate, as
2 follows:
3 1. Page 1, before line 1 by inserting:
4 <Section 1. Section 321.178, subsection 2,
5 paragraph a, Code 2009, is amended to read as follows:
6 a. (1) A person between sixteen and eighteen
7 years of age who has completed an approved driver's
8 education course and is not in attendance at school
9 and has not met the requirements described in section
10 299.2, subsection 1, may be issued a restricted license
11 only for travel to and from work or to transport
12 dependents to and from temporary care facilities,
13 if necessary for the person to maintain the person's
14 present employment. The restricted license shall be
15 issued by the department only upon confirmation of the
16 person's employment and need for a restricted license
17 to travel to and from work or to transport dependents
18 to and from temporary care facilities if necessary to
19 maintain the person's employment. The employer shall
20 notify the department if the employment of the person
21 is terminated before the person attains the age of
22 eighteen.
23 (2) A person issued a restricted license under
24 this section shall not use an electronic communication
25 device or an electronic entertainment device, other
26 than a radio installed in the motor vehicle, while
27 driving a motor vehicle unless the motor vehicle is at
28 a complete stop off the roadway.>
29 2. Page 3, after line 9 by inserting:
30 <Sec. __. Section 321.180B, Code Supplement 2009,
31 is amended by adding the following new subsection:
32 NEW SUBSECTION. 6A. A person issued an instruction
33 permit or intermediate driver's license under this
34 section shall not use an electronic communication
35 device or an electronic entertainment device, other
36 than a radio installed in the motor vehicle, while
37 driving a motor vehicle unless the motor vehicle is at
38 a complete stop off the roadway.>
39 3. Page 3, line 11, by striking <paragraph:> and
40 inserting <paragraphs:>
41 4. Page 3, line 12, by striking <Ob.> and inserting
42 <c.>
43 5. Page 3, after line 20 by inserting:
44 <NEW PARAGRAPH. d. A person issued a driver's

45 license under this section shall not use an electronic
 46 communication device or an electronic entertainment
 47 device, other than a radio installed in the motor
 48 vehicle, while driving a motor vehicle unless the motor
 49 vehicle is at a complete stop off the roadway.
 50 Sec. ____ NEW SECTION. 321.238 Use of electronic

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1 devices while driving – preemption of local
 2 legislation.
 3 The provisions of sections 321.178, 321.180B, and
 4 321.194 restricting the use of electronic communication
 5 devices and electronic entertainment devices by certain
 6 motor vehicle operators shall be implemented uniformly
 7 throughout the state. Such provisions shall preempt
 8 any county or municipal ordinance regarding the use
 9 of an electronic communication device or electronic
 10 entertainment device by a motor vehicle operator. In
 11 addition, a county or municipality shall not adopt
 12 or continue in effect an ordinance regarding the use
 13 of an electronic communication device or electronic
 14 entertainment device by a motor vehicle operator.>
 15 6. Title page, lines 1 and 2, by striking
 16 <licenses> and inserting <licenses, minor's restricted
 17 licenses,>
 18 7. Title page, line 2, by striking <licenses,
 19 making a penalty> and inserting <licenses and to the
 20 use of certain electronic devices by motor vehicle
 21 operators, making penalties>
 22 8. By renumbering as necessary.

RAECKER of Polk

H-8287

1 Amend Senate File 2310, as passed by the Senate, as
 2 follows:
 3 1. Page 3, by striking line 2 and inserting <of
 4 trust fund moneys distributed to the Iowa resources
 5 enhancement and protection fund or any one account
 6 established>
 7 2. Page 3, by striking lines 10 through 13.
 8 3. Page 3, line 14, by striking <2.> and inserting
 9 <1.>
 10 4. Page 3, line 19, by striking <3.> and inserting
 11 <2.>
 12 5. By striking page 4, line 35, through page 5,
 13 line 2, and inserting:
 14 <a. The establishment, maintenance, restoration,
 15 improvement, or enhancement of state parks, state
 16 preserves, state forests, wildlife areas, wildlife

17 habitats, native prairies, and wetlands.>

18 6. By renumbering as necessary.

BELL of Jasper

H-8290

1 Amend the amendment, H-8283, to Senate File 2150, as
2 passed by the Senate, as follows:

3 1. By striking page 1, line 3, through page 2, line
4 22, and inserting:

5 <1. Page 1, before line 1 by inserting:

6 <Section 1. Section 321.178, subsection 2,
7 paragraph a, Code 2009, is amended to read as follows:

8 a. (1) A person between sixteen and eighteen
9 years of age who has completed an approved driver's
10 education course and is not in attendance at school
11 and has not met the requirements described in section
12 299.2, subsection 1, may be issued a restricted license
13 only for travel to and from work or to transport
14 dependents to and from temporary care facilities,
15 if necessary for the person to maintain the person's
16 present employment. The restricted license shall be
17 issued by the department only upon confirmation of the
18 person's employment and need for a restricted license
19 to travel to and from work or to transport dependents
20 to and from temporary care facilities if necessary to
21 maintain the person's employment. The employer shall
22 notify the department if the employment of the person
23 is terminated before the person attains the age of
24 eighteen.

25 (2) A person issued a restricted license under
26 this section shall not use an electronic communication
27 device or an electronic entertainment device while
28 driving a motor vehicle unless the motor vehicle is at
29 a complete stop off the roadway. This subparagraph
30 does not apply to the use of electronic equipment which
31 is permanently installed in the motor vehicle or to a
32 portable device which is operated through permanently
33 installed equipment.>

34 2. Page 3, after line 9 by inserting:

35 <Sec. ___. Section 321.180B, Code Supplement 2009,
36 is amended by adding the following new subsection:

37 NEW SUBSECTION. 6A. A person issued an instruction
38 permit or intermediate driver's license under this
39 section shall not use an electronic communication
40 device or an electronic entertainment device while
41 driving a motor vehicle unless the motor vehicle is
42 at a complete stop off the roadway. This subsection
43 does not apply to the use of electronic equipment which
44 is permanently installed in the motor vehicle or to a
45 portable device which is operated through permanently

46 installed equipment.>

47 3. Page 3, line 11, by striking <paragraph:> and
48 inserting <paragraphs:>

49 4. Page 3, line 12, by striking <Ob.> and inserting
50 <c.>

Page 2

1 5. Page 3, after line 20 by inserting:

2 <NEW PARAGRAPH. d. A person issued a driver's
3 license under this section shall not use an electronic
4 communication device or an electronic entertainment
5 device while driving a motor vehicle unless the motor
6 vehicle is at a complete stop off the roadway. This
7 paragraph does not apply to the use of electronic
8 equipment which is permanently installed in the motor
9 vehicle or to a portable device which is operated
10 through permanently installed equipment.

11 Sec. __. NEW SECTION. 321.238 Use of electronic
12 devices while driving – preemption of local
13 legislation.

14 The provisions of sections 321.178, 321.180B, and
15 321.194 restricting the use of electronic communication
16 devices and electronic entertainment devices by certain
17 motor vehicle operators shall be implemented uniformly
18 throughout the state. Such provisions shall preempt
19 any county or municipal ordinance regarding the use
20 of an electronic communication device or electronic
21 entertainment device by a motor vehicle operator. In
22 addition, a county or municipality shall not adopt
23 or continue in effect an ordinance regarding the use
24 of an electronic communication device or electronic
25 entertainment device by a motor vehicle operator.>

26 6. Title page, lines 1 and 2, by striking
27 <licenses> and inserting <licenses, minor's restricted
28 licenses,>

29 7. Title page, line 2, by striking <licenses,
30 making a penalty> and inserting <licenses and to the
31 use of certain electronic devices by motor vehicle
32 operators, making penalties>

33 8. By renumbering as necessary.>

RAECKER of Polk

H-8292

1 Amend House File 2502 as follows:

2 1. By striking page 15, line 26, through page 16,
3 line 9.

4 2. By renumbering as necessary.

PETTENGILL of Benton
DRAKE of Cass

H-8294

- 1 Amend House File 2502 as follows:
- 2 1. Page 13, lines 25 and 26, by striking <for
- 3 members in regular service>
- 4 2. Page 13, line 27, by striking <one-half one> and
- 5 inserting <one-half>

PETTENGILL of Benton
DRAKE of Cass

H-8295

- 1 Amend House File 2502 as follows:
- 2 1. By striking page 23, line 35, through page 25,
- 3 line 26.
- 4 2. Page 26, line 22, by striking <ADVISORY
- 5 COMMITTEE> and inserting <BOARD>
- 6 3. Page 26, line 23, by striking <benefits advisory
- 7 committee> and inserting <board of trustees>
- 8 4. Page 26, lines 24 and 25, by striking < , as
- 9 enacted by this division of this Act,>
- 10 5. Page 26, lines 32 and 33, by striking <benefits
- 11 advisory committee> and inserting <board of trustees>
- 12 6. By renumbering as necessary.

PETTENGILL of Benton
DRAKE of Cass

H-8296

- 1 Amend Senate File 2288, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, after line 14 by inserting:
- 4 <Sec. ____ Section 256.11, subsection 9, Code
- 5 Supplement 2009, is amended to read as follows:
- 6 9. ~~Beginning July 1, 2006, each~~ Each school
- 7 district shall have a qualified teacher librarian
- 8 who shall be licensed by the board of educational
- 9 examiners under chapter 272. The state board shall
- 10 establish in rule a definition of and standards for
- 11 an articulated sequential kindergarten through grade
- 12 twelve media program. A school district that entered
- 13 into a contract with an individual for employment as a
- 14 media specialist or librarian prior to June 1, 2006,
- 15 shall be considered to be in compliance with this
- 16 subsection until June 30, 2011, if the individual is
- 17 making annual progress toward meeting the requirements
- 18 for a teacher librarian endorsement issued by the
- 19 board of educational examiners under chapter 272. A
- 20 school district that entered into a contract with an
- 21 individual for employment as a media specialist or

22 librarian who holds at least a master's degree in
 23 library and information studies shall be considered
 24 to be in compliance with this subsection until the
 25 individual leaves the employ of the school district. A
 26 school district may retain within its library program
 27 library books regardless of their age.>
 28 2. By renumbering as necessary.

COWNIE of Polk

H-8298

1 Amend House File 2494 as follows:
 2 1. Page 2, line 17, by striking <is a practicing>
 3 and inserting <as an obstetrician or>
 4 2. Page 2, by striking lines 23 through 25 and
 5 inserting <midwives; and two members who shall
 6 represent the general public and who are not licensed
 7 as a midwife, physician, or nurse.>
 8 3. Page 3, line 8, after <periods> by inserting <,
 9 including newborn care up to six weeks,>
 10 4. Page 3, line 22, by striking <2011> and
 11 inserting <2012>
 12 5. Page 3, line 26, after <shall> by inserting
 13 <meet minimum education requirements and>
 14 6. Page 3, line 32, after <resuscitation.> by
 15 inserting <Applicants must also hold a certified
 16 professional midwife credential issued by the north
 17 American registry of midwives or any other nationally
 18 accredited credential as specified by the board. If
 19 an applicant has been subject to prior revocation of a
 20 license to practice medicine or nursing, the applicant
 21 is not eligible for licensure under this chapter,
 22 unless the applicant makes a satisfactory appeal to the
 23 board.
 24 In reviewing applications, the board may request,
 25 at the applicant's expense, that the department of
 26 public safety perform a criminal history check and
 27 the department of human services perform child and
 28 dependent adult abuse record checks of the applicant.
 29 If an applicant has a criminal record or a record of
 30 founded child or dependent adult abuse, the board shall
 31 perform an evaluation to determine whether the record
 32 warrants denial of licensure.>
 33 7. Page 4, after line 3 by inserting:
 34 <Sec. __. NEW SECTION. 148F.3A Insurance.
 35 If the board determines that liability insurance is
 36 available at an affordable price to licensed midwives,
 37 the board may mandate such coverage by rule. Until
 38 that time, a licensed midwife shall provide each
 39 client with a disclosure statement indicating that the
 40 midwife does not have liability insurance as provided

- 41 in section 148F.5.>
 42 8. Page 4, line 16, after <midwife,> by inserting
 43 <as specified in section 148F.2,>
 44 9. Page 4, by striking lines 25 through 28.
 45 10. Page 4, line 33, by striking <shall> and
 46 inserting <may>
 47 11. Page 5, by striking lines 6 through 13 and
 48 inserting:
 49 <3. In establishing rules, the board shall reflect
 50 the knowledge and skills identified by the north

Page 2

- 1 American registry of midwives' current job description
 2 for the profession and the standards of practice of
 3 midwifery established by the national association
 4 of certified professional midwives or a successor
 5 organization.>
 6 12. Page 5, line 16, after <information> by
 7 inserting <, in a manner determined by the board by
 8 rule,>
 9 13. Page 6, line 4, by striking <2011> and
 10 inserting <2012>
 11 14. Page 6, by striking lines 13 through 21.
 12 15. Page 7, line 16, by striking <2011> and
 13 inserting <2012>
 14 16. By renumbering as necessary.

MASCHER of Johnson

H-8300

- 1 Amend House File 2481 as follows:
 2 1. Page 28, after line 15 by inserting:
 3 <Sec. ____ DEER LICENSE STUDY.
 4 1. The legislative services agency shall prepare a
 5 study to determine the economic impact of increasing
 6 the number of antlered and antlerless deer hunting
 7 licenses available for sale to nonresidents who own
 8 Iowa farmland.
 9 2. To the extent practicable, the study shall
 10 estimate the potential revenue to the state by
 11 increasing the number of such licenses and shall
 12 estimate the impact on the deer population.
 13 3. The legislative services agency shall submit
 14 the results of the study to the legislative council by
 15 January 1, 2011.>
 16 2. By renumbering as necessary.

PETTENGILL of Benton
 HANSON of Jefferson

H-8301

1 Amend House File 2481 as follows:

- 2 1. By striking page 25, line 29, through page 27,
3 line 25.
4 2. By renumbering as necessary.

SCHULTE of Linn

H-8302

1 Amend the amendment, H-8270, to House File 2381 as
2 follows:

- 3 1. Page 1, after line 31 by inserting:
4 <__. Page 1, after line 17 by inserting:
5 <Sec. __. Section 123.49, subsection 2, paragraph
6 b, Code 2009, is amended to read as follows:
7 b. (1) Sell or dispense any alcoholic beverage or
8 beer on the premises covered by the license or permit,
9 or permit its consumption thereon between the hours
10 of two a.m. and six a.m. on a weekday, and between
11 the hours of two a.m. on Sunday and six a.m. on the
12 following Monday, ~~however.~~ However, a holder of a
13 liquor control license or retail beer permit granted
14 the privilege of selling alcoholic liquor or beer on
15 Sunday may sell or dispense alcoholic liquor or beer
16 between the hours of eight a.m. on Sunday and two a.m.
17 on the following Monday.
18 (2) For a class "E" liquor control license issued
19 for a premises at which gasoline is sold, sell any
20 alcoholic liquor on the premises covered by the license
21 thereon between the hours of twelve a.m. and six a.m.
22 on a weekday, and between the hours of twelve a.m. on
23 Sunday and six a.m. on the following Monday. However,
24 a holder of a class "E" liquor control license issued
25 for a premises at which gasoline is sold and granted
26 the privilege of selling alcoholic liquor on Sunday may
27 sell alcoholic liquor between the hours of eight a.m. on
28 Sunday and twelve a.m. on the following Monday.>
29 __. Page 1, line 21, by striking <allow> and
30 inserting <do any of the following:
31 (1) Allow>
32 __. Page 1, after line 23 by inserting:
33 <(2) Permit the sale of alcoholic liquor in
34 containers of less than seven hundred fifty milliliters
35 except from a locked cabinet or from behind a sales
36 counter where the public is unable to reach the product
37 and where the public is not permitted.
38 (3) Permit the sale of alcoholic liquor in
39 containers of seven hundred fifty milliliters or more
40 except from a location that is in plain sight of the
41 sales counter of the licensed premises.

42 Sec. ____ SUBSTANCE ABUSE TREATMENT AND PREVENTION
 43 FUNDING. It is the intent of the general assembly that
 44 any increase in revenue generated from the proceeds
 45 from class "E" liquor control licenses for premises
 46 at which gasoline is sold pursuant to section 123.36,
 47 subsection 9, as enacted by this Act, be appropriated
 48 to the department of public health to be used for
 49 substance abuse treatment and prevention. >>
 50 2. By renumbering as necessary.

BAILEY of Hamilton

H-8304

1 Amend House File 2439 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting:
 4 <Section 1. Section 80A.13, Code 2009, is amended
 5 to read as follows:
 6 80A.13 Campus weapon requirements.
 7 An individual employed by a college or university,
 8 or by a private security business holding a contract
 9 with a college or university, who performs private
 10 security duties on a college or university campus and
 11 who carries a weapon while performing these duties
 12 shall meet all of the following requirements:
 13 1. ~~File with the sheriff of the county in which~~
 14 ~~the campus is located evidence that the individual has~~
 15 ~~successfully completed an approved firearms training~~
 16 ~~program under section 724.9. This requirement does not~~
 17 ~~apply to armored car personnel.~~
 18 2. ~~Possess a permit to carry weapons issued by the~~
 19 ~~sheriff of the county in which the campus is located~~
 20 ~~under sections 724.6 through 724.11. This requirement~~
 21 ~~does not apply to armored car personnel.~~
 22 3. ~~File file~~ with the sheriff of the county in
 23 which the campus is located a sworn affidavit from
 24 the employer outlining the nature of the duties to be
 25 performed and justification of the need to go armed.
 26 Sec. 2. Section 724.4, Code 2009, is amended to
 27 read as follows:
 28 724.4 Carrying weapons.
 29 1. Except as otherwise provided in this section, a
 30 person who goes armed with a dangerous weapon ~~concealed~~
 31 ~~on or about the person, or who, within the limits of~~
 32 ~~any city, goes armed with a pistol or revolver, or~~
 33 ~~any loaded firearm of any kind, whether concealed~~
 34 ~~or not, or who knowingly carries or transports in a~~
 35 ~~vehicle a pistol or revolver, commits an aggravated~~
 36 ~~misdemeanor with the intent to commit a crime of~~
 37 violence commits a class "D" felony. This subsection
 38 applies regardless of whether the dangerous weapon

39 is concealed or not concealed on or about the person
 40 and regardless of whether the dangerous weapon is
 41 transported in a vehicle. For purposes of this
 42 subsection, "crime of violence" means a felony which
 43 has, as an element of the offense, the use of physical
 44 force by one person against another person.

45 2. A person who goes armed with a knife concealed
 46 on or about the person, if the person uses the knife
 47 in the commission of a crime, commits an aggravated
 48 misdemeanor.

49 3. A person who goes armed with a knife concealed
 50 on or about the person, if the person does not use the

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1 knife in the commission of a crime:

2 a. If the knife has a blade exceeding eight inches
 3 in length, commits an aggravated misdemeanor.

4 b. If the knife has a blade exceeding five inches
 5 but not exceeding eight inches in length, commits a
 6 serious misdemeanor.

7 4. Subsections 1 through 3 do not apply to any of
 8 the following:

9 a. A person who for any lawful purpose goes armed
 10 with a dangerous weapon in the person's own dwelling
 11 or place of business, or on land owned or possessed by
 12 the person.

13 b. A peace officer, when the officer's duties
 14 require the person to carry such weapons.

15 ~~c. A member of the armed forces of the United~~
 16 ~~States or of the national guard or person in the~~
 17 ~~service of the United States, when the weapons are~~
 18 ~~carried in connection with the person's duties as such.~~

19 ~~d. A correctional officer, when the officer's~~
 20 ~~duties require, serving under the authority of the Iowa~~
 21 ~~department of corrections.~~

22 ~~e. c.~~ A person who for any lawful purpose carries
 23 an unloaded pistol, revolver, or other dangerous weapon
 24 inside a closed and fastened container or securely
 25 wrapped package which is too large to be concealed on
 26 the person.

27 ~~f. A person who for any lawful purpose carries or~~
 28 ~~transports an unloaded pistol or revolver in a vehicle~~
 29 ~~inside a closed and fastened container or securely~~
 30 ~~wrapped package which is too large to be concealed on~~
 31 ~~the person or inside a cargo or luggage compartment~~
 32 ~~where the pistol or revolver will not be readily~~
 33 ~~accessible to any person riding in the vehicle or~~
 34 ~~common carrier.~~

35 ~~g. A person while the person is lawfully engaged in~~
 36 ~~target practice on a range designed for that purpose or~~
 37 ~~while actually engaged in lawful hunting.~~

38 ~~h. d.~~ A person who carries a knife used in hunting
 39 or fishing, while actually engaged in lawful hunting
 40 or fishing.

41 ~~i. A person who has in the person's possession
 42 and who displays to a peace officer on demand a valid
 43 permit to carry weapons which has been issued to the
 44 person, and whose conduct is within the limits of that
 45 permit. A person shall not be convicted of a violation
 46 of this section if the person produces at the person's
 47 trial a permit to carry weapons which was valid at
 48 the time of the alleged offense and which would have
 49 brought the person's conduct within this exception if
 50 the permit had been produced at the time of the alleged~~

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1 ~~offense.~~

2 ~~j. e.~~ A law enforcement officer from another state
 3 when the officer's duties require the officer to carry
 4 the weapon and the officer is in this state for any of
 5 the following reasons:

- 6 (1) The extradition or other lawful removal of a
 7 prisoner from this state.
- 8 (2) Pursuit of a suspect in compliance with chapter
 9 806.
- 10 (3) Activities in the capacity of a law enforcement
 11 officer with the knowledge and consent of the chief
 12 of police of the city or the sheriff of the county in
 13 which the activities occur or of the commissioner of
 14 public safety.

15 ~~k. f.~~ A person engaged in the business of
 16 transporting prisoners under a contract with the
 17 Iowa department of corrections or a county sheriff,
 18 a similar agency from another state, or the federal
 19 government.

20 Sec. 3. Section 724.4B, subsection 2, paragraph a,
 21 Code 2009, is amended to read as follows:

22 a. A person listed under section 724.4, subsection
 23 4, ~~paragraphs paragraph "b" through "f", "c", or~~
 24 ~~"j" "e".~~

25 Sec. 4. Section 724.6, subsection 1, Code
 26 Supplement 2009, is amended to read as follows:

27 1. A person ~~may be issued a permit to carry weapons~~
 28 ~~when the person's employment who is employed in a~~
 29 private investigation business or private security
 30 business licensed under chapter 80A, ~~or a person's~~
 31 ~~employment~~ as a peace officer, correctional officer,
 32 security guard, bank messenger or other person
 33 transporting property of a value requiring security, or
 34 in police work, whose employment reasonably justifies
 35 that person going armed, shall be issued a professional
 36 permit to carry weapons if the person applies for

37 the permit and meets the requirements of sections
38 724.8 through 724.10. The permit shall be on a form
39 prescribed and published by the commissioner of public
40 safety, shall identify the holder, and shall state
41 the nature of the employment requiring the holder to
42 go armed. A permit so issued, other than to a peace
43 officer, shall authorize the person to whom it is
44 issued to go armed anywhere in the state, ~~only~~ while
45 engaged in the employment, and while going to and from
46 the place of the employment. A permit issued to a
47 certified peace officer shall authorize that peace
48 officer to go armed anywhere in the state at all times.
49 Permits shall expire ~~twelve months~~ five years after the
50 date when issued except that permits issued to peace

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1 officers and correctional officers are valid through
2 the officer's period of employment unless otherwise
3 canceled. When the employment is terminated, the
4 holder of the permit shall surrender it to the issuing
5 officer for cancellation.

6 Sec. 5. Section 724.7, Code 2009, is amended to
7 read as follows:

8 724.7 Nonprofessional permit to carry weapons.

9 Any person ~~who can reasonably justify going armed~~
10 ~~may not otherwise prohibited from possessing or~~
11 transporting a firearm and who meets the requirements
12 in sections 724.8 through 724.10 shall be issued a
13 nonprofessional permit to carry weapons if the person
14 applies for such permit. Such permits shall be on a
15 form prescribed and published by the commissioner of
16 public safety, which shall be readily distinguishable
17 from the professional permit, and shall identify the
18 holder thereof, and state the reason for the issuance
19 of the permit, ~~and the limits of the authority granted~~
20 ~~by such permit.~~ All permits so issued shall be for a
21 definite five-year period ~~as established by the issuing~~
22 ~~officer, but in no event shall exceed a period of~~
23 ~~twelve months.~~

24 Sec. 6. Section 724.8, subsection 5, Code 2009, is
25 amended to read as follows:

26 5. ~~The issuing officer reasonably determines that~~
27 ~~the applicant does not constitute a danger to any~~
28 ~~person person is not otherwise prohibited by state or~~
29 federal law from possessing or transporting a firearm.

30 Sec. 7. Section 724.9, Code 2009, is amended to
31 read as follows:

32 724.9 Firearm training program.

33 A training program to qualify persons in the safe
34 use of firearms shall be provided by the issuing
35 officer of permits, as provided in section 724.11.

36 ~~The commissioner of public safety shall approve~~
37 ~~the training program, and the county sheriff or~~
38 ~~the commissioner of public safety conducting the~~
39 ~~training program within their respective jurisdictions~~
40 ~~may shall contract with a private organization or~~
41 ~~use the services of other agencies, or may use a~~
42 ~~combination of the two, to provide such training a~~
43 ~~private individual or a professional organization who~~
44 ~~shall conduct the training consistent with training~~
45 ~~standards set forth by the national rifle association.~~
46 Any person eligible to be issued a permit to carry
47 weapons may enroll in such course. A fee sufficient
48 to cover the cost of the program may be charged each
49 person attending. Certificates of completion, on a
50 form prescribed and published by the commissioner

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1 of public safety, shall be issued to each person who
2 successfully completes the program. ~~No A~~ person shall
3 ~~not~~ be issued either a professional or nonprofessional
4 permit unless the person has received a certificate of
5 completion or is a certified peace officer. ~~No peace~~
6 ~~officer or correctional officer, except a certified~~
7 ~~peace officer, shall go armed with a pistol or revolver~~
8 ~~unless the officer has received a certificate of~~
9 ~~completion, provided that this requirement shall not~~
10 ~~apply to persons who are employed in this state as~~
11 ~~peace officers on January 1, 1978 until July 1, 1978,~~
12 ~~or to peace officers of other jurisdictions exercising~~
13 ~~their legal duties within this state.~~

14 Sec. 8. Section 724.11, Code 2009, is amended to
15 read as follows:

16 724.11 Issuance of permit to carry weapons.
17 ~~Applications for permits~~ An application for a
18 permit to carry weapons, ~~if made,~~ shall be made to the
19 sheriff of the county in which the applicant resides.
20 Applications from persons who are nonresidents of
21 the state, or whose need to go armed arises out
22 of employment by the state, shall be made to the
23 commissioner of public safety. In either case,
24 the issuance of the permit shall be by ~~and at the~~
25 ~~discretion of~~ the sheriff or commissioner, who
26 shall, before issuing the permit, determine that the
27 requirements of sections ~~724.6 to 724.8 through~~ 724.10
28 have been satisfied and the person is not otherwise
29 prohibited by state or federal law from possessing or
30 transporting a firearm. ~~However, the training program~~
31 ~~requirements in section 724.9 may be waived for renewal~~
32 ~~permits.~~ The issuing officer shall collect a fee
33 of ~~ten fifty~~ dollars, except from a duly appointed
34 peace officer or correctional officer, for each permit

35 issued. Renewal permits or duplicate permits shall be
 36 issued for a fee of five dollars. The issuing officer
 37 shall notify the commissioner of public safety of the
 38 issuance of any permit at least monthly and forward to
 39 the commissioner an amount equal to two dollars for
 40 each permit issued and one dollar for each renewal
 41 or duplicate permit issued. All such fees received
 42 by the commissioner shall be paid to the treasurer
 43 of state and deposited in the operating account of
 44 the department of public safety to offset the cost of
 45 administering this chapter. Any unspent balance as of
 46 June 30 of each year shall revert to the general fund
 47 as provided by section 8.33.

48 Sec. 9. NEW SECTION. 724.11A Reciprocity.
 49 A person possessing a valid out-of-state permit to
 50 carry a weapon shall be entitled to the privileges and

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1 subject to the restrictions prescribed by this chapter
 2 provided the state that issued the license recognizes
 3 weapons permits issued in Iowa and provided the person
 4 possessing such permit is not otherwise prohibited from
 5 possessing a firearm.
 6 Sec. 10. REPEAL. Section 724.5, Code 2009, is
 7 repealed.>

SORENSEN of Warren

H-8306

1 Amend the amendment, H-8270, to House File 2381 as
 2 follows:
 3 1. Page 1, line 6, by striking <thousand feet> and
 4 inserting <mile>

ZIRKELBACH of Jones

H-8307

1 Amend House File 2481 as follows:
 2 1. Page 28, after line 15 by inserting:
 3 <Sec. __. ECONOMIC IMPACT OF IOWA'S WHITETAIL
 4 POPULATION ON THE STATE ECONOMY – JOINT STUDY. The
 5 department of natural resources and the department
 6 of transportation shall conduct a comprehensive
 7 study regarding the impact of Iowa's whitetail deer
 8 population on the state's economy during a typical
 9 year.
 10 1. In conducting the study, the departments shall
 11 provide a cost-benefit analysis which accounts for all
 12 relevant and available data concerning the economic

13 impacts associated with maintaining the current deer
14 population, including all of the following:

15 a. The estimated revenue generated by resident and
16 nonresident deer hunters, including revenue collected
17 by the state from license fees and indirect revenue
18 generated from persons who expend money in this state
19 as a result of hunting. The departments shall not
20 consider the economic revenue associated with hunting
21 preserves under chapter 484B.

22 b. The estimated costs incurred due to traffic
23 collisions caused by deer; damages to private land
24 including but not limited to crop damage; and damage to
25 public land, including damage to habitat.

26 2. The departments shall cooperate with local
27 governments and other state agencies, including but
28 not limited to the department of agriculture and land
29 stewardship, in conducting the study. The departments
30 may also cooperate with the United States department
31 of agriculture, the United States department of
32 transportation, the national highway traffic safety
33 administration, and private organizations, including
34 but not limited to the insurance institute for highway
35 safety, in conducting the study.

36 3. The departments shall prepare a joint report
37 including their findings. The report may include a
38 target whitetail deer population that achieves the best
39 economic value to the state. The departments shall
40 submit the joint report to the governor and general
41 assembly in an electronic format by January 10, 2011.

42 Sec. ____ EFFECTIVE UPON ENACTMENT. The section of
43 this Act requiring a comprehensive study of the impact
44 of Iowa's whitetail deer population on the state's
45 economy, being deemed of immediate importance, takes
46 effect upon enactment.>

47 2. Title page, line 3, by striking <and making
48 penalties applicable> and inserting <making penalties
49 applicable, and including effective date provisions>

DE BOEF of Keokuk

H-8309

1 Amend Senate File 2288, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 5, after line 7 by inserting:

4 <Sec. ____ Section 256C.4, subsection 1, paragraph
5 b, Code 2009, is amended to read as follows:

6 b. A school district approved to participate in
7 the preschool program may authorize expenditures
8 for the district's preschool programming from any of
9 the revenue sources available to the district from
10 the sources listed in chapter 298A, provided the

11 expenditures are within the uses permitted for the
 12 revenue source. In addition, the use of the revenue
 13 source for preschool or prekindergarten programming
 14 must have been approved prior to any expenditure
 15 from the revenue source for the district's approved
 16 local program. Notwithstanding any provision of law
 17 to the contrary, a school district shall not levy a
 18 tax to raise an amount to restore state preschool
 19 foundation aid funding reduced by a uniform reduction
 20 in accordance with section 8.31.>
 21 2. By renumbering as necessary.

TYMESON of Madison

H-8310

1 Amend Senate File 2235, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, line 4, by striking <purposes> and
 4 inserting <purposes, other than electricity or natural
 5 gas sold by a public utility furnishing electricity or
 6 natural gas to the public for consumption pursuant to
 7 chapter 476>

REICHERT of Muscatine

H-8311

1 Amend the amendment, H-8282, to House File 2446 as
 2 follows:
 3 1. Page 1, after line 17 by inserting:
 4 <__. Page 1, line 15, after <stations.> by
 5 inserting <The financial assurance instrument shall be
 6 adequate enough to cover the cost of cleaning up and
 7 removing the unprocessed solid waste.>>
 8 2. By renumbering as necessary.

HORBACH of Tama

H-8312

1 Amend Senate File 2317, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, line 5, after <authority.> by inserting
 4 <A watershed management authority shall not acquire
 5 property by eminent domain.>

COMMITTEE ON REBUILD IOWA AND DISASTER RECOVERY

H-8313

1 Amend the amendment, H-8300, to House File 2481 as
 2 follows:

3 1. Page 1, by striking line 15 and inserting
4 <January 1, 2011.
5 Sec. ___. ECONOMIC IMPACT OF IOWA'S WHITETAIL
6 POPULATION ON THE STATE ECONOMY – JOINT STUDY. The
7 department of natural resources and the department
8 of transportation shall conduct a comprehensive
9 study regarding the impact of Iowa's whitetail deer
10 population on the state's economy during a typical
11 year.

12 1. In conducting the study, the departments shall
13 provide a cost-benefit analysis which accounts for all
14 relevant and available data concerning the economic
15 impacts associated with maintaining the current deer
16 population, including all of the following:

17 a. The estimated revenue generated by resident and
18 nonresident deer hunters, including revenue collected
19 by the state from license fees and indirect revenue
20 generated from persons who expend money in this state
21 as a result of hunting. The departments shall not
22 consider the economic revenue associated with hunting
23 preserves under chapter 484B.

24 b. The estimated costs incurred due to traffic
25 collisions caused by deer; damages to private land
26 including but not limited to crop damage; and damage to
27 public land, including damage to habitat.

28 2. The departments shall cooperate with local
29 governments and other state agencies, including but
30 not limited to the department of agriculture and land
31 stewardship, in conducting the study. The departments
32 may also cooperate with the United States department
33 of agriculture, the United States department of
34 transportation, the national highway traffic safety
35 administration, and private organizations, including
36 but not limited to the insurance institute for highway
37 safety, in conducting the study.

38 3. The departments shall prepare a joint report
39 including their findings. The report may include a
40 target whitetail deer population that achieves the best
41 economic value to the state. The departments shall
42 submit the joint report to the governor and general
43 assembly in an electronic format by January 10, 2011.

44 Sec. ___. EFFECTIVE UPON ENACTMENT. The section of
45 this Act requiring a comprehensive study of the impact
46 of Iowa's whitetail deer population on the state's
47 economy, being deemed of immediate importance, takes
48 effect upon enactment.>

49 ___. Title page, line 3, by striking <and making
50 penalties applicable> and inserting <making penalties

Page 2

1 applicable, and including effective date provisions>>

DE BOEF of Keokuk

H-8314

1 Amend the amendment, H-8298, to House File 2494 as
 2 follows:
 3 1. Page 1, by striking line 44.

L. MILLER of Scott

H-8315

1 Amend House File 2481 as follows:
 2 1. By striking page 19, line 4, through page 20,
 3 line 13.
 4 2. By renumbering as necessary.

MAY of Dickinson

H-8317

1 Amend the amendment, H-8298, to House File 2494 as
 2 follows:
 3 1. Page 1, by striking lines 15 through 32 and
 4 inserting <inserting <Applicants must specify that
 5 the person graduated from a formal education program
 6 in midwifery accredited by an agency recognized by
 7 the United States department of education and has
 8 successfully completed a national certification
 9 examination in midwifery.
 10 A nurse licensed pursuant to chapter 152, whose
 11 license is disciplined in accordance with chapter 147,
 12 152, or 272C, shall not be licensed as a lay midwife
 13 pursuant to this chapter.
 14 In reviewing applications, the board shall request,
 15 at the applicant's expense, that the department of
 16 public safety perform a criminal history check and
 17 the department of human services perform child and
 18 dependent adult abuse record checks of the applicant.
 19 If an applicant has a criminal record or a record of
 20 founded child or dependent adult abuse, the board shall
 21 perform an evaluation to determine whether the record
 22 warrants denial of licensure. >>

L. MILLER of Scott

H-8318

1 Amend the amendment, H-8298, to House File 2494 as
2 follows:

3 1. By striking page 1, line 49, through page 2,
4 line 5, and inserting:
5 <<3. In establishing rules, the board shall reflect
6 the international confederation of midwives' definition
7 of a lay midwife by requiring successful completion of
8 a recognized midwifery educational program, acquisition
9 of the applicable legal requirements for practice,
10 evidence of meeting established midwifery competencies
11 that are in accord with a defined scope of practice
12 corresponding to the components and the extent of
13 coursework and supervised clinical education completed,
14 and successful completion of a national certification
15 examination in midwifery. >>

L. MILLER of Scott

H-8319

1 Amend House File 2494 as follows:

2 1. Page 3, line 23, after <chapter.> by inserting
3 <As a condition of licensure a midwife shall file with
4 the board a copy of a current written arrangement with
5 an emergency health care facility to provide emergency
6 medical care if it is needed during delivery.>
7 2. Page 4, line 19, after <education> by inserting
8 <or recertification>

L. MILLER of Scott

H-8320

1 Amend the amendment, H-8298, to House File 2494 as
2 follows:

3 1. Page 1, by striking lines 15 through 23 and
4 inserting <inserting <Applicants must successfully
5 complete a formal education program in midwifery
6 accredited by an agency recognized by the United States
7 department of education, pass a national certification
8 examination in midwifery as specified by the board,
9 and meet the International confederation of midwives'
10 definition of an independent provider of health care
11 services to women and newborns. If an applicant
12 has been subject to prior revocation of a license to
13 practice medicine or nursing, the applicant is not
14 eligible for licensure under this chapter, unless the
15 applicant makes a satisfactory appeal to the board.>

L. MILLER of Scott

H-8321

1 Amend the amendment, H-8298, to House File 2494 as
2 follows:

3 1. Page 1, by striking lines 10 and 11 and
4 inserting:

5 <__. Page 3, by striking lines 20 through 32 and
6 inserting:

7 <Sec. __. NEW SECTION. 148F.2 Licensure – lay
8 midwifery.

9 1. Beginning July 1, 2012, every person practicing
10 lay midwifery in this state shall be licensed pursuant
11 to this chapter. The board shall adopt rules pursuant
12 to chapters 17A, 147, and 272C establishing procedures
13 for the licensing of new and practicing lay midwives.
14 Prior to obtaining licensure, an applicant shall
15 successfully graduate from an educational program
16 accredited by the midwifery education accreditation
17 council (MEAC) or successor organization and pass
18 a national recognized examination demonstrating
19 competencies. Additionally a licensed lay midwife
20 must show evidence of current adult and neonatal
21 resuscitation program certification. The board
22 of lay midwives shall consult with the board of
23 pharmacy to develop joint rules for administration
24 of pharmaceuticals to assure pharmacy education and
25 clinical experience with intravenous fluids.

26 2. Reciprocity shall be extended only to midwives
27 who have met the requirements for a formal education
28 program in midwifery accredited by an agency recognized
29 by the United States department of education and
30 provide evidence of meeting established midwifery
31 competencies that are in accord with a defined scope
32 of practice corresponding to the components and
33 extent of coursework and supervised clinical education
34 completed. >>

35 2. By renumbering as necessary.

L. MILLER of Scott

H-8322

1 Amend House File 2481 as follows:

2 1. Page 19, after line 3 by inserting:

3 <Sec. __. NEW SECTION. 456A.14A Law enforcement
4 bureau chief.

5 A person employed as the chief of the law
6 enforcement bureau of the department shall have
7 prior experience as a peace officer employed by the
8 department in the field enforcing the hunting and
9 fishing regulations of the state.>

10 2. Page 28, after line 15 by inserting:

11 <Sec. ____ EFFECTIVE UPON ENACTMENT. The provision
12 of this Act enacting section 456A.14A, being deemed of
13 immediate importance, takes effect upon enactment.>
14 3. Title page, line 3, after <applicable> by
15 inserting <and including effective date provisions>
16 4. By renumbering as necessary.

WINDSCHITL of Harrison

H-8323

1 Amend House File 2322 as follows:
2 1. By striking page 1, line 23, through page 3,
3 line 4.
4 2. Title page, by striking lines 2 through 4
5 and inserting <certain duties and programs of the
6 authority.>

SCHUELLER of Jackson

H-8324

1 Amend House File 2446 as follows:
2 1. Page 1, line 15, after <stations.> by inserting
3 <The financial assurance instrument shall be adequate
4 enough to cover the cost of cleaning up and removing
5 the unprocessed solid waste.>
6 2. By renumbering as necessary.

HORBACH of Tama

H-8326

1 Amend the amendment, H-8298, to House File 2494 as
2 follows:
3 1. Page 1, by striking lines 2 through 7 and
4 inserting:
5 <____. Page 2, by striking lines 15 through 25 and
6 inserting:
7 <NEW PARAGRAPH. x. For midwifery, a total of nine
8 members, three members who are lay midwives meeting
9 the educational standards of and who are licensed
10 under chapter 148F; one family practice physician; one
11 obstetrician who has experience in collaborating with
12 lay midwives; one certified nurse midwife; and three
13 members of the general public who are not licensed as a
14 lay midwife, physician, or registered nurse. >>
15 2. By renumbering as necessary.

L. MILLER of Scott

H-8327

1 Amend House File 2501 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. NEW SECTION. 321.296 Speed limit
5 enforcement in work zones on primary roads – pilot
6 project.

7 1. The department of public safety, in consultation
8 with the department of transportation, shall design and
9 implement a pilot project utilizing one or more photo
10 traffic enforcement devices for the enforcement of
11 posted speed limits in work zones on primary highways.
12 The pilot project shall take place during the calendar
13 year beginning January 1, 2011, at times and locations
14 to be determined by the department of public safety.

15 a. The department of public safety may enter into
16 an agreement or contract with a vendor for furnishing,
17 installing, servicing, operating, or maintaining a
18 photo traffic enforcement device for the purposes
19 of the pilot project. The department of public
20 safety, or the vendor designated by the department of
21 public safety, shall cooperate with the department of
22 transportation when choosing the location within a work
23 zone for installation of a photo traffic enforcement
24 device.

25 b. The department of transportation shall post
26 signs providing notice to motorists entering a work
27 zone where a photo traffic enforcement device is in
28 use.

29 2. A citation for a violation of a speed limit
30 in a work zone resulting from evidence produced by a
31 photo traffic enforcement device used pursuant to a
32 pilot project under this section shall be mailed, no
33 later than seven days from the date of the violation,
34 to the owner of record of the motor vehicle involved
35 in the violation. The citation shall be accompanied
36 by documentation including but not limited to the
37 following:

38 a. A photo-image constituting evidence of the
39 violation.

40 b. An explanation of the owner's rights and
41 responsibilities with regard to the citation including
42 a statement explaining that, as the owner of the
43 vehicle, the person is responsible for payment of
44 the civil penalty unless the person does one of the
45 following in a manner approved by the department of
46 public safety:

47 (1) If the person was not the driver of the vehicle
48 at the time the violation occurred, identify the person
49 who was the driver of the vehicle.

50 (2) If the person sold the vehicle prior to the

Page 2

1 occurrence of the violation, identify the person or
2 business to whom the vehicle was sold.

3 (3) If the vehicle or registration plates were
4 stolen prior to the time the violation occurred,
5 provide information regarding the report of the theft
6 to a law enforcement agency.

7 c. Directions for remitting the civil penalty.

8 3. a. Notwithstanding section 321.482 and section
9 805.8A, subsection 14, paragraph "i", a violation of a
10 posted speed limit in a work zone for which a citation
11 is issued pursuant to this section is a civil offense
12 punishable by a civil penalty as follows:

13 (1) Two hundred sixty-three dollars for speed not
14 more than ten miles per hour over the posted speed
15 limit.

16 (2) Four hundred sixty-five dollars for speed
17 greater than ten but not more than twenty miles per
18 hour over the posted speed limit.

19 (3) Seven hundred thirty-five dollars for speed
20 greater than twenty but not more than twenty-five miles
21 per hour over the posted speed limit.

22 (4) One thousand four hundred ten dollars for speed
23 greater than twenty-five miles per hour over the posted
24 speed limit.

25 b. Civil penalties assessed under this section
26 shall be payable to the clerk of the district court
27 as provided in section 602.8105, subsection 5, and
28 distributed as provided in section 602.8108, subsection
29 11.

30 4. Upon approval of the executive council, there is
31 appropriated to the department of public safety from
32 the general fund of the state the amount sufficient to
33 cover the costs actually incurred by the department
34 of public safety to carry out the provisions of this
35 section, including the amount necessary to reimburse
36 the department of transportation for any costs incurred
37 for the installation of signage as required under
38 subsection 1. The amount appropriated under this
39 subsection shall not exceed the amount deposited
40 pursuant to section 602.8108, subsection 11.

41 Sec. 2. Section 602.8105, Code Supplement 2009, is
42 amended by adding the following new subsection:
43 NEW SUBSECTION. 5. The clerk of the district court
44 shall collect a civil penalty assessed pursuant to
45 section 321.296 for distribution as provided in section
46 602.8108, subsection 11.

47 Sec. 3. Section 602.8108, Code Supplement 2009, is
48 amended by adding the following new subsection:
49 NEW SUBSECTION. 11. The clerk of the district
50 court shall remit to the treasurer of state, not

Page 3

1 later than the fifteenth day of each month, all moneys
2 collected from the civil penalty provided in section
3 321.296 during the preceding calendar month for deposit
4 in the general fund of the state.

5 Sec. 4. PHOTO TRAFFIC ENFORCEMENT PILOT PROJECT

6 REPORT. The department of public safety shall report
7 to the general assembly on or before January 15, 2012,
8 regarding the pilot project implemented pursuant to
9 this Act. The report shall include but not be limited
10 to the number of citations issued and the number and
11 dollar amount of civil penalties remitted pursuant to
12 this Act, the costs associated with the pilot project,
13 traffic safety data relating to the work zones where
14 photo traffic enforcement devices were employed during
15 the pilot project, comments and suggestions from the
16 department of transportation relating to the pilot
17 project, and any findings and recommendations from
18 the department of public safety regarding future use
19 of photo traffic enforcement devices for speed limit
20 enforcement in work zones or elsewhere on Iowa roads.

21 Sec. 5. FUTURE REPEAL. This Act is repealed June
22 30, 2012.>

23 2. Title page, line 2, by striking <highways.> and
24 inserting <highways, establishing civil penalties, and
25 making an appropriation.>

26 3. By renumbering as necessary.

WHITEAD of Woodbury

H-8329

1 Amend Senate File 2288, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 17, after line 30 by inserting:
4 <Sec. ___. Section 298.3, subsection 1A, paragraph
5 a, subparagraph (2), Code Supplement 2009, if enacted
6 by 2010 Iowa Acts, House File 2462, is amended to read
7 as follows:

8 (2) The ~~funding cost~~ of technical support services
9 provided by third-party contractual agreement and
10 technical support training of school district personnel
11 necessary for purchases made under this section. For
12 the purposes of this subparagraph, a third-party
13 contractual agreement with an area education agency
14 shall not qualify for expenditure of funds under
15 this section. For the purposes of this subparagraph,
16 "technical support" means a range of services providing
17 assistance with technology products and issues specific
18 to those products. For purposes of this subparagraph,
19 "cost" does not include salaries of school district

20 employees.>

21 2. By renumbering as necessary.

BAILEY of Hamilton

H-8330

1 Amend the amendment, H-8298, to House File 2494 as
2 follows:

3 1. Page 1, by striking lines 34 through 41 and
4 inserting:

5 <<Sec. __. NEW SECTION. 148F.3A Insurance and
6 liability.

7 1. If the board determines that liability insurance
8 is available to licensed midwives at a cost comparable
9 to that available for nurse midwives, the board shall
10 mandate such coverage by rule. Until that time, a
11 licensed midwife shall provide each client with a
12 disclosure statement indicating that the midwife does
13 not have liability insurance as provided in section
14 148F.5.

15 2. A midwife is personally liable for negligence or
16 an act of malpractice. This liability cannot be waived
17 and cannot be shielded through a corporate or other
18 business structure.

19 3. The board shall form a task force, comprised of
20 licensees and insurance professionals, to investigate
21 the feasibility of forming an insurance pool for
22 licensees.>

23 2. Page 2, after line 11 by inserting:

24 <__. Page 7, after line 13 by inserting:

25 Sec. __. LIABILITY. Nothing in this Act shall
26 preclude or limit liability established pursuant to any
27 other section of the Code or other provision of law.

28 Sec. __. REPEAL. If an insurance pool is not
29 formed or liability insurance is not available as
30 described in section 148F.3A, as enacted in this Act,
31 by June 30, 2011, this Act is repealed July 1, 2011. >>

32 3. By renumbering as necessary.

STRUYK of Pottawattamie

H-8331

1 Amend Senate File 2179, as passed by the Senate, as
2 follows:

3 1. Page 2, after line 7 by inserting:

4 <Sec. __. Section 321.445, subsection 3, Code
5 2009, is amended to read as follows:

6 3. The driver and front seat passengers may be
7 each charged separately for improperly used or nonused
8 equipment under subsection 2. However, the driver

9 shall not be charged for a violation by a passenger who
 10 is fourteen years of age or older unless the passenger
 11 is unable to properly fasten a seat belt due to a
 12 temporary or permanent disability. The owner of the
 13 motor vehicle may be charged for equipment violations
 14 under subsection 1.>

15 2. Page 2, after line 34 by inserting:
 16 <Sec. ____ Section 321.446, subsection 4, Code
 17 2009, is amended by striking the subsection and
 18 inserting in lieu thereof the following:

19 4. A person who violates this section is guilty
 20 of a simple misdemeanor punishable as a scheduled
 21 violation under section 805.8A, subsection 14,
 22 paragraph "c". Violations shall be charged as follows:

23 a. An operator who transports a passenger under
 24 fourteen years of age in violation of this section may
 25 be charged with a violation of subsection 1 or 2.

26 b. An operator who transports a passenger fourteen
 27 years of age or older in violation of this section, if
 28 the passenger is unable to properly fasten a seatbelt
 29 due to a temporary or permanent disability, may be
 30 charged with a violation of subsection 2.

31 c. A passenger fourteen years of age or older may
 32 be charged with a violation of subsection 2.

33 d. If a child under fourteen years of age, or a
 34 child fourteen years of age or older who is unable
 35 to fasten a seatbelt due to a temporary or permanent
 36 physical disability, is being transported in a taxicab
 37 in a manner that is not in compliance with subsection 1
 38 or 2, the parent, legal guardian, or other responsible
 39 adult traveling with the child shall be served with a
 40 citation for a violation of this section in lieu of
 41 the taxicab operator. Otherwise, if a passenger being
 42 transported in the taxicab is fourteen years of age or
 43 older, the citation shall be served on the passenger in
 44 lieu of the taxicab operator.>

45 3. By renumbering as necessary.

COMMITTEE ON TRANSPORTATION

H-8332

1 Amend House File 2423 as follows:

2 1. Page 1, line 1, after <REHABILITATION> by
 3 inserting <- CONTINGENT REPEAL>

4 2. Page 1, after line 15 by inserting:

5 <This Act is repealed if the United States
 6 department of housing and urban development determines
 7 that this Act is in violation of the regulations and
 8 requirements for which the moneys were granted to the
 9 state under the community development block grant
 10 supplemental disaster recovery program.>

11 3. Title page, by striking lines 1 and 2 and
 12 inserting <An Act relating to loan forgiveness
 13 for loans using community development block grant
 14 supplemental disaster recovery moneys for certain
 15 rental rehabilitation projects, providing a contingency
 16 for repeal, and including effective>

RUNNING-MARQUARDT of Linn

H-8333

1 Amend House File 2327 as follows:

2 1. By striking everything after the enacting clause
 3 and inserting:

4 <DIVISION I

5 IOWA COMPREHENSIVE PETROLEUM
 6 UNDERGROUND STORAGE TANK FUND

7 Section 1. Section 455B.474, subsection 1,
 8 paragraph d, subparagraph (2), unnumbered paragraph 1,
 9 Code Supplement 2009, is amended to read as follows:

10 A site shall be classified as either high risk,
 11 low risk, or no action required, as determined by a
 12 certified groundwater professional.

13 Sec. 2. Section 455B.474, subsection 1, paragraph
 14 d, subparagraph (2), subparagraph division (a),
 15 unnumbered paragraph 1, Code Supplement 2009, is
 16 amended to read as follows:

17 A site shall be considered high risk when ~~it is~~
 18 determined a certified groundwater professional
 19 determines that contamination from the site presents a
 20 unreasonable risk to public health and safety or the
 21 environment under any of the following conditions:

22 Sec. 3. Section 455B.474, subsection 1, paragraph
 23 d, subparagraph (2), subparagraph division (b),
 24 unnumbered paragraph 1, Code Supplement 2009, is
 25 amended to read as follows:

26 A site shall be considered low risk ~~under any of~~
 27 ~~the following conditions~~ when a certified groundwater
 28 professional determines that low risk conditions exist
 29 as follows:

30 Sec. 4. Section 455B.474, subsection 1, paragraph
 31 d, subparagraph (2), subparagraph divisions (c) and
 32 (e), Code Supplement 2009, are amended to read as
 33 follows:

34 (c) A site shall be considered no action required
 35 ~~if and a no further action certificate shall be~~
 36 issued by the department when a certified groundwater
 37 professional determines that contamination is below
 38 action level standards and high or low risk conditions
 39 do not exist and are not likely to occur.

40 (e) A site cleanup report which classifies a site
 41 as either high risk, low risk, or no action required

42 shall be submitted by a groundwater professional to
43 the department with a certification that the report
44 complies with the provisions of this chapter and
45 rules adopted by the department. The report shall
46 be determinative of the appropriate classification
47 of the site. However, if ~~the report is found to~~
48 be within ninety days of receipt of a corrective action
49 design report, the department identifies material
50 information in the corrective action design report

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1 that is inaccurate or incomplete, and if based upon
2 information in the report the risk classification
3 of the site cannot be reasonably determined by
4 the department based upon industry standards, the
5 department shall notify the groundwater professional
6 that the corrective action design report is not
7 accepted, and the department shall work with the
8 groundwater professional to correct the material
9 information or to obtain the additional information
10 necessary to appropriately classify the site determine
11 the corrective action response requirements as soon
12 as practicable. A groundwater professional who
13 knowingly or intentionally makes a false statement
14 or misrepresentation which results in a mistaken
15 classification of a site shall be guilty of a
16 serious misdemeanor and shall have the groundwater
17 professional's certification revoked under this
18 section.

19 Sec. 5. Section 455B.474, subsection 1, paragraph
20 f, subparagraphs (5), (6), and (7), Code Supplement
21 2009, are amended to read as follows:

22 (5) A corrective action design report submitted by
23 a groundwater professional shall be accepted by the
24 department and shall be primarily relied upon by the
25 department to determine the corrective action response
26 requirements of the site. However, if ~~the corrective~~
27 ~~action design report is found to be within ninety days~~
28 ~~of receipt of a corrective action design report, the~~
29 department identifies material information in the
30 corrective action design report that is inaccurate or
31 incomplete, and if based upon information in the report
32 the appropriate corrective action response cannot be
33 reasonably determined by the department based upon
34 industry standards, the department shall notify the
35 groundwater professional that the corrective action
36 design report is not accepted, and the department
37 shall work with the groundwater professional to
38 correct the material information or to obtain the
39 additional information necessary to appropriately
40 determine the corrective action response requirements

41 as soon as practicable. A groundwater professional
42 who knowingly or intentionally makes a false statement
43 or misrepresentation which results in an improper or
44 incorrect corrective action response shall be guilty of
45 a serious misdemeanor and shall have the groundwater
46 professional's certification revoked under this
47 section.

48 (6) Low risk sites shall be monitored as deemed
49 necessary by the department consistent with industry
50 standards. Monitoring shall not be required on a site

Page 3

1 which has received a no further action certificate.
2 A site that has maintained less than the applicable
3 target level for four consecutive sampling events shall
4 be reclassified as a no further action site regardless
5 of exit monitoring criteria and guidance.

6 (7) An owner or operator may elect to proceed with
7 additional corrective action on the site. However,
8 any action taken in addition to that required pursuant
9 to this paragraph "f" shall be solely at the expense
10 of the owner or operator and shall not be considered
11 corrective action for purposes of section 455G.9,
12 unless otherwise previously agreed to by the board and
13 the owner or operator. Corrective action taken by an
14 owner or operator due to the department's failure to
15 meet the time requirements provided in subparagraph
16 (5), shall be considered corrective action for purposes
17 of section 455G.9.

18 Sec. 6. Section 455B.474, subsection 1, paragraph
19 h, subparagraphs (1) and (3), Code Supplement 2009, are
20 amended to read as follows:

21 (1) A no further action certificate shall be
22 issued by the department for a site which has been
23 classified as a no further action site or which
24 has been reclassified pursuant to completion of a
25 corrective action plan or monitoring plan to be a no
26 further action site by a groundwater professional,
27 unless within ninety days of receipt of the report
28 submitted by the groundwater professional classifying
29 the site, the department notifies the groundwater
30 professional that the report and site classification
31 are not accepted and the department identifies
32 material information in the report that is inaccurate
33 or incomplete which causes the department to be
34 unable to accept the classification of the site.
35 An owner or operator shall not be responsible for
36 additional assessment, monitoring, or corrective
37 action activities at a site that is issued a no further
38 action certificate unless it is determined that the
39 certificate was issued based upon false material

40 statements that were knowingly or intentionally made
41 by a groundwater professional and the false material
42 statements resulted in the incorrect classification of
43 the site.

44 (3) A certificate shall be recorded with the county
45 recorder. The owner or operator of a site who has been
46 issued a certificate under this paragraph "h" or a
47 subsequent purchaser of the site shall not be required
48 to perform further corrective action ~~solely~~ because
49 action standards are changed at a later date. A
50 certificate shall not prevent the department from

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1 ordering corrective action of a new release.

2 Sec. 7. Section 455G.3, Code 2009, is amended by
3 adding the following new subsections:

4 NEW SUBSECTION. 6. For the fiscal year beginning
5 July 1, 2010, and each fiscal year thereafter, there
6 is appropriated from the Iowa comprehensive petroleum
7 underground storage tank fund to the department of
8 natural resources two hundred thousand dollars for
9 purposes of technical review support to be conducted
10 by nongovernmental entities for leaking underground
11 storage tank assessments.

12 NEW SUBSECTION. 7. For the fiscal year beginning
13 July 1, 2010, there is appropriated from the Iowa
14 comprehensive petroleum underground storage tank fund
15 to the department of natural resources one hundred
16 thousand dollars for purposes of database modifications
17 necessary to accept external data regarding underground
18 storage tank inspections conducted by nongovernmental
19 entities.

20 NEW SUBSECTION. 8. For the fiscal year beginning
21 July 1, 2010, and each fiscal year thereafter, there
22 is appropriated from the Iowa comprehensive petroleum
23 underground storage tank fund to the department of
24 agriculture and land stewardship two hundred fifty
25 thousand dollars for the sole and exclusive purpose
26 of inspecting fuel quality at pipeline terminals
27 and renewable fuel production facilities, including
28 salaries, support, maintenance, and miscellaneous
29 purposes.

30 NEW SUBSECTION. 9. Beginning September 1, 2010,
31 the board shall administer safety training, hazardous
32 material training, environmental training, and
33 underground storage tank operator training in the
34 state to be provided by an entity certified by the
35 department of natural resources. The training provided
36 pursuant to this subsection shall be available to any
37 tank operator in the state at an equal and reasonable
38 cost and shall not be conditioned upon any other

39 requirements. Each fiscal year, the board shall not
40 expend more than two hundred fifty thousand dollars
41 from the Iowa comprehensive petroleum underground
42 storage tank fund for purposes of administering this
43 subsection.

44 Sec. 8. Section 455G.4, subsection 1, paragraph a,
45 subparagraphs (3) and (5), Code Supplement 2009, are
46 amended to read as follows:

47 (3) ~~The commissioner of insurance, or the~~
48 ~~commissioner's designee. An employee of the department~~
49 ~~of management who has been designated as a risk manager~~
50 ~~by the director of the department of management.~~

Page 5

1 (5) Two owners or operators appointed by the
2 governor. ~~One of the owners or operators appointed~~
3 ~~pursuant to this subparagraph shall have been a~~
4 ~~petroleum systems insured through the underground~~
5 ~~storage tank insurance fund as it existed on June 30,~~
6 ~~2004, or a successor to the underground storage tank~~
7 ~~insurance fund and shall have been an insured through~~
8 ~~the insurance account of the comprehensive petroleum~~
9 ~~underground storage tank fund on or before October~~
10 ~~26, 1990. One of the owners or operators appointed~~
11 ~~pursuant to this subparagraph shall be self-insured. as~~
12 ~~follows:~~

13 (a) One member shall be an owner or operator who is
14 self-insured.

15 (b) One member shall be a member of the petroleum
16 marketers and convenience stores of Iowa or its
17 designee.

18 Sec. 9. Section 455G.9, subsection 1, paragraphs d
19 and k, Code 2009, are amended to read as follows:

20 d. One hundred percent of the costs of corrective
21 action and third-party liability for a release situated
22 on property acquired by a county for delinquent taxes
23 pursuant to chapters 445 through 448, for which a
24 responsible owner or operator able to pay, other
25 than the county, cannot be found. A county is not
26 a "responsible party" for a release in connection
27 with property which it acquires in connection with
28 delinquent taxes, and does not become a responsible
29 party by sale or transfer of property so acquired. In
30 such situations, the board may act as an agent. Actual
31 corrective action on the site shall be overseen by the
32 department, the board, and a certified groundwater
33 professional. Third-party liability specifically
34 excludes any claim, cause of action, or suit, for
35 personal injury including, but not limited to, loss
36 of use or of private enjoyment, mental anguish, false
37 imprisonment, wrongful entry or eviction, humiliation,

38 discrimination, or malicious prosecution. Reasonable
 39 acquisition costs do not include any taxes or costs
 40 related to the collection of taxes.

41 k. Pursuant to an agreement between the board and
 42 the department of natural resources, assessment and
 43 corrective action arising out of releases at sites for
 44 which a no further action certificate has been issued
 45 pursuant to section 455B.474, when the department
 46 determines that an unreasonable risk to public health
 47 and safety may still exist or that previously reported
 48 upon applicable target levels have been exceeded. At
 49 a minimum, the agreement shall address eligible costs,
 50 contracting for services, and conditions under which

Page 6

1 sites may be reevaluated.

2 Sec. 10. Section 455G.9, subsection 4, Code 2009,
 3 is amended to read as follows:

4 4. Minimum copayment schedule.

5 a. An owner or operator shall be required to pay
 6 the greater of five thousand dollars or eighteen
 7 percent of the first eighty thousand dollars of the
 8 total costs of corrective action for that release,
 9 except for an innocent landowner claim in which case a
 10 copayment is not required.

11 b. If a site's actual expenses exceed eighty
 12 thousand dollars, the remedial account shall pay the
 13 remainder, as required by federal regulations, of
 14 the total costs of the corrective action for that
 15 release, not to exceed one million dollars, except that
 16 a county shall not be required to pay a copayment in
 17 connection with a release situated on property acquired
 18 in connection with delinquent taxes, as provided in
 19 subsection 1, paragraph "d", unless subsequent to
 20 acquisition the county actively operates a tank on the
 21 property for purposes other than risk assessment, risk
 22 management, or tank closure.

23 Sec. 11. Section 455G.9, subsection 7, Code 2009,
 24 is amended to read as follows:

25 7. Expenses of cleanup not required. When an
 26 owner or operator who is eligible for benefits under
 27 this chapter is allowed by the department of natural
 28 resources to monitor in place, the expenses incurred
 29 for cleanup beyond the level required by the department
 30 of natural resources ~~are not may be~~ covered under any
 31 of the accounts established under the fund only if
 32 approved by the board as cost-effective relative to
 33 the department accepted monitoring plan or relative
 34 to the repeal date specified in section 424.19. The
 35 cleanup expenses incurred for work completed beyond
 36 what is required is the responsibility of the person

37 contracting for the excess cleanup. The board shall
38 seek to terminate the responsible party's environmental
39 liabilities at such sites prior to the board ceasing
40 operation.

41 Sec. 12. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
42 APPLICABILITY. The section of this division of this
43 Act amending section 455G.9, subsection 4, being deemed
44 of immediate importance, takes effect upon enactment
45 and applies retroactively to January 1, 2010.

46 DIVISION II

47 BONDING AUTHORITY

48 Sec. 13. Section 455G.2, subsection 1, Code 2009,
49 is amended by striking the subsection.

50 Sec. 14. Section 455G.2, subsection 3, Code 2009,

Page 7

1 is amended to read as follows:

2 3. "Bond" means a bond, note, or other obligation
3 issued by the authority treasurer of state for the fund
4 and the purposes of this chapter.

5 Sec. 15. Section 455G.3, subsection 2, Code 2009,
6 is amended to read as follows:

7 2. The board shall assist Iowa's owners and
8 operators of petroleum underground storage tanks in
9 complying with federal environmental protection agency
10 technical and financial responsibility regulations
11 by establishment of the Iowa comprehensive petroleum
12 underground storage tank fund. The authority treasurer
13 of state may issue its bonds, or series of bonds, to
14 assist the board, as provided in this chapter.

15 Sec. 16. Section 455G.6, subsections 7 through 9,
16 Code Supplement 2009, are amended to read as follows:

17 7. The board may contract with the
18 authority treasurer of state for the
19 authority treasurer of state to issue bonds and do
20 all things necessary with respect to the purposes
21 of the fund, as set out in the contract between the
22 board and the authority treasurer of state. The
23 board may delegate to the authority treasurer of
24 state and the authority treasurer of state shall
25 then have all of the powers of the board which are
26 necessary to issue and secure bonds and carry out the
27 purposes of the fund, to the extent provided in the
28 contract between the board and the authority treasurer
29 of state. The authority treasurer of state may
30 issue the authority's treasurer of state's bonds
31 in principal amounts which, in the opinion of the
32 board, are necessary to provide sufficient funds for
33 the fund, the payment of interest on the bonds, the
34 establishment of reserves to secure the bonds, the
35 costs of issuance of the bonds, other expenditures

36 of the ~~authority~~ treasurer of state incident to and
 37 necessary or convenient to carry out the bond issue
 38 for the fund, and all other expenditures of the board
 39 necessary or convenient to administer the fund.
 40 The bonds are investment securities and negotiable
 41 instruments within the meaning of and for purposes of
 42 the uniform commercial code, chapter 554.
 43 8. Bonds issued under this section are payable
 44 solely and only out of the moneys, assets, or revenues
 45 of the fund, all of which may be deposited with
 46 trustees or depositories in accordance with bond
 47 or security documents and pledged by the board to
 48 the payment thereof, and are not an indebtedness
 49 of this state ~~or the authority~~, or a charge against
 50 the general credit or general fund of the state ~~or~~

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1 ~~the authority~~, and the state shall not be liable for
 2 any financial undertakings with respect to the fund.
 3 Bonds issued under this chapter shall contain on their
 4 face a statement that the bonds do not constitute an
 5 indebtedness of the state ~~or the authority~~.
 6 9. The proceeds of bonds issued by the
 7 ~~authority~~ treasurer of state and not required for
 8 immediate disbursement may be deposited with a trustee
 9 or depository as provided in the bond documents
 10 and invested in any investment approved by the
 11 ~~authority~~ treasurer of state and specified in the trust
 12 indenture, resolution, or other instrument pursuant
 13 to which the bonds are issued without regard to any
 14 limitation otherwise provided by law.
 15 Sec. 17. Section 455G.6, subsection 10, paragraph
 16 b, Code Supplement 2009, is amended to read as follows:
 17 b. Negotiable instruments under the laws of
 18 the state and may be sold at prices, at public or
 19 private sale, and in a manner, as prescribed by the
 20 ~~authority~~ treasurer of state. Chapters 73A, 74, 74A
 21 and 75 do not apply to their sale or issuance of the
 22 bonds.
 23 Sec. 18. Section 455G.6, subsection 12, Code
 24 Supplement 2009, is amended to read as follows:
 25 12. Bonds must be authorized by a trust
 26 indenture, resolution, or other instrument of the
 27 ~~authority~~ treasurer of state, approved by the board.
 28 However, a trust indenture, resolution, or other
 29 instrument authorizing the issuance of bonds may
 30 delegate to an officer of the issuer the power to
 31 negotiate and fix the details of an issue of bonds.
 32 Sec. 19. Section 455G.7, Code Supplement 2009, is
 33 amended to read as follows:
 34 455G.7 Security for bonds – capital reserve fund –

35 irrevocable contracts.

36 1. a. For the purpose of securing one or more
37 issues of bonds for the fund, the ~~authority treasurer~~
38 of state, with the approval of the board, may authorize
39 the establishment of one or more special funds, called
40 "capital reserve funds". The ~~authority treasurer~~
41 of state may pay into the capital reserve funds the
42 proceeds of the sale of its bonds and other money
43 which may be made available to the ~~authority treasurer~~
44 of state from other sources for the purposes of the
45 capital reserve funds. Except as provided in this
46 section, money in a capital reserve fund shall be used
47 only as required for any of the following:
48 ~~a.~~ (1) The payment of the principal of and
49 interest on bonds or of the sinking fund payments with
50 respect to those bonds.

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1 ~~b.~~ (2) The purchase or redemption of the bonds.
2 ~~e.~~ (3) The payment of a redemption premium
3 required to be paid when the bonds are redeemed before
4 maturity.
5 b. However, money in a capital reserve fund shall
6 not be withdrawn if the withdrawal would reduce the
7 amount in the capital reserve fund to less than the
8 capital reserve fund requirement, except for the
9 purpose of making payment, when due, of principal,
10 interest, redemption premiums on the bonds, and making
11 sinking fund payments when other money pledged to the
12 payment of the bonds is not available for the payments.
13 Income or interest earned by, or increment to, a
14 capital reserve fund from the investment of all or part
15 of the capital reserve fund may be transferred by the
16 ~~authority treasurer of state~~ to other accounts of the
17 fund if the transfer does not reduce the amount of the
18 capital reserve fund below the capital reserve fund
19 requirement.
20 2. If the ~~authority treasurer of state~~ decides
21 to issue bonds secured by a capital reserve fund,
22 the bonds shall not be issued if the amount in the
23 capital reserve fund is less than the capital reserve
24 fund requirement, unless at the time of issuance of
25 the bonds the ~~authority treasurer of state~~ deposits
26 in the capital reserve fund from the proceeds of the
27 bonds to be issued or from other sources, an amount
28 which, together with the amount then in the capital
29 reserve fund, is not less than the capital reserve fund
30 requirement.
31 3. In computing the amount of a capital reserve
32 fund for the purpose of this section, securities in
33 which all or a portion of the capital reserve fund

34 is invested shall be valued by a reasonable method
 35 established by the ~~authority~~ treasurer of state.
 36 Valuation shall include the amount of interest earned
 37 or accrued as of the date of valuation.

38 4. In this section, "capital reserve fund
 39 requirement" means the amount required to be on
 40 deposit in the capital reserve fund as of the date of
 41 computation.

42 5. To assure maintenance of the capital reserve
 43 funds, the ~~authority~~ treasurer of state shall, on
 44 or before July 1 of each calendar year, make and
 45 deliver to the governor the ~~authority's~~ treasurer of
 46 state's certificate stating the sum, if any, required
 47 to restore each capital reserve fund to the capital
 48 reserve fund requirement for that fund. Within
 49 thirty days after the beginning of the session of the
 50 general assembly next following the delivery of the

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1 certificate, the governor may submit to both houses
 2 printed copies of a budget including the sum, if any,
 3 required to restore each capital reserve fund to the
 4 capital reserve fund requirement for that fund. Any
 5 sums appropriated by the general assembly and paid
 6 to the ~~authority~~ treasurer of state pursuant to this
 7 section shall be deposited in the applicable capital
 8 reserve fund.

9 6. All amounts paid by the state pursuant to this
 10 section shall be considered advances by the state and,
 11 subject to the rights of the holders of any bonds of
 12 the ~~authority~~ treasurer of state that have previously
 13 been issued or will be issued, shall be repaid to the
 14 state without interest from all available revenues of
 15 the fund in excess of amounts required for the payment
 16 of bonds of the ~~authority~~ treasurer of state, the
 17 capital reserve fund, and operating expenses.

18 7. If any amount deposited in a capital reserve
 19 fund is withdrawn for payment of principal, premium,
 20 or interest on the bonds or sinking fund payments with
 21 respect to bonds thus reducing the amount of that fund
 22 to less than the capital reserve fund requirement, the
 23 ~~authority~~ treasurer of state shall immediately notify
 24 the governor and the general assembly of this event and
 25 shall take steps to restore the capital reserve fund
 26 to the capital reserve fund requirement for that fund
 27 from any amounts designated as being available for such
 28 purpose.

29 Sec. 20. Section 455G.8, subsection 2, Code 2009,
 30 is amended to read as follows:

31 2. Statutory allocations fund. The moneys
 32 credited from the statutory allocations fund under

33 section 321.145, subsection 2, paragraph "a", shall
 34 be allocated, consistent with this chapter, among
 35 the fund's accounts, for debt service and other fund
 36 expenses, according to the fund budget, resolution,
 37 trust agreement, or other instrument prepared or
 38 entered into by the board or ~~authority~~ treasurer of
 39 state under direction of the board.

40 Sec. 21. REPEAL. Section 16.151, Code 2009, is
 41 repealed.

42 Sec. 22. REPEAL. 1989 Iowa Acts, chapter 131,
 43 section 63, as amended by 2009 Iowa Acts, chapter 184,
 44 section 39, is repealed.

45 Sec. 23. EFFECTIVE UPON ENACTMENT. This division
 46 of this Act, being deemed of immediate importance,
 47 takes effect upon enactment.>

48 2. Title page, line 2, after <fund> by inserting
 49 <and including effective date and retroactive
 50 applicability provisions>

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1 3. By renumbering as necessary.

S. OLSON of Clinton

H-8334

1 Amend the amendment, H-8298, to House File 2494 as
 2 follows:

3 1. Page 1, by striking lines 15 through 23 and
 4 inserting <inserting <Applicants must successfully
 5 complete a formal education program in midwifery
 6 accredited by an agency recognized by the United States
 7 department of education, pass a national certification
 8 examination in midwifery as specified by the board,
 9 and meet the international confederation of midwives'
 10 definition of an independent provider of health care
 11 services to women and newborns. If an applicant
 12 has been subject to prior revocation of a license to
 13 practice medicine or nursing, the applicant is not
 14 eligible for licensure under this chapter, unless the
 15 applicant makes a satisfactory appeal to the board. A
 16 nurse licensed pursuant to chapter 152 or 152E shall
 17 not be licensed as a midwife pursuant to this chapter.>

L. MILLER of Scott

H-8335

1 Amend the amendment, H-8298, to House File 2494 as
 2 follows:

3 1. Page 1, by striking lines 2 through 7 and

4 inserting:
 5 <___. Page 2, by striking lines 15 through 25 and
 6 inserting:
 7 <NEW PARAGRAPH. x. For midwifery, a total of seven
 8 members, two members who are lay midwives meeting the
 9 educational standards of and who are licensed under
 10 chapter 148F; one family practice physician; one
 11 obstetrician who has experience in collaborating with
 12 lay midwives; one certified nurse midwife; and two
 13 members of the general public who are not licensed as a
 14 lay midwife, physician, or registered nurse and are not
 15 members or affiliated with the friends of lay midwives
 16 organization. >>
 17 2. By renumbering as necessary.

L. MILLER of Scott

H-8339

1 Amend Senate File 2328, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, line 1, by striking <The> and inserting:
 4 <a. Except as provided in paragraph "b", the>
 5 2. Page 2, after line 4 by inserting:
 6 <b. From each five dollar processing fee charged
 7 by a county treasurer pursuant to section 321.40,
 8 subsection 6, the county treasurer shall retain
 9 two dollars and fifty cents and shall forward the
 10 remaining two dollars and fifty cents to the treasurer
 11 of state to be used to reimburse the department
 12 of transportation for actual costs incurred by the
 13 department to implement provisions relating to the
 14 collection of tax debt by the county treasurers
 15 as provided in section 321.40, subsection 6. The
 16 department shall certify its costs to the treasurer of
 17 state for approval and payment. The treasurer of state
 18 shall notify the county treasurers and the department
 19 when the department's costs have been paid in full.
 20 Upon such notification, the county treasurers shall
 21 retain processing fees as provided in paragraph "a".>
 22 3. Page 4, after line 10 by inserting:
 23 <Sec. ___. EFFECTIVE DATE. The sections of this
 24 Act amending sections 321.40, 321.152, 321.153, 421.17,
 25 422.20, and 422.72 take effect January 1, 2011.>
 26 4. Title page, lines 4 and 5, by striking <and
 27 providing a fee.> and inserting <providing a fee, and
 28 including effective date provisions.>
 29 5. By renumbering as necessary.

COMMITTEE ON LOCAL GOVERNMENT

H-8341

1 Amend Senate File 2265, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 4, by striking <shall consider and
4 may> and inserting <may consider and>

5 2. Page 2, line 17, by striking <environmentally
6 sensitive land,>

7 3. Page 3, by striking lines 1 through 11 and
8 inserting:

9 <a. (1) "Development" means any of the following:

10 (a) Construction, reconstruction, renovation,
11 mining, extraction, dredging, filling, excavation, or
12 drilling activity or operation.

13 (b) Man-made changes in the use or appearance of
14 any structure or in the land itself.

15 (c) The division or subdivision of land.

16 (d) Any change in the intensity of use or the use
17 of land.

18 (2) "Development" does not include any of the
19 following:

20 (a) Activities on or uses of agricultural land,
21 farm houses, or agricultural buildings or structures,
22 unless such buildings or structures are located in the
23 flood plain of a river or stream.

24 (b) Installation, operation, and maintenance of
25 soil and water conservation practices.

26 (c) The choice of crops or a change in the choice
27 of crops on agricultural land.>

28 4. Page 3, line 17, by striking <shall> and
29 inserting <may>

30 5. By striking page 5, line 34, through page 6,
31 line 4, and inserting <resources.>

32 6. Page 7, line 30, by striking <shall> and
33 inserting <may>

34 7. Page 9, line 3, by striking <shall> and
35 inserting <may>

36 8. Page 9, line 31, by striking <shall> and
37 inserting <may>

38 9. Page 11, line 30, by striking <shall> and
39 inserting <may>

40 10. Page 12, line 35, by striking <twenty-seven>
41 and inserting <twenty-nine>

42 11. Page 13, line 4, by striking <Thirteen> and
43 inserting <Fourteen>

44 12. Page 13, after line 32 by inserting:

45 <(14) The chairperson of the utilities board within
46 the utilities division of the department of commerce or
47 the chairperson's designee.>

48 13. Page 14, after line 13 by inserting:

49 <Oj. President of the Iowa association of school
50 boards or the president's designee.>

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- 1 14. Page 14, line 16, by striking <latest
2 preceding> and inserting <2000>
- 3 15. Page 14, line 19, by striking <latest
4 preceding> and inserting <2000>
- 5 16. Page 14, line 23, by striking <latest
6 preceding> and inserting <2000>
- 7 17. Page 14, line 26, by striking <latest
8 preceding> and inserting <2000>
- 9 18. Page 14, line 29, by striking <latest
10 preceding> and inserting <2000>
- 11 19. Page 14, line 33, by striking <latest
12 preceding> and inserting <2000>
- 13 20. Page 15, line 13, after <governor.> by
14 inserting <For the members of the task force designated
15 in subsection 2, paragraphs "j" through "l", one member
16 shall have experience in real estate, one member shall
17 have experience in land development, and one member
18 shall have experience in residential construction. For
19 the members of the task force designated in subsection
20 2, paragraphs "m" through "o", one member shall have
21 experience in real estate, one member shall have
22 experience in land development, and one member shall
23 have experience in residential construction.>
- 24 21. Page 16, line 22, after <conduct> by inserting
25 <local and regional>
- 26 22. Page 16, by striking lines 25 through 30 and
27 inserting:
28 <f. Develop a set of recommendations that is
29 consistent with>
- 30 23. Page 17, after line 20 by inserting:
31 <12. The task force is dissolved on December 31,
32 2012.>
- 33 24. By renumbering, redesignating, and correcting
34 internal references as necessary.

COMMITTEE ON LOCAL GOVERNMENT

H-8343

- 1 Amend Senate File 2235, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 27, by striking <a one-year period>
4 and inserting <any twelve-month period>
- 5 2. Page 2, after line 26 by inserting:
6 <c. The cost of system safety checks and delivery
7 fees or charges required to be paid by a customer
8 pursuant to this subsection shall be remitted by the

9 customer to a deliverable fuel vendor in the form of a
10 prepaid cash payment.>

ANDERSON of Page

H-8345

1 Amend Senate File 2217, as passed by the Senate, as
2 follows:

- 3 1. Page 1, line 13, by striking <a.>
- 4 2. Page 1, line 16, by striking <credit card.>
- 5 3. Page 1, line 20, by striking <section> and
- 6 inserting <subsection which shall ensure compliance
- 7 with applicable federal law and>
- 8 4. Page 1, by striking lines 27 through 30.
- 9 5. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT

H-8346

1 Amend House File 2481 as follows:

- 2 1. Page 22, after line 1 by inserting:
- 3 <Sec. ____ Section 462A.14, subsection 1, paragraph
- 4 b, Code 2009, is amended to read as follows:
- 5 b. While having an alcohol concentration of
- 6 ~~10.08~~ or more.>
- 7 2. By renumbering as necessary.

MAY of Dickinson
D. OLSON of Boone

H-8347

1 Amend Senate File 2354, as amended, passed, and
2 reprinted by the Senate, as follows:

- 3 1. Page 3, line 22, by striking <publicly traded>
- 4 2. Page 4, line 1, by striking <one hundred> and
- 5 inserting <one hundred seven hundred fifty>
- 6 3. Page 4, by striking lines 17 through 21 and
- 7 inserting <statement.>
- 8 4. Page 4, line 32, after <certification> by
- 9 inserting <by an officer of the corporation>
- 10 5. Page 5, line 7, after <retained> by inserting
- 11 <within the prior six months>
- 12 6. Page 7, line 31, after <officers,> by inserting
- 13 <professional employees,>
- 14 7. Page 8, by striking lines 27 and 28 and
- 15 inserting <a newspaper that is published for the
- 16 primary purpose of evading the requirements of this
- 17 section or section 68A.404, and "owner" means a person
- 18 having an ownership>

- 19 8. Page 9, by striking lines 4 through 8.
20 9. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT

H-8348

1 Amend Senate File 2354, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 5, after line 14 by inserting:

4 <Sec. ____ NEW SECTION. 68A.404A Corporate
5 expenditures – limitations – penalty.

6 1. A corporation shall not be eligible to receive
7 a tax benefit or program incentive offered by the
8 state or any of its political subdivisions that is not
9 available to every other corporation if the corporation
10 has made an independent campaign expenditure within a
11 period of the previous five years, if such expenditure
12 was prohibited by state law in effect on January 1,
13 2010.

14 2. A corporation that is receiving a tax benefit
15 or program incentive offered by the state or any of
16 its political subdivisions that is not available to
17 every other corporation shall be disqualified from
18 receiving any tax benefit or program incentive for
19 five years if the corporation makes an independent
20 campaign expenditure described in subsection 1. If
21 the corporation is currently receiving such a benefit
22 or incentive, the benefit or incentive shall terminate
23 effective the date of the campaign expenditure.

24 3. The board shall post to an internet site, on
25 a quarterly basis, a list of all corporations making
26 independent expenditures and shall provide the list to
27 the secretary of state. The secretary of state shall
28 provide the list to all state and local government
29 bodies for which candidate elections are held.

30 4. A corporation violating the provisions of
31 section 68A.404 or this section shall be fined by
32 the board in an amount equal to the amount of the
33 independent expenditure or equal to the amount of
34 any tax benefit or program incentive realized by the
35 corporation during the previous five years, whichever
36 is higher.>

37 2. By renumbering as necessary.

ISENHART of Dubuque

H-8349

1 Amend Senate File 2354, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 9, after line 3 by inserting:

4 <Sec. ____ NEW SECTION. 68A.702 Fee imposed –
 5 board funding.
 6 1. a. A fee is imposed on all contributions
 7 received from a single source, if the aggregate amount
 8 received from that source, in any calendar year,
 9 exceeds two hundred fifty dollars, made to a political
 10 committee or candidate or candidate's committee.
 11 b. A fee is imposed on the entire amount of any
 12 independent expenditure made by a candidate or other
 13 committee or corporation.
 14 2. Fees are due and payable upon filing of a
 15 disclosure statement on or after July 1, 2010, by
 16 a political committee or candidate's committee and
 17 upon disclosure of an independent expenditure by a
 18 candidate, candidate's committee, political committee,
 19 or a corporation.
 20 3. The board shall establish the amount of the fees
 21 by rule, with the approval of the administrative rules
 22 review committee, in an amount sufficient to fund fifty
 23 percent of the board's operating cost.
 24 4. Funds raised by the fees imposed under this
 25 section shall be retained by the board to pay the
 26 expenses associated with the enforcement of this
 27 chapter. Any funds remaining at the end of the fiscal
 28 year shall revert to the general fund of the state.>
 29 2. By renumbering as necessary.

ISENHART of Dubuque

H-8351

1 Amend the amendment, H-8165, to House File 2324 as
 2 follows:
 3 1. Page 1, lines 9 and 10, by striking <December
 4 21, 2011> and inserting <July 1, 2013>
 5 2. By renumbering as necessary.

ZIRKELBACH of Jones

H-8352

1 Amend House File 2327 as follows:
 2 1. By striking everything after the enacting clause
 3 and inserting:
 4 <DIVISION I
 5 IOWA COMPREHENSIVE PETROLEUM
 6 UNDERGROUND STORAGE TANK FUND
 7 Section 1. Section 455B.474, subsection 1,
 8 paragraph d, subparagraph (2), unnumbered paragraph 1,
 9 Code Supplement 2009, is amended to read as follows:
 10 A site shall be classified as either high risk,
 11 low risk, or no action required, as determined by a

12 certified groundwater professional.

13 Sec. 2. Section 455B.474, subsection 1, paragraph
14 d, subparagraph (2), subparagraph division (a),
15 unnumbered paragraph 1, Code Supplement 2009, is
16 amended to read as follows:

17 A site shall be considered high risk when ~~it is~~
18 ~~determined~~ a certified groundwater professional
19 determines that contamination from the site presents an
20 unreasonable risk to public health and safety or the
21 environment under any of the following conditions:

22 Sec. 3. Section 455B.474, subsection 1, paragraph
23 d, subparagraph (2), subparagraph division (b),
24 unnumbered paragraph 1, Code Supplement 2009, is
25 amended to read as follows:

26 A site shall be considered low risk ~~under any of~~
27 ~~the following conditions~~ when a certified groundwater
28 professional determines that low risk conditions exist
29 as follows:

30 Sec. 4. Section 455B.474, subsection 1, paragraph
31 d, subparagraph (2), subparagraph divisions (c) and
32 (e), Code Supplement 2009, are amended to read as
33 follows:

34 (c) A site shall be considered no action required
35 ~~if and a no further action certificate shall be~~
36 issued by the department when a certified groundwater
37 professional determines that contamination is below
38 action level standards and high or low risk conditions
39 do not exist and are not likely to occur.

40 (e) A site cleanup report which classifies a
41 site as either high risk, low risk, or no action
42 required shall be submitted by a groundwater
43 professional to the department with a certification
44 that the report complies with the provisions of this
45 chapter and rules adopted by the department. The
46 report shall be determinative of the appropriate
47 classification of the site. ~~However, if the report~~
48 ~~is found to be~~ and the site shall be classified as
49 indicated by the groundwater professional unless,
50 within ninety days of receipt by the department,

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1 the department identifies material information in
2 the report that is inaccurate or incomplete, and
3 ~~if based upon inaccurate or incomplete~~ information
4 in the report the risk classification of the site
5 cannot be reasonably determined by the department
6 based upon industry standards, ~~the department shall,~~
7 If the department determines that the site cleanup
8 report is inaccurate or incomplete, the department
9 shall notify the groundwater professional of the
10 inaccurate or incomplete information within ninety

11 days of receipt of the report and shall work with
12 the groundwater professional to obtain ~~the correct~~
13 information or additional information necessary
14 to appropriately classify the site. A groundwater
15 professional who knowingly or intentionally makes a
16 false statement or misrepresentation which results in
17 a mistaken classification of a site shall be guilty of
18 a serious misdemeanor and shall have the groundwater
19 professional's certification revoked under this
20 section.

21 Sec. 5. Section 455B.474, subsection 1, paragraph
22 f, subparagraphs (5), (6), and (7), Code Supplement
23 2009, are amended to read as follows:

24 (5) A corrective action design report submitted by
25 a groundwater professional shall be accepted by the
26 department and shall be primarily relied upon by the
27 department to determine the corrective action response
28 requirements of the site. However, if ~~the corrective~~
29 action design report is found to be within ninety days
30 of receipt of a corrective action design report, the
31 department identifies material information in the
32 corrective action design report that is inaccurate or
33 incomplete, and if based upon information in the report
34 the appropriate corrective action response cannot be
35 reasonably determined by the department based upon
36 industry standards, the department shall notify the
37 groundwater professional that the corrective action
38 design report is not accepted, and the department
39 shall work with the groundwater professional to
40 correct the material information or to obtain the
41 additional information necessary to appropriately
42 determine the corrective action response requirements
43 as soon as practicable. A groundwater professional
44 who knowingly or intentionally makes a false statement
45 or misrepresentation which results in an improper or
46 incorrect corrective action response shall be guilty of
47 a serious misdemeanor and shall have the groundwater
48 professional's certification revoked under this
49 section.

50 (6) Low risk sites shall be monitored as deemed

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1 necessary by the department consistent with industry
2 standards. Monitoring shall not be required on a site
3 which has received a no further action certificate.
4 A site that has maintained less than the applicable
5 target level for four consecutive sampling events shall
6 be reclassified as a no further action site regardless
7 of exit monitoring criteria and guidance.

8 (7) An owner or operator may elect to proceed with
9 additional corrective action on the site. However,

10 any action taken in addition to that required pursuant
 11 to this paragraph "f" shall be solely at the expense
 12 of the owner or operator and shall not be considered
 13 corrective action for purposes of section 455G.9,
 14 unless otherwise previously agreed to by the board and
 15 the owner or operator. Corrective action taken by an
 16 owner or operator due to the department's failure to
 17 meet the time requirements provided in subparagraph
 18 (5), shall be considered corrective action for purposes
 19 of section 455G.9.

20 Sec. 6. Section 455B.474, subsection 1, paragraph
 21 h, subparagraphs (1) and (3), Code Supplement 2009, are
 22 amended to read as follows:

23 (1) A no further action certificate shall be
 24 issued by the department for a site which has been
 25 classified as a no further action site or which
 26 has been reclassified pursuant to completion of a
 27 corrective action plan or monitoring plan to be a no
 28 further action site by a groundwater professional,
 29 unless within ninety days of receipt of the report
 30 submitted by the groundwater professional classifying
 31 the site, the department notifies the groundwater
 32 professional that the report and site classification
 33 are not accepted and the department identifies
 34 material information in the report that is inaccurate
 35 or incomplete which causes the department to be
 36 unable to accept the classification of the site.
 37 An owner or operator shall not be responsible for
 38 additional assessment, monitoring, or corrective
 39 action activities at a site that is issued a no further
 40 action certificate unless it is determined that the
 41 certificate was issued based upon false material
 42 statements that were knowingly or intentionally made
 43 by a groundwater professional and the false material
 44 statements resulted in the incorrect classification of
 45 the site.

46 (3) A certificate shall be recorded with the county
 47 recorder. The owner or operator of a site who has been
 48 issued a certificate under this paragraph "h" or a
 49 subsequent purchaser of the site shall not be required
 50 to perform further corrective action ~~solely~~ because

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1 action standards are changed at a later date. A
 2 certificate shall not prevent the department from
 3 ordering corrective action of a new release.
 4 Sec. 7. Section 455G.3, Code 2009, is amended by
 5 adding the following new subsections:
 6 **NEW SUBSECTION. 6.** For the fiscal year beginning
 7 July 1, 2010, and each fiscal year thereafter, there
 8 is appropriated from the Iowa comprehensive petroleum

9 underground storage tank fund to the department of
10 natural resources two hundred thousand dollars for
11 purposes of technical review support to be conducted
12 by nongovernmental entities for leaking underground
13 storage tank assessments.

14 NEW SUBSECTION. 7. For the fiscal year beginning
15 July 1, 2010, there is appropriated from the Iowa
16 comprehensive petroleum underground storage tank fund
17 to the department of natural resources one hundred
18 thousand dollars for purposes of database modifications
19 necessary to accept batched external data regarding
20 underground storage tank inspections conducted by
21 nongovernmental entities.

22 NEW SUBSECTION. 8. For the fiscal year beginning
23 July 1, 2010, and each fiscal year thereafter, there
24 is appropriated from the Iowa comprehensive petroleum
25 underground storage tank fund to the department of
26 agriculture and land stewardship two hundred fifty
27 thousand dollars for the sole and exclusive purpose
28 of inspecting fuel quality at pipeline terminals
29 and renewable fuel production facilities, including
30 salaries, support, maintenance, and miscellaneous
31 purposes.

32 NEW SUBSECTION. 9. Beginning September 1, 2010,
33 the board shall administer safety training, hazardous
34 material training, environmental training, and
35 underground storage tank operator training in the
36 state to be provided by an entity approved by the
37 department of natural resources. The training provided
38 pursuant to this subsection shall be available to any
39 tank operator in the state at an equal and reasonable
40 cost and shall not be conditioned upon any other
41 requirements. Each fiscal year, the board shall not
42 expend more than two hundred fifty thousand dollars
43 from the Iowa comprehensive petroleum underground
44 storage tank fund for purposes of administering this
45 subsection.

46 Sec. 8. Section 455G.4, subsection 1, paragraph a,
47 subparagraphs (3) and (5), Code Supplement 2009, are
48 amended to read as follows:

49 (3) ~~The commissioner of insurance, or the~~
50 ~~commissioner's designee.~~ An employee of the department

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1 of management who has been designated as a risk manager
2 by the director of the department of management.

3 (5) Two owners or operators appointed by the
4 governor. ~~One of the owners or operators appointed~~
5 ~~pursuant to this subparagraph shall have been a~~
6 ~~petroleum systems insured through the underground~~
7 ~~storage tank insurance fund as it existed on June 30,~~

8 ~~2004, or a successor to the underground storage tank~~
 9 ~~insurance fund and shall have been an insured through~~
 10 ~~the insurance account of the comprehensive petroleum~~
 11 ~~underground storage tank fund on or before October~~
 12 ~~26, 1990. One of the owners or operators appointed~~
 13 ~~pursuant to this subparagraph shall be self-insured. as~~
 14 ~~follows:~~

15 (a) One member shall be an owner or operator who is
 16 self-insured.

17 (b) One member shall be a member of the petroleum
 18 marketers and convenience stores of Iowa or its
 19 designee.

20 Sec. 9. Section 455G.9, subsection 1, paragraphs d
 21 and k, Code 2009, are amended to read as follows:

22 d. One hundred percent of the costs of corrective
 23 action and third-party liability for a release situated
 24 on property acquired by a county for delinquent taxes
 25 pursuant to chapters 445 through 448, for which a
 26 responsible owner or operator able to pay, other
 27 than the county, cannot be found. A county is not
 28 a "responsible party" for a release in connection
 29 with property which it acquires in connection with
 30 delinquent taxes, and does not become a responsible
 31 party by sale or transfer of property so acquired. In
 32 such situations, the board may act as an agent for
 33 the county. Actual corrective action on the site
 34 shall be overseen by the department, the board, and
 35 a certified groundwater professional. Third-party
 36 liability specifically excludes any claim, cause of
 37 action, or suit, for personal injury including, but
 38 not limited to, loss of use or of private enjoyment,
 39 mental anguish, false imprisonment, wrongful entry or
 40 eviction, humiliation, discrimination, or malicious
 41 prosecution. Reasonable acquisition costs do not
 42 include any taxes or costs related to the collection
 43 of taxes.

44 k. Pursuant to an agreement between the board and
 45 the department of natural resources, assessment and
 46 corrective action arising out of releases at sites for
 47 which a no further action certificate has been issued
 48 pursuant to section 455B.474, when the department
 49 determines that an unreasonable risk to public health
 50 and safety may still exist or that previously reported

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1 upon applicable target levels have been exceeded. At
 2 a minimum, the agreement shall address eligible costs,
 3 contracting for services, and conditions under which
 4 sites may be reevaluated.

5 Sec. 10. Section 455G.9, subsection 4, Code 2009,
 6 is amended to read as follows:

7 4. Minimum copayment schedule.

8 a. An owner or operator shall be required to pay
 9 the greater of five thousand dollars or eighteen
 10 percent of the first eighty thousand dollars of the
 11 total costs of corrective action for that release,
 12 except for an innocent landowner claim in which case a
 13 copayment is not required.

14 b. If a site's actual expenses exceed eighty
 15 thousand dollars, the remedial account shall pay the
 16 remainder, as required by federal regulations, of
 17 the total costs of the corrective action for that
 18 release, not to exceed one million dollars, except that
 19 a county shall not be required to pay a copayment in
 20 connection with a release situated on property acquired
 21 in connection with delinquent taxes, as provided in
 22 subsection 1, paragraph "d", unless subsequent to
 23 acquisition the county actively operates a tank on the
 24 property for purposes other than risk assessment, risk
 25 management, or tank closure.

26 Sec. 11. Section 455G.9, subsection 7, Code 2009,
 27 is amended to read as follows:

28 7. Expenses of cleanup not required. When an
 29 owner or operator who is eligible for benefits under
 30 this chapter is allowed by the department of natural
 31 resources to monitor in place, the expenses incurred
 32 for cleanup beyond the level required by the department
 33 of natural resources ~~are not~~ may be covered under any
 34 of the accounts established under the fund only if
 35 approved by the board as cost-effective relative to
 36 the department accepted monitoring plan or relative
 37 to the repeal date specified in section 424.19. The
 38 cleanup expenses incurred for work completed beyond
 39 what is required is the responsibility of the person
 40 contracting for the excess cleanup. The board shall
 41 seek to terminate the responsible party's environmental
 42 liabilities at such sites prior to the board ceasing
 43 operation.

44 Sec. 12. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
 45 APPLICABILITY. The section of this division of this
 46 Act amending section 455G.9, subsection 4, being deemed
 47 of immediate importance, takes effect upon enactment
 48 and applies retroactively to January 1, 2010.

49 DIVISION II
 50 BONDING AUTHORITY

Page 7

1 Sec. 13. Section 455G.2, subsection 1, Code 2009,
 2 is amended by striking the subsection.

3 Sec. 14. Section 455G.2, subsection 3, Code 2009,
 4 is amended to read as follows:

5 3. "Bond" means a bond, note, or other obligation

6 issued by the ~~authority treasurer of state~~ for the fund
7 and the purposes of this chapter.

8 Sec. 15. Section 455G.3, subsection 2, Code 2009,
9 is amended to read as follows:

10 2. The board shall assist Iowa's owners and
11 operators of petroleum underground storage tanks in
12 complying with federal environmental protection agency
13 technical and financial responsibility regulations
14 by establishment of the Iowa comprehensive petroleum
15 underground storage tank fund. The ~~authority treasurer~~
16 ~~of state~~ may issue its bonds, or series of bonds, to
17 assist the board, as provided in this chapter.

18 Sec. 16. Section 455G.6, subsections 7 through 9,
19 Code Supplement 2009, are amended to read as follows:

20 7. The board may contract with the
21 ~~authority treasurer of state~~ for the
22 ~~authority treasurer of state~~ to issue bonds and do
23 all things necessary with respect to the purposes
24 of the fund, as set out in the contract between the
25 board and the ~~authority treasurer of state~~. The
26 board may delegate to the ~~authority treasurer of~~
27 ~~state~~ and the ~~authority treasurer of state~~ shall
28 then have all of the powers of the board which are
29 necessary to issue and secure bonds and carry out the
30 purposes of the fund, to the extent provided in the
31 contract between the board and the ~~authority treasurer~~
32 ~~of state~~. The ~~authority treasurer of state~~ may
33 issue the ~~authority's treasurer of state's~~ bonds
34 in principal amounts which, in the opinion of the
35 board, are necessary to provide sufficient funds for
36 the fund, the payment of interest on the bonds, the
37 establishment of reserves to secure the bonds, the
38 costs of issuance of the bonds, other expenditures
39 of the ~~authority treasurer of state~~ incident to and
40 necessary or convenient to carry out the bond issue
41 for the fund, and all other expenditures of the board
42 necessary or convenient to administer the fund.
43 The bonds are investment securities and negotiable
44 instruments within the meaning of and for purposes of
45 the uniform commercial code, chapter 554.

46 8. Bonds issued under this section are payable
47 solely and only out of the moneys, assets, or revenues
48 of the fund, all of which may be deposited with
49 trustees or depositories in accordance with bond
50 or security documents and pledged by the board to

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1 the payment thereof, and are not an indebtedness
2 of this state ~~or the authority~~, or a charge against
3 the general credit or general fund of the state ~~or~~
4 ~~the authority~~, and the state shall not be liable for

5 any financial undertakings with respect to the fund.
 6 Bonds issued under this chapter shall contain on their
 7 face a statement that the bonds do not constitute an
 8 indebtedness of the state ~~or the authority~~.

9 9. The proceeds of bonds issued by the
 10 ~~authority~~ treasurer of state and not required for
 11 immediate disbursement may be deposited with a trustee
 12 or depository as provided in the bond documents
 13 and invested in any investment approved by the
 14 ~~authority~~ treasurer of state and specified in the trust
 15 indenture, resolution, or other instrument pursuant
 16 to which the bonds are issued without regard to any
 17 limitation otherwise provided by law.

18 Sec. 17. Section 455G.6, subsection 10, paragraph
 19 b, Code Supplement 2009, is amended to read as follows:

20 b. Negotiable instruments under the laws of
 21 the state and may be sold at prices, at public or
 22 private sale, and in a manner, as prescribed by the
 23 ~~authority~~ treasurer of state. Chapters 73A, 74, 74A
 24 and 75 do not apply to their sale or issuance of the
 25 bonds.

26 Sec. 18. Section 455G.6, subsection 12, Code
 27 Supplement 2009, is amended to read as follows:

28 12. Bonds must be authorized by a trust
 29 indenture, resolution, or other instrument of the
 30 ~~authority~~ treasurer of state, approved by the board.
 31 However, a trust indenture, resolution, or other
 32 instrument authorizing the issuance of bonds may
 33 delegate to an officer of the issuer the power to
 34 negotiate and fix the details of an issue of bonds.

35 Sec. 19. Section 455G.7, Code Supplement 2009, is
 36 amended to read as follows:

37 455G.7 Security for bonds – capital reserve fund –
 38 irrevocable contracts.

39 1. a. For the purpose of securing one or more
 40 issues of bonds for the fund, the ~~authority~~ treasurer
 41 of state, with the approval of the board, may authorize
 42 the establishment of one or more special funds, called
 43 "capital reserve funds". The ~~authority~~ treasurer
 44 of state may pay into the capital reserve funds the
 45 proceeds of the sale of its bonds and other money
 46 which may be made available to the ~~authority~~ treasurer
 47 of state from other sources for the purposes of the
 48 capital reserve funds. Except as provided in this
 49 section, money in a capital reserve fund shall be used
 50 only as required for any of the following:

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1 ~~æ.~~ (1) The payment of the principal of and
 2 interest on bonds or of the sinking fund payments with
 3 respect to those bonds.

4 ~~b.~~ (2) The purchase or redemption of the bonds.
5 ~~e.~~ (3) The payment of a redemption premium
6 required to be paid when the bonds are redeemed before
7 maturity.
8 b. However, money in a capital reserve fund shall
9 not be withdrawn if the withdrawal would reduce the
10 amount in the capital reserve fund to less than the
11 capital reserve fund requirement, except for the
12 purpose of making payment, when due, of principal,
13 interest, redemption premiums on the bonds, and making
14 sinking fund payments when other money pledged to the
15 payment of the bonds is not available for the payments.
16 Income or interest earned by, or increment to, a
17 capital reserve fund from the investment of all or part
18 of the capital reserve fund may be transferred by the
19 authority treasurer of state to other accounts of the
20 fund if the transfer does not reduce the amount of the
21 capital reserve fund below the capital reserve fund
22 requirement.
23 2. If the authority treasurer of state decides
24 to issue bonds secured by a capital reserve fund,
25 the bonds shall not be issued if the amount in the
26 capital reserve fund is less than the capital reserve
27 fund requirement, unless at the time of issuance of
28 the bonds the authority treasurer of state deposits
29 in the capital reserve fund from the proceeds of the
30 bonds to be issued or from other sources, an amount
31 which, together with the amount then in the capital
32 reserve fund, is not less than the capital reserve fund
33 requirement.
34 3. In computing the amount of a capital reserve
35 fund for the purpose of this section, securities in
36 which all or a portion of the capital reserve fund
37 is invested shall be valued by a reasonable method
38 established by the authority treasurer of state.
39 Valuation shall include the amount of interest earned
40 or accrued as of the date of valuation.
41 4. In this section, "capital reserve fund
42 requirement" means the amount required to be on
43 deposit in the capital reserve fund as of the date of
44 computation.
45 5. To assure maintenance of the capital reserve
46 funds, the authority treasurer of state shall, on
47 or before July 1 of each calendar year, make and
48 deliver to the governor the authority's treasurer of
49 state's certificate stating the sum, if any, required
50 to restore each capital reserve fund to the capital

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1 reserve fund requirement for that fund. Within
2 thirty days after the beginning of the session of the

3 general assembly next following the delivery of the
4 certificate, the governor may submit to both houses
5 printed copies of a budget including the sum, if any,
6 required to restore each capital reserve fund to the
7 capital reserve fund requirement for that fund. Any
8 sums appropriated by the general assembly and paid
9 to the ~~authority~~ treasurer of state pursuant to this
10 section shall be deposited in the applicable capital
11 reserve fund.

12 6. All amounts paid by the state pursuant to this
13 section shall be considered advances by the state and,
14 subject to the rights of the holders of any bonds of
15 the ~~authority~~ treasurer of state that have previously
16 been issued or will be issued, shall be repaid to the
17 state without interest from all available revenues of
18 the fund in excess of amounts required for the payment
19 of bonds of the ~~authority~~ treasurer of state, the
20 capital reserve fund, and operating expenses.

21 7. If any amount deposited in a capital reserve
22 fund is withdrawn for payment of principal, premium,
23 or interest on the bonds or sinking fund payments with
24 respect to bonds thus reducing the amount of that fund
25 to less than the capital reserve fund requirement, the
26 ~~authority~~ treasurer of state shall immediately notify
27 the governor and the general assembly of this event and
28 shall take steps to restore the capital reserve fund
29 to the capital reserve fund requirement for that fund
30 from any amounts designated as being available for such
31 purpose.

32 Sec. 20. Section 455G.8, subsection 2, Code 2009,
33 is amended to read as follows:

34 2. Statutory allocations fund. The moneys
35 credited from the statutory allocations fund under
36 section 321.145, subsection 2, paragraph "a", shall
37 be allocated, consistent with this chapter, among
38 the fund's accounts, for debt service and other fund
39 expenses, according to the fund budget, resolution,
40 trust agreement, or other instrument prepared or
41 entered into by the board or ~~authority~~ treasurer of
42 state under direction of the board.

43 Sec. 21. REPEAL. Section 16.151, Code 2009, is
44 repealed.

45 Sec. 22. REPEAL. 1989 Iowa Acts, chapter 131,
46 section 63, as amended by 2009 Iowa Acts, chapter 184,
47 section 39, is repealed.

48 Sec. 23. EFFECTIVE UPON ENACTMENT. This division
49 of this Act, being deemed of immediate importance,
50 takes effect upon enactment.>

2 <and including effective date and retroactive
 3 applicability provisions>
 4 3. By renumbering as necessary.

S. OLSON of Clinton

H-8353

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.6A Exemption from
 5 chapter requirements.
 6 1. Notwithstanding any other provision of this
 7 chapter, a third-party payor as defined in section
 8 514C.6 may issue a basic policy, contract, or plan
 9 providing for third-party payment or prepayment of
 10 health or medical expenses that does not provide
 11 coverage for some or any of the special health and
 12 accident insurance coverages required by this chapter
 13 or does not meet some or any of the other requirements
 14 contained in this chapter.
 15 2. This section applies to third-party payment
 16 provider policies, contracts, or plans that are
 17 delivered, issued for delivery, continued, or renewed
 18 in this state on or after January 1, 2011.>
 19 2. Title page, line 5, after <associations,> by
 20 inserting <special health and accident insurance
 21 coverages,>
 22 3. By renumbering as necessary.

PETTENGILL of Benton

H-8354

1 Amend the amendment, H-8300, to House File 2481 as
 2 follows:
 3 1. Page 1, by striking lines 2 through 15 and
 4 inserting:
 5 <____. Page 27, after line 27 by inserting:
 6 <Sec. ____ Section 483A.8, subsection 3, paragraph
 7 c, Code Supplement 2009, is amended to read as follows:
 8 c. The commission shall annually limit to
 9 ~~six~~ twelve thousand the number of nonresidents allowed
 10 to have antlered or any sex deer hunting licenses. Of
 11 the ~~six~~ twelve thousand nonresident antlered or any sex
 12 deer hunting licenses issued, not more than thirty-five
 13 percent of the licenses shall be bow season licenses.
 14 After the ~~six~~ twelve thousand antlered or any sex
 15 nonresident deer hunting licenses have been issued,
 16 all additional licenses shall be issued for antlerless
 17 deer only. The commission shall annually determine the

18 number of nonresident antlerless deer only deer hunting
19 licenses that will be available for issuance. >>

PETTENGILL of Benton

H-8357

1 Amend Senate File 2351, as passed by the Senate, as
2 follows:

3 1. Page 2, after line 25 by inserting:

4 <Sec. ____ DOMESTIC ABUSE INTERIM STUDY.

5 1. The legislative council is requested to
6 authorize a study for the 2010 legislative interim on
7 domestic abuse. The study recommendations and findings
8 shall include but are not limited to the following
9 domestic abuse issues:

10 a. The supervision and monitoring of persons
11 charged with or convicted of a violation of a criminal
12 no-contact order or a civil protective order in a
13 domestic abuse case.

14 b. The availability of domestic abuse shelters and
15 support services including life skill services for
16 victims of domestic abuse.
17 c. Prohibiting a person who is the subject of
18 criminal no-contact order or a protective order or who
19 has been convicted of a misdemeanor crime of domestic
20 violence from possessing, transferring, or selling
21 firearms and ammunition or offensive weapons.

22 d. Domestic abuse protective orders and animals
23 owned or held by a petitioner, respondent, or minor
24 child of the petitioner or respondent in domestic abuse
25 cases.

26 e. The issuance of a protective order or approval
27 of a consent agreement in domestic abuse, harassment,
28 and stalking cases.

29 2. The study shall be conducted by a legislative
30 study committee consisting of seven members of the
31 general assembly, representing both political parties
32 and both houses of the general assembly. Four members
33 shall be members of the house of representatives
34 and three members shall be members of the senate. A
35 chairperson or co-chairpersons shall be designated by
36 the legislative council.

37 3. The study report, including findings and
38 recommendations, shall be submitted to the general
39 assembly in January of 2011, for consideration during
40 the 2011 legislative session.>

41 2. Title page, line 2, after <penalty> by inserting
42 <and providing for a study>

COMMITTEE ON JUDICIARY

H-8358

- 1 Amend Senate File 2109, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 9, after <or 321.333> by inserting
 4 <or section 321.372, subsection 3.>
 5 2. Title page, line 2, by striking <device or
 6 signal> and inserting <device, an official traffic
 7 control signal, or a school bus stop arm>
 8 3. By renumbering as necessary.

COMMITTEE ON JUDICIARY

H-8359

- 1 Amend the Senate amendment, H-8251, to House File
 2 2456, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, after line 6 by inserting:
 5 <_. Page 2, after line 21 by inserting:
 6 <7. A peace officer shall not detain a person
 7 solely for a suspected violation of this section. This
 8 section is enforceable by a peace officer only as a
 9 secondary action when the driver of a motor vehicle is
 10 detained for a suspected violation of another provision
 11 of this chapter, an equivalent local ordinance, or
 12 other law. >>
 13 2. By renumbering as necessary.

ALONS of Sioux

H-8361

- 1 Amend Senate File 2357, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by striking lines 7 and 8 and inserting
 4 <offensive weapon, or ammunition is guilty of any of
 5 the following:
 6 a. A simple misdemeanor if the offense involves
 7 ammunition.
 8 b. A serious misdemeanor if the offense involves a
 9 firearm or offensive weapon.>
 10 2. By renumbering as necessary.

HAGENOW of Polk

H-8362

- 1 Amend Senate File 2346, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 24, by striking <insured purchased>
 4 and inserting <insurer offers>

5 2. Page 1, line 34, by striking <more> and
6 inserting <less>

COMMITTEE ON COMMERCE

H-8363

1 Amend Senate File 2200, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 20 through 22 and
4 inserting <probate court. The court shall inform
5 the proposed guardian of the guardian's reporting
6 duties under section 633.669 and other duties under
7 the probate code. Upon transferring jurisdiction, the
8 court shall direct the probate clerk, once the proposed
9 guardian has filed an oath of office and identification
10 in accordance with section 602.6111, to issue letters
11 of appointment for guardianship and docket the case in
12 probate. Notwithstanding contrary provisions under
13 chapter 633 or other provision of law, docketing of
14 the case and other public disclosure of identifying
15 information concerning the case shall be subject to
16 section 232.147 and other confidentiality provisions
17 of this chapter for cases not involving juvenile
18 delinquency.>

HUSER of Polk

H-8364

1 Amend the amendment, H-8341, to Senate File 2265,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, by striking lines 31 and 32 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.>

GRASSLEY of Butler

H-8366

1 Amend Senate File 2265, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 15, line 32, by striking <rebuild Iowa
4 office and the>
5 2. Page 16, line 3, by striking <rebuild Iowa
6 office> and inserting <department of management>

WAGNER of Linn

H-8368

1 Amend Senate File 2235, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. NEW SECTION. 216A.105 Deliverable
6 fuels – mandatory delivery – qualifications.

7 1. A deliverable fuel vendor engaged in the
8 business of providing deliverable fuel to customers in
9 this state shall not withhold the sale or delivery of
10 deliverable fuel to a customer between November 1 and
11 April 1 annually if the customer makes a cash payment
12 for deliverable fuel in the amount of five hundred
13 dollars; or, if the fuel is propane, the cash payment
14 shall be five hundred dollars or an amount equal to
15 the price in effect at the time of delivery for three
16 hundred gallons of propane, whichever is greater.

17 2. A deliverable fuel vendor providing deliverable
18 fuel to a customer may apply a customer's cash payment
19 pursuant to subsection 1 as follows:

20 a. Seventy-five percent toward the current
21 deliverable fuel sale or delivery.

22 b. Twenty-five percent toward any unpaid balance.

23 3. A customer shall be responsible for the
24 reasonable cost of system safety checks conducted by
25 a deliverable fuel vendor, unless the cost is paid
26 for with program funds. System safety check payments
27 shall be in addition to, and shall not reduce, the cash
28 payment otherwise available for deliverable fuel sale
29 or delivery. A propane vendor conducting a system
30 safety check shall inform customers of the existence
31 of projects developed by the Iowa propane education
32 and research council to provide assistance to persons
33 eligible for the program, if applicable, based upon the
34 results of the safety check.

35 4. A customer of a deliverable fuel vendor with an
36 unpaid balance owing to that vendor shall not attempt
37 to obtain deliverable fuel from another vendor pursuant
38 to this section unless and until a reasonable payment
39 arrangement for paying off the unpaid balance has been
40 entered into between the customer and the deliverable
41 fuel vendor. The division shall provide assistance in
42 facilitating a reasonable payment arrangement.

43 5. A deliverable fuel vendor is not prohibited
44 from withholding the sale or delivery of deliverable
45 fuel to a customer who cannot make a cash payment for
46 deliverable fuel as required in subsection 1.

47 6. For the purposes of this section, unless the
48 context otherwise requires:

49 a. "Customer" means an existing customer of a
50 deliverable fuel vendor who has qualified for the

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1 federal low-income home energy assistance program for
 2 the purchase or delivery of deliverable fuel.

3 b. "Deliverable fuel" means propane or any other
 4 heating fuel sold and delivered in this state for home
 5 heating purposes.

6 c. "Deliverable fuel vendor" means a retail propane
 7 marketer or marketer of a deliverable fuel other than
 8 propane that has agreed to participate in the federal
 9 low-income home energy assistance program.

10 d. "Program" means the federal low-income home
 11 energy assistance program.

12 e. "Propane" and "retail propane marketer" mean the
 13 same as defined in section 101C.2.

14 Sec. 2. REPEAL. Section 101C.14, Code 2009, is
 15 repealed.

16 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being
 17 deemed of immediate importance, takes effect upon
 18 enactment.>

19 2. Title page, by striking line 2 and inserting:
 20 <under specified circumstances, and>

WAGNER of Linn

H-8369

1 Amend the amendment, H-8341, to Senate File 2265,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. By striking page 1, line 3, through page 2, line
 5 34, and inserting:

6 <__. By striking everything after the enacting
 7 clause and inserting:

8 <Section 1. NEW SECTION. 18B.1 Iowa smart planning
 9 principles.

10 It is the intent of the general assembly that this
 11 section assist state agencies, local governments,
 12 and other public entities during consideration and
 13 development of innovative planning strategies and
 14 policies to reduce the impact of future natural
 15 disasters, promote growth, protect natural resources,
 16 and safeguard the quality of life for all Iowans.

17 Nothing in this section shall be construed to limit
 18 the authority of a state agency, local government,
 19 or other public entity relating to planning, zoning,
 20 development, and resource management. State agencies,
 21 local governments, and other public entities may
 22 consider and apply the following principles during
 23 deliberation of all appropriate planning, zoning,
 24 development, and resource management decisions:

25 1. Collaboration. Governmental, community, and

26 individual stakeholders, including those outside
27 the jurisdiction of the entity, are encouraged to be
28 involved and provide comment during deliberation of
29 planning, zoning, development, and resource management
30 decisions and during implementation of such decisions.
31 The state agency, local government, or other public
32 entity is encouraged to develop and implement a
33 strategy to facilitate such participation.
34 2. Efficiency, transparency, and
35 consistency. Planning, zoning, development, and
36 resource management should be undertaken to provide
37 efficient, transparent, and consistent outcomes.
38 Individuals, communities, regions, and governmental
39 entities should share in the responsibility to promote
40 the equitable distribution of development benefits and
41 costs.
42 3. Clean, renewable, and efficient
43 energy. Planning, zoning, development, and resource
44 management should be undertaken to promote clean and
45 renewable energy use and increased energy efficiency.
46 4. Occupational diversity. Planning, zoning,
47 development, and resource management should promote
48 increased diversity of employment and business
49 opportunities, promote access to education and
50 training, expand entrepreneurial opportunities,

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1 and promote the establishment of businesses in
2 locations near existing housing, infrastructure, and
3 transportation.
4 5. Revitalization. Planning, zoning, development,
5 and resource management should facilitate the
6 revitalization of established town centers and
7 neighborhoods by promoting development that conserves
8 land, protects historic resources, promotes pedestrian
9 accessibility, and integrates different uses of
10 property. Remediation and reuse of existing sites,
11 structures, and infrastructure is preferred over new
12 construction in undeveloped areas.
13 6. Housing diversity. Planning, zoning,
14 development, and resource management should encourage
15 diversity in the types of available housing, support
16 the rehabilitation of existing housing, and promote the
17 location of housing near public transportation.
18 7. Community character. Planning, zoning,
19 development, and resource management should promote
20 activities and development that are consistent with the
21 character and architectural style of the community and
22 should respond to local values regarding the physical
23 character of the community.
24 8. Natural resources and agricultural protection.

25 Planning, zoning, development, and resource management
 26 should emphasize protection, preservation, and
 27 restoration of natural resources, agricultural
 28 land, and cultural and historic landscapes, and
 29 should increase the availability of open spaces and
 30 recreational facilities.

31 9. Sustainable design. Planning, zoning,
 32 development, and resource management should promote
 33 developments, buildings, and infrastructure that
 34 utilize sustainable design and construction standards
 35 and conserve natural resources by reducing waste and
 36 pollution through efficient use of land, energy, water,
 37 and materials.

38 10. Transportation diversity. Planning, zoning,
 39 development, and resource management should promote
 40 expanded transportation options for residents of
 41 the community. Consideration should be given to
 42 transportation options that maximize mobility, reduce
 43 congestion, conserve fuel, and improve air quality.

44 11. For purposes of this section:

45 a. "Development" means any of the following:

46 (1) Construction, reconstruction, renovation,
 47 mining, extraction, dredging, filling, excavation, or
 48 drilling activity or operation.

49 (2) Man-made changes in the use or appearance of
 50 any structure or in the land itself.

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1 (3) The division or subdivision of land.

2 (4) Any change in the intensity of use or the use
 3 of land.

4 b. "Development" does not include any of the
 5 following:

6 (1) Activities on or uses of agricultural land,
 7 farm houses, or agricultural buildings or structures,
 8 unless such buildings or structures are located in the
 9 flood plain of a river or stream.

10 (2) Installation, operation, and maintenance of
 11 soil and water conservation practices.

12 (3) The choice of crops or a change in the choice
 13 of crops on agricultural land.

14 Sec. 2. Section 28I.4, Code 2009, is amended to
 15 read as follows:

16 28I.4 Powers and duties.

17 1. The commission shall have the power and duty
 18 to make comprehensive studies and plans for the
 19 development of the area it serves which will guide
 20 the unified development of the area and which will
 21 eliminate planning duplication and promote economy and
 22 efficiency in the ~~co-ordinated~~ coordinated development
 23 of the area and the general welfare, convenience,

24 safety, and prosperity of its people. The plan or
 25 plans collectively shall be known as the regional
 26 or metropolitan development plan. The plans for
 27 the development of the area may include, but shall
 28 not be limited to, recommendations with respect to
 29 existing and proposed highways, bridges, airports,
 30 streets, parks and recreational areas, schools and
 31 public institutions and public utilities, public
 32 open spaces, and sites for public buildings and
 33 structures; districts for residence, business,
 34 industry, recreation, agriculture, and forestry; water
 35 supply, sanitation, drainage, protection against floods
 36 and other disasters; areas for housing developments,
 37 slum clearance and urban renewal and redevelopment;
 38 location of private and public utilities, including
 39 but not limited to sewerage and water supply systems;
 40 and such other recommendations concerning current
 41 and impending problems as may affect the area served
 42 by the commission. Time and priority schedules
 43 and cost estimates for the accomplishment of the
 44 recommendations may also be included in the plans.
 45 The plans may be made with consideration of the smart
 46 planning principles under section 18B.1. The plans
 47 shall be based upon and include appropriate studies
 48 of the location and extent of present and anticipated
 49 populations; social, physical, and economic resources,
 50 problems and trends; and governmental conditions and

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1 trends. The commission is also authorized to make
 2 surveys, land-use studies, and urban renewal plans,
 3 provide technical services and other planning work
 4 for the area it serves and for cities, counties, and
 5 other political subdivisions in the area. A plan or
 6 plans of the commission may be adopted, added to,
 7 and changed from time to time by a majority vote of
 8 the planning commission. The plan or plans may in
 9 whole or in part be adopted by the governing bodies of
 10 the ~~co-operating~~ cooperating cities and counties as
 11 the general plans of such cities and counties. The
 12 commission may also assist the governing bodies and
 13 other public authorities or agencies within the area it
 14 serves in carrying out any regional plan or plans, and
 15 assist any planning commission, board or agency of the
 16 cities and counties and political subdivisions in the
 17 preparation or effectuation of local plans and planning
 18 consistent with the program of the commission. The
 19 commission may ~~co-operate~~ cooperate and confer, as far
 20 as possible, with planning agencies of other states or
 21 of regional groups of states adjoining its area.
 22 2. A planning commission formed under the

23 provisions of this chapter shall, upon designation as
 24 such by the governor, serve as a district, regional, or
 25 metropolitan agency for comprehensive planning for its
 26 area for the purpose of carrying out the functions as
 27 defined for such an agency by federal, state, and local
 28 laws and regulations.

29 Sec. 3. Section 329.3, Code 2009, is amended to
 30 read as follows:

31 329.3 Zoning regulations – powers granted.

32 Every municipality having an airport hazard area
 33 within its territorial limits may adopt, administer,
 34 and enforce in the manner and upon the conditions
 35 prescribed by this chapter, zoning regulations for such
 36 airport hazard area, which regulations may divide such
 37 area into zones and, within such zones, specify the
 38 land uses permitted, and regulate and restrict, for the
 39 purpose of preventing airport hazards, the height to
 40 which structures and trees may be erected or permitted
 41 to grow. Regulations adopted under this chapter
 42 may be made with consideration of the smart planning
 43 principles under section 18B.1.

44 Sec. 4. Section 335.5, Code 2009, is amended to
 45 read as follows:

46 335.5 Objectives.

47 1. The regulations shall be made in accordance
 48 with a comprehensive plan and designed to preserve
 49 the availability of agricultural land; to consider
 50 the protection of soil from wind and water erosion;

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1 to encourage efficient urban development patterns; to
 2 lessen congestion in the street or highway; to secure
 3 safety from fire, flood, panic, and other dangers; to
 4 protect health and the general welfare; to provide
 5 adequate light and air; to prevent the overcrowding
 6 of land; to avoid undue concentration of population;
 7 to promote the conservation of energy resources; to
 8 promote reasonable access to solar energy; and to
 9 facilitate the adequate provision of transportation,
 10 water, sewerage, schools, parks, and other public
 11 requirements. However, provisions of this section
 12 relating to the objectives of energy conservation
 13 and access to solar energy shall not be construed as
 14 voiding any zoning regulation existing on July 1, 1981,
 15 or to require zoning in a county that did not have
 16 zoning prior to July 1, 1981.

17 2. ~~Such~~ The regulations shall be made with
 18 reasonable consideration, among other things, as to the
 19 character of the area of the district and the peculiar
 20 suitability of such area for particular uses, and
 21 with a view to conserving the value of buildings and

22 encouraging the most appropriate use of land throughout
23 such county.

24 3. The regulations may be made with consideration
25 of the smart planning principles under section 18B.1.

26 Sec. 5. Section 414.3, Code 2009, is amended to
27 read as follows:

28 414.3 Basis of regulations.

29 1. The regulations shall be made in accordance
30 with a comprehensive plan and designed to preserve
31 the availability of agricultural land; to consider
32 the protection of soil from wind and water erosion;
33 to encourage efficient urban development patterns;
34 to lessen congestion in the street; to secure safety
35 from fire, flood, panic, and other dangers; to promote
36 health and the general welfare; to provide adequate
37 light and air; to prevent the overcrowding of land; to
38 avoid undue concentration of population; to promote the
39 conservation of energy resources; to promote reasonable
40 access to solar energy; and to facilitate the adequate
41 provision of transportation, water, sewerage, schools,
42 parks, and other public requirements. However,
43 provisions of this section relating to the objectives
44 of energy conservation and access to solar energy do
45 not void any zoning regulation existing on July 1,
46 1981, or require zoning in a city that did not have
47 zoning prior to July 1, 1981.

48 ~~2. Such~~ The regulations shall be made with
49 reasonable consideration, among other things, as to the
50 character of the area of the district and the peculiar

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1 suitability of such area for particular uses, and
2 with a view to conserving the value of buildings and
3 encouraging the most appropriate use of land throughout
4 such city.

5 3. The regulations may be made with consideration
6 of the smart planning principles under section 18B.1.>

7 _____. Title page, by striking lines 1 through 4
8 and inserting <An Act establishing smart planning
9 principles for state agencies, local governments, and
10 other public entities.>>

11 2. By renumbering as necessary.

HELLAND of Polk
WAGNER of Linn

H-8370

1 Amend Senate File 2317, as amended, passed, and
2 reprinted by the Senate, as follows:

- 3 1. Page 2, by striking lines 6 through 9.
- 4 2. By renumbering as necessary.

KUHNS of Floyd

H-8371

- 1 Amend Senate File 2357, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, before line 1 by inserting:
- 4 <Section 1. Section 236.2, subsection 2, paragraph
- 5 b, Code Supplement 2009, is amended to read as follows:
- 6 b. The assault is between separated spouses or
- 7 persons divorced from each other and not residing
- 8 together at the time of the assault. For purposes of
- 9 this section, "spouse" means a spouse of a marriage
- 10 that is valid pursuant to chapter 595.>
- 11 2. By renumbering as necessary.

HAGENOW of Polk

H-8372

- 1 Amend Senate File 2349, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 21 and 22 and
- 4 inserting <or group providing treatment of autism
- 5 spectrum disorders. An autism service provider
- 6 that provides treatment of autism spectrum disorders
- 7 that includes applied behavioral analysis shall be
- 8 certified as a behavior analyst by the behavior analyst
- 9 certification board or shall be a health professional
- 10 licensed under chapter 147.>
- 11 2. By striking page 1, line 32, through page 2,
- 12 line 3.
- 13 3. Page 3, by striking lines 7 through 10 and
- 14 inserting <or reevaluation performed in consultation
- 15 with the patient and the patient's representative.>
- 16 4. By striking page 5, line 12, through page 6,
- 17 line 16.
- 18 5. Title page, line 4, by striking <behavior
- 19 specialists> and inserting <certain autism service
- 20 providers>
- 21 6. By renumbering as necessary.

COMMITTEE ON COMMERCE

H-8373

- 1 Amend the amendment, H-8341, to Senate File 2265,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:

- 4 1. Page 2, by striking lines 15 through 23 and
 5 inserting <in subsection 2, paragraphs "j" through
 6 "o", at least one member shall have experience in real
 7 estate, at least one member shall have experience in
 8 land development, and at least one member shall have
 9 experience in residential construction.>
 10 2. Page 2, line 26, by striking <25 through> and
 11 inserting <29 and>
 12 3. Page 2, line 28, by striking <f.> and inserting
 13 <g.>

D. OLSON of Boone

H-8375

- 1 Amend Senate File 2150, as passed by the Senate, as
 2 follows:
 3 1. Page 3, after line 9 by inserting:
 4 <Sec. ____ NEW SECTION. 321.180C Intermediate
 5 driver's license – special procedure.
 6 1. Teaching parent. As an alternative to the
 7 driver education requirements under section 321.178,
 8 a teaching parent may instruct a student in a driver
 9 education course that meets the requirements of this
 10 section and provide evidence that the requirements
 11 under this section have been met.
 12 2. Definitions. For purposes of this section:
 13 a. "Approved course" means driver education
 14 curriculum approved by the department pursuant to rules
 15 adopted under chapter 17A. An approved course shall,
 16 at a minimum, meet the requirements of subsection 3
 17 and be appropriate for teaching-parent-directed driver
 18 education and related street or highway instruction.
 19 Driver education materials that meet or exceed
 20 standards established by the department for an approved
 21 course in driver education for a public or private
 22 school shall be approved unless otherwise determined by
 23 the department. The list of approved courses shall be
 24 posted on the department's internet site.
 25 b. "Student" means a person between the ages of
 26 fourteen and twenty-one years who is within the custody
 27 and control of the teaching parent and who satisfies
 28 preliminary licensing requirements of the department.
 29 c. "Teaching parent" means a parent, guardian,
 30 or legal custodian of a student who is currently
 31 providing competent private instruction to the student
 32 pursuant to section 299A.2 or 299A.3 and who provided
 33 such instruction to the student during the previous
 34 year; who has a valid driver's license, other than a
 35 motorized bicycle license or a temporary restricted
 36 license, that permits unaccompanied driving; and who
 37 has maintained a clear driving record for the previous

38 two years. For purposes of this paragraph, "clear
39 driving record" means the individual has not been
40 identified as a candidate for suspension of a driver's
41 license under the habitual offender provisions of the
42 department's regulations; is not subject to a driver's
43 license suspension, revocation, denial, cancellation,
44 disqualification, or bar; and has no record of a
45 conviction for a moving traffic violation determined to
46 be the cause of a motor vehicle accident.

47 3. Course of instruction.

48 a. An approved course administered by a teaching
49 parent shall consist of but not be limited to the
50 following:

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1 (1) Thirty clock hours of classroom instruction.

2 (2) Forty hours of street or highway driving
3 including four hours of driving after sunset and before
4 sunrise while accompanied by the teaching parent.

5 (3) Four hours of classroom instruction concerning
6 substance abuse.

7 (4) A minimum of twenty minutes of instruction
8 concerning railroad crossing safety.

9 (5) Instruction relating to becoming an organ
10 donor under the revised uniform anatomical gift Act as
11 provided in chapter 142C.

12 (6) Instruction providing an awareness about
13 sharing the road with bicycles and motorcycles.

14 b. The content of the course of instruction
15 required under this subsection shall be equivalent
16 to that required under section 321.178. However,
17 reference and study materials, physical classroom
18 requirements, and extra vehicle safety equipment
19 required for instruction under section 321.178 shall
20 not be required for the course of instruction provided
21 under this section.

22 4. Course completion and certification. Upon
23 application by a student for an intermediate license,
24 the teaching parent shall provide evidence showing
25 the student's completion of an approved course and
26 substantial compliance with the requirements of
27 subsection 3 by affidavit signed by the teaching
28 parent on a form to be provided by the department. The
29 evidence shall include all of the following:

30 a. Documentation that the instructor is a teaching
31 parent as defined in subsection 2.

32 b. Documentation that the student is receiving
33 competent private instruction under section 299A.2
34 or the name of the school district within which the
35 student is receiving instruction under section 299A.3.

36 c. The name of the approved course completed by the

37 student.
 38 d. An affidavit attesting to satisfactory
 39 completion of course work and street or highway driving
 40 instruction.
 41 e. Copies of written tests completed by the
 42 student.
 43 f. A statement of the number of classroom hours of
 44 instruction.
 45 g. A log of completed street or highway driving
 46 instruction including the dates when the lessons were
 47 conducted, the student's and the teaching parent's name
 48 and initials noted next to each entry, notes on driving
 49 activities including a list of driving deficiencies and
 50 improvements, and the duration of the driving time for

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1 each session.
 2 5. Intermediate license. Any student who
 3 successfully completes an approved course as
 4 provided in this section, passes a driving test to
 5 be administered by the department, and is otherwise
 6 qualified under section 321.180B, subsection 2, shall
 7 be eligible for an intermediate license pursuant
 8 to section 321.180B. Twenty of the forty hours of
 9 street or highway driving instruction required under
 10 subsection 3, paragraph "a", subparagraph (2), may
 11 be utilized to satisfy the requirement of section
 12 321.180B, subsection 2.
 13 6. Full license. A student must comply with
 14 section 321.180B, subsection 4, to be eligible for a
 15 full driver's license pursuant to section 321.180B.>
 16 2. By renumbering as necessary.

HAGENOW of Polk

H-8383

1 Amend Senate File 2265, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking everything after the enacting clause
 4 and inserting:
 5 <Section 1. IOWA SMART PLANNING PRINCIPLES.
 6 It is the intent of the general assembly that this
 7 section assist state agencies, local governments,
 8 and other public entities during consideration and
 9 development of innovative planning strategies and
 10 policies to reduce the impact of future natural
 11 disasters, promote growth, protect natural resources,
 12 and safeguard the quality of life for all Iowans.
 13 Nothing in this section shall be construed to limit
 14 the authority of a state agency, local government,

15 or other public entity relating to planning, zoning,
16 development, and resource management. State agencies,
17 local governments, and other public entities may
18 consider and apply the following principles during
19 deliberation of all appropriate planning, zoning,
20 development, and resource management decisions:
21 1. Collaboration. Governmental, community, and
22 individual stakeholders, including those outside
23 the jurisdiction of the entity, are encouraged to be
24 involved and provide comment during deliberation of
25 planning, zoning, development, and resource management
26 decisions and during implementation of such decisions.
27 The state agency, local government, or other public
28 entity is encouraged to develop and implement a
29 strategy to facilitate such participation.
30 2. Efficiency, transparency, and
31 consistency. Planning, zoning, development, and
32 resource management should be undertaken to provide
33 efficient, transparent, and consistent outcomes.
34 Individuals, communities, regions, and governmental
35 entities should share in the responsibility to promote
36 the equitable distribution of development benefits and
37 costs.
38 3. Clean, renewable, and efficient
39 energy. Planning, zoning, development, and resource
40 management should be undertaken to promote clean and
41 renewable energy use and increased energy efficiency.
42 4. Occupational diversity. Planning, zoning,
43 development, and resource management should promote
44 increased diversity of employment and business
45 opportunities, promote access to education and
46 training, expand entrepreneurial opportunities,
47 and promote the establishment of businesses in
48 locations near existing housing, infrastructure, and
49 transportation.
50 5. Revitalization. Planning, zoning, development,

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1 and resource management should facilitate the
2 revitalization of established town centers and
3 neighborhoods by promoting development that conserves
4 land, protects historic resources, promotes pedestrian
5 accessibility, and integrates different uses of
6 property. Remediation and reuse of existing sites,
7 structures, and infrastructure is preferred over new
8 construction in undeveloped areas.
9 6. Housing diversity. Planning, zoning,
10 development, and resource management should encourage
11 diversity in the types of available housing, support
12 the rehabilitation of existing housing, and promote the
13 location of housing near public transportation.

- 14 7. Community character. Planning, zoning,
15 development, and resource management should promote
16 activities and development that are consistent with the
17 character and architectural style of the community and
18 should respond to local values regarding the physical
19 character of the community.
- 20 8. Natural resources and agricultural protection.
21 Planning, zoning, development, and resource management
22 should emphasize protection, preservation, and
23 restoration of natural resources, agricultural
24 land, and cultural and historic landscapes, and
25 should increase the availability of open spaces and
26 recreational facilities.
- 27 9. Sustainable design. Planning, zoning,
28 development, and resource management should promote
29 developments, buildings, and infrastructure that
30 utilize sustainable design and construction standards
31 and conserve natural resources by reducing waste and
32 pollution through efficient use of land, energy, water,
33 and materials.
- 34 10. Transportation diversity. Planning, zoning,
35 development, and resource management should promote
36 expanded transportation options for residents of
37 the community. Consideration should be given to
38 transportation options that maximize mobility, reduce
39 congestion, conserve fuel, and improve air quality.
- 40 11. For purposes of this section:
- 41 a. "Development" means any of the following:
- 42 (1) Construction, reconstruction, renovation,
43 mining, extraction, dredging, filling, excavation, or
44 drilling activity or operation.
- 45 (2) Man-made changes in the use or appearance of
46 any structure or in the land itself.
- 47 (3) The division or subdivision of land.
- 48 (4) Any change in the intensity of use or the use
49 of land.
- 50 b. "Development" does not include any of the

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- 1 following:
- 2 (1) Activities on or uses of agricultural land,
3 farm houses, or agricultural buildings or structures,
4 unless such buildings or structures are located in the
5 flood plain of a river or stream.
- 6 (2) Installation, operation, and maintenance of
7 soil and water conservation practices.
- 8 (3) The choice of crops or a change in the choice
9 of crops on agricultural land.
- 10 12. On or before December 31, 2010, the rebuild
11 Iowa office shall provide to the director or
12 administrator of each state agency and to the governing

13 body of each city and county in the state the contents
14 of this Act by electronic mail.>
15 2. Title page, by striking lines 1 through 4
16 and inserting <An Act establishing smart planning
17 principles and requiring the distribution of such
18 smart planning principles to state agencies and local
19 governments.>

DEYOE of Story

H-8384

1 Amend House File 2481 as follows:
2 1. Page 27, after line 27 by inserting:
3 <Sec. ____ Section 483A.8, subsection 3, paragraph
4 c, Code Supplement 2009, is amended to read as follows:
5 c. The commission shall annually limit to
6 ~~six~~ twelve thousand the number of nonresidents allowed
7 to have antlered or any sex deer hunting licenses. Of
8 the ~~six~~ twelve thousand nonresident antlered or any sex
9 deer hunting licenses issued, not more than thirty-five
10 percent of the licenses shall be bow season licenses.
11 After the ~~six~~ twelve thousand antlered or any sex
12 nonresident deer hunting licenses have been issued,
13 all additional licenses shall be issued for antlerless
14 deer only. The commission shall annually determine the
15 number of nonresident antlerless deer only deer hunting
16 licenses that will be available for issuance.>
17 2. By renumbering as necessary.

PETTENGILL of Benton

H-8385

1 Amend Senate File 2317, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, after line 27 by inserting:
4 <Sec. ____ NEW SECTION. 466B.11 Watershed
5 demonstration pilot projects.
6 The department of natural resources and the
7 department of agriculture and land stewardship, in
8 collaboration with the United States department of
9 agriculture's natural resources conservation service
10 and the Iowa flood center established pursuant to
11 section 466C.1, and in cooperation with the council,
12 shall seek funding to plan, implement, and monitor
13 one or more watershed demonstration pilot projects
14 for urban and rural areas involving a twelve-digit
15 hydrologic unit code subwatershed as defined by the
16 United States geological survey. The pilot projects
17 shall include features that seek to do all of the
18 following:

- 19 1. Maximize soil water holding capacity from
 20 precipitation.
 21 2. Minimize severe scour erosion and sand
 22 deposition during floods.
 23 3. Manage water runoff in uplands under saturated
 24 soil moisture conditions.
 25 4. Reduce and mitigate structural and nonstructural
 26 flood damage.>
 27 2. Title page, by striking lines 1 and 2 and
 28 inserting <An Act relating to watershed management.>
 29 3. By renumbering as necessary.

SCHUELLER of Jackson

H-8387

- 1 Amend Senate File 2252, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, after line 4 by inserting:
 4 <Sec. ____ Section 216A.132, Code 2009, is amended
 5 to read as follows:
 6 216A.132 Council established – terms –
 7 compensation.
 8 1. A criminal and juvenile justice planning
 9 advisory council is established consisting of
 10 ~~twenty-three~~ twenty-five members.
 11 a. The governor shall appoint ~~seven~~ five members
 12 each for a four-year term beginning and ending as
 13 provided in section 69.19 and subject to confirmation
 14 by the senate as follows:
 15 (1) ~~Three~~ Two persons, each of whom is a county
 16 ~~supervisor, county sheriff, mayor, or a city chief of~~
 17 ~~police, or county attorney.~~
 18 (2) Two persons who ~~represent the general public~~
 19 ~~and are not employed in any law enforcement, judicial,~~
 20 ~~or corrections capacity~~ are knowledgeable about Iowa's
 21 juvenile justice system.
 22 (3) ~~Two persons who are knowledgeable about Iowa's~~
 23 ~~juvenile justice system. One person representing a crime~~
 24 victim group.
 25 b. The departments of human services, corrections,
 26 and public safety, the division on the status of
 27 African-Americans, the ~~Iowa~~ department of public
 28 health, the chairperson of the board of parole, the
 29 attorney general, the state public defender, and the
 30 governor's office of drug control policy, ~~and the chief~~
 31 ~~justice of the supreme court~~ shall each designate a
 32 person to serve on the council. ~~The person appointed~~
 33 ~~by the Iowa department of public health shall be from~~
 34 ~~the departmental staff who administer the comprehensive~~
 35 ~~substance abuse program under chapter 125.~~
 36 c. The chief justice of the supreme court shall

37 ~~appoint two additional members currently serving as~~
 38 ~~district judges one member who is a district judge~~
 39 ~~and one member who is either a district associate~~
 40 ~~judge or associate juvenile judge. Two members of the~~
 41 ~~senate and two members of the house of representatives~~
 42 ~~shall be ex officio members and shall be appointed~~
 43 ~~by the majority and minority leaders of the senate~~
 44 ~~and the speaker and minority leader of the house of~~
 45 ~~representatives pursuant to section 69.16 and shall~~
 46 ~~serve terms as provided in section 69.16B. The~~
 47 ~~chairperson and ranking member of the senate committee~~
 48 ~~on judiciary shall be members. In alternating~~
 49 ~~four-year intervals, the chairperson and ranking~~
 50 ~~member of the house committee on judiciary or of the~~

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1 house committee on public safety shall be members,
 2 with the chairperson and ranking member of the house
 3 committee on public safety serving during the initial
 4 interval. Nonlegislative members appointed pursuant
 5 to this paragraph shall serve for four-year terms
 6 beginning and ending as provided in section 69.19
 7 unless the member ceases to serve as a district court
 8 judge.

9 d. The Iowa state bar association and the American
 10 civil liberties union of Iowa shall each designate a
 11 person to serve on the council.

12 e. Two members representing peace officers shall
 13 be designated by the Iowa association of chiefs of
 14 police and peace officers, the Iowa state troopers
 15 association, and the Iowa state sheriffs' and deputies'
 16 association on a rotating basis. Every four years
 17 two of the associations shall designate one peace
 18 officer from their respective association who is not
 19 in a supervisory position at the peace officer's place
 20 of employment to serve a four-year term. The Iowa
 21 association of chiefs of police and peace officers and
 22 the Iowa state troopers association shall designate the
 23 initial peace officer members.

24 f. The Iowa county attorneys association shall
 25 designate a person to serve on the council.

26 2. Members of the council shall receive
 27 reimbursement from the state for actual and necessary
 28 expenses incurred in the performance of their official
 29 duties. Members may also be eligible to receive
 30 compensation as provided in section 7E.6.>

31 2. Page 3, after line 28 by inserting:

32 <Sec. __. APPOINTMENTS TO CRIMINAL AND JUVENILE
 33 JUSTICE PLANNING ADVISORY COUNCIL. Notwithstanding
 34 chapter 69, vacant positions on the criminal and
 35 juvenile justice planning advisory council shall be

36 filled in accordance with this section. The member
 37 appointed to represent a crime victim group on the
 38 criminal and juvenile justice planning advisory council
 39 pursuant to this Act shall replace both general public
 40 members appointed by the governor pursuant to section
 41 216A.132, subsection 1, paragraph "a", subparagraph
 42 (2), Code 2009, as of July 1, 2010, and shall serve
 43 a four-year term beginning July 1, 2010. The member
 44 designated by the chief justice of the supreme court
 45 pursuant to section 216A.132, subsection 1, paragraph
 46 "b", Code 2009, shall cease being a member of the
 47 council on June 30, 2010. A member appointed by the
 48 chief justice pursuant to section 216A.132, subsection
 49 1, paragraph "c", Code 2009, shall cease being a member
 50 of the council on June 30, 2010, and the member who

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1 is either a district associate judge or associate
 2 juvenile judge shall become a member July 1, 2010.
 3 The Iowa state bar association, the American civil
 4 liberties union of Iowa, the Iowa association of chiefs
 5 of police and peace officers, the Iowa state troopers
 6 association, and the Iowa county attorneys association
 7 shall each designate a person to serve on the council
 8 beginning July 1, 2010.>
 9 3. By renumbering as necessary.

BAUDLER of Adair

H-8390

1 Amend Senate File 2235, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by striking lines 28 and 29 and
 4 inserting <pursuant to section 714.16.>

WAGNER of Linn

H-8392

1 Amend House File 2518 as follows:
 2 1. By striking page 15, line 26, through page 16,
 3 line 9.
 4 2. By renumbering as necessary.

PETTENGILL of Benton
 DRAKE of Cass

H-8393

- 1 Amend House File 2518 as follows:
2 1. By striking page 23, line 35, through page 25,
3 line 26.
4 2. Page 26, line 22, by striking <ADVISORY
5 COMMITTEE> and inserting <BOARD>
6 3. Page 26, line 23, by striking <benefits advisory
7 committee> and inserting <board of trustees>
8 4. Page 26, lines 24 and 25, by striking <, as
9 enacted by this division of this Act.>
10 5. Page 26, lines 32 and 33, by striking <benefits
11 advisory committee> and inserting <board of trustees>
12 6. By renumbering as necessary.

PETTENGILL of Benton
DRAKE of Cass

H-8394

- 1 Amend the amendment, H-8349, to Senate File 2354,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 13, by striking <corporation> and
5 inserting <person>
6 2. Page 1, line 19, by striking <corporation> and
7 inserting <person>
8 3. Page 1, after line 28 by inserting:
9 <__. Title page, line 3, by striking
10 <corporations,> and inserting <persons, establishing
11 fees,>>
12 4. By renumbering as necessary.

RANTS of Woodbury

H-8395

- 1 Amend the amendment, H-8348, to Senate File 2354,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 4, by striking <Corporate> and
5 inserting <Campaign>
6 2. Page 1, line 6, by striking <corporation> and
7 inserting <person>
8 3. Page 1, by striking line 9 and inserting
9 <available to every other person if the person>
10 4. Page 1, line 14, by striking <corporation> and
11 inserting <person>
12 5. Page 1, line 17, by striking <corporation> and
13 inserting <person>
14 6. Page 1, line 19, by striking <corporation> and
15 inserting <person>

- 16 7. Page 1, line 21, by striking <corporation> and
 17 inserting <person>
 18 8. Page 1, line 25, by striking <corporations> and
 19 inserting <persons>
 20 9. Page 1, line 30, by striking <corporation> and
 21 inserting <person>
 22 10. Page 1, line 35, by striking <corporation> and
 23 inserting <person>
 24 11. Page 1, after line 36 by inserting:
 25 <__. Title page, line 3, by striking
 26 <corporations> and inserting <persons>>

RANTS of Woodbury

H-8396

- 1 Amend Senate File 2235, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking everything after the enacting clause
 4 and inserting:
 5 <Section 1. NEW SECTION. 216A.105 Deliverable
 6 fuels – mandatory delivery – qualifications.
 7 1. Except when an unsafe condition would result,
 8 a deliverable fuel vendor engaged in the business of
 9 providing deliverable fuel to customers in this state
 10 shall not withhold the sale or delivery of deliverable
 11 fuel to a customer between November 1 and April 1
 12 annually if the customer makes a prepaid payment in an
 13 amount corresponding to the vendor's current cash price
 14 for two hundred fifty gallons of deliverable fuel or
 15 the vendor is notified by the division that not less
 16 than this amount will be paid from program funds on
 17 behalf of the customer.
 18 2. a. A deliverable fuel vendor is not prohibited
 19 from withholding the sale or delivery of deliverable
 20 fuel to a customer who has received the maximum amount
 21 of annual program assistance available and who cannot
 22 make a prepaid payment for deliverable fuel pursuant
 23 to subsection 1.
 24 b. A delivery of deliverable fuel is not required
 25 when a deliverable fuel vendor has grounds to believe
 26 that an unsafe condition or unlawful use would result.
 27 3. A deliverable fuel vendor providing deliverable
 28 fuel to a customer with an unpaid balance owing to the
 29 vendor may reduce the amount of the required delivery
 30 by up to twenty-five percent and shall apply the value
 31 of the reduction to the customer's unpaid balance
 32 except when the payment is made from program funds. If
 33 an unpaid balance remains, the division shall offer
 34 assistance in facilitating a payment arrangement. If
 35 a customer subject to a payment arrangement misses
 36 three payments required by the arrangement within a

37 one-year period or within the time period during which
38 the arrangement is in effect, the vendor is relieved of
39 any obligation pursuant to this section relating to the
40 customer and the entire balance owed to the vendor is
41 due and payable .

42 4. A customer shall be responsible for payment
43 in advance of any charges for system safety checks
44 conducted by a deliverable fuel vendor, except when
45 that charge will be paid with additional program funds
46 specified for that use. System safety check payments
47 shall be in addition to, and shall not reduce, the
48 payment otherwise available for a deliverable fuel sale
49 or delivery. A propane vendor conducting a system
50 safety check shall inform customers of the existence

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1 of projects developed by the Iowa propane education
2 and research council to provide assistance to persons
3 eligible for a project, if applicable, based upon the
4 results of the safety check.

5 5. A customer shall be responsible for advance
6 payment of a charge for delivering deliverable fuel to
7 the customer, as determined by the deliverable fuel
8 vendor, unless that charge is paid for in advance with
9 program funds. The charge for delivery may include
10 an additional amount when an unscheduled or special
11 delivery is required by the customer. Delivery fees or
12 charges shall be in addition to, and shall not reduce,
13 the payment otherwise available for the deliverable
14 fuel sale or delivery pursuant to subsection 1.

15 6. The division may enter into written agreements
16 with deliverable fuel vendors to implement the
17 provisions of this section and such other terms as
18 the parties agree. The parties may agree to terms
19 different than those provided in this section, in which
20 case the terms of the written agreement shall supersede
21 this section.

22 7. For the purposes of this section, unless the
23 context otherwise requires:

24 a. "Customer" means an existing customer or a
25 prospective customer who, subject to satisfying
26 safety requirements and other usual requirements
27 of the vendor, applies to become a customer of a
28 deliverable fuel vendor and who has qualified for the
29 program for the purchase and delivery of deliverable
30 fuel. A prospective customer shall agree to a payment
31 arrangement as a part of their application.

32 b. "Deliverable fuel" means propane or any other
33 heating fuel sold and delivered in this state for home
34 heating purposes except for electricity or natural gas
35 sold by a public utility furnishing natural gas by

36 piped distribution system or electricity to the public
 37 for compensation pursuant to chapter 476.
 38 c. "Deliverable fuel vendor" means a retail propane
 39 marketer or marketer of a deliverable fuel other than
 40 propane that has agreed to participate in the program.
 41 d. "Division" as used in this section means the
 42 division of community action agencies of the department
 43 of human rights, and shall include "community action
 44 agency" when the context or function warrants.
 45 e. "Payment" means payment with United States
 46 currency, a cashier's check or money order issued by a
 47 state or federally regulated financial institution, a
 48 commitment by the division, or other form of payment
 49 acceptable to the deliverable fuel vendor.
 50 f. "Program" means the federal low-income home

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1 energy assistance program.
 2 g. "Propane" and "retail propane marketer" mean the
 3 same as defined in section 101C.2.
 4 Sec. 2. REPEAL. Section 101C.14, Code 2009, is
 5 repealed.>
 6 2. Title page, by striking lines 2 and 3 and
 7 inserting <under specified circumstances.>

REASONER of Union

H-8397

1 Amend the Senate amendment, H-8380, to House File
 2 2284, as passed by the House, as follows:
 3 1. Page 1, by striking lines 16 through 21 and
 4 inserting:
 5 <__. Page 5, after line 21 by inserting:
 6 <a. A school shall have a minimum number of
 7 licensed instructors on duty during school hours
 8 for the following number of students: one licensed
 9 instructor for up to fifteen students; two licensed
 10 instructors for sixteen through thirty students; three
 11 licensed instructors for thirty-one through forty-five
 12 students; four licensed instructors for forty-six
 13 through sixty students; five licensed instructors for
 14 sixty-one through seventy-five students; six licensed
 15 instructors for seventy-six through ninety students;
 16 and seven licensed instructors for ninety-one through
 17 one hundred five students.>
 18 __. Page 5, line 22, by striking <a.> and
 19 inserting <a. b.>
 20 __. Page 5, line 34, by striking <b.> and

21 inserting c.>
 22 2. By renumbering as necessary.

THEDE of Scott

H-8407

1 Amend House File 2481 as follows:
 2 1. Page 27, after line 27 by inserting:
 3 <Sec. ____ Section 483A.24, Code 2009, is amended
 4 by adding the following new subsection:
 5 NEW SUBSECTION. 17. An antlered or any sex or
 6 antlerless deer hunting license that is issued to
 7 a resident owner or tenant of a farm unit pursuant
 8 to subsection 2 may be transferred by that owner or
 9 tenant to a nonresident who is a close relative of the
 10 owner or tenant of the farm unit. The deer hunting
 11 licenses transferred shall be valid for use only on the
 12 farm unit for which the applicant applies pursuant to
 13 subsection 2. The deer hunting licenses transferred
 14 pursuant to this subsection shall be in addition to the
 15 number of nonresident deer hunting licenses authorized
 16 pursuant to section 483A.8. For the purposes of this
 17 subsection, a close relative is a lineal descendant of
 18 the owner or tenant or the owner or tenant's spouse, a
 19 child of a sibling of the owner or tenant or the owner
 20 or tenant's spouse, or a sibling of the owner or tenant
 21 or the owner or tenant's spouse.>
 22 2. By renumbering as necessary.

PETTENGILL of Benton

H-8410

1 Amend House File 777, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking everything after the enacting clause
 4 and inserting:
 5 <Section 1. Section 21.6, subsection 3, paragraph
 6 d, Code 2009, is amended to read as follows:
 7 d. Shall issue an order removing a member of a
 8 governmental body from office if that member has
 9 engaged in a prior violation of this chapter for which
 10 damages were assessed against the member during the
 11 member's term. In making this determination, the court
 12 shall recognize violations for which damages were
 13 assessed by the Iowa public information board created
 14 in section 23.3.
 15 Sec. 2. Section 22.10, subsection 3, paragraph d,
 16 Code 2009, is amended to read as follows:
 17 d. Shall issue an order removing a person from
 18 office if that person has engaged in a prior violation

19 of this chapter for which damages were assessed against
 20 the person during the person's term. In making this
 21 determination, the court shall recognize violations
 22 for which damages were assessed by the Iowa public
 23 information board created in section 23.3.

24 Sec. 3. NEW SECTION. 23.1 Citation and purpose.

25 This chapter may be cited as the "Iowa Public
 26 Information Board Act". The purpose of this chapter
 27 is to provide an alternative means by which to secure
 28 compliance with and enforcement of the requirements of
 29 chapters 21 and 22 through the provision by the Iowa
 30 public information board to all interested parties of
 31 an efficient, informal, and cost-effective process for
 32 resolving disputes.

33 Sec. 4. NEW SECTION. 23.2 Definitions.

34 1. "Board" means the Iowa public information board
 35 created in section 23.3.

36 2. "Complainant" means a person who files a
 37 complaint with the board.

38 3. "Complaint" means a written and signed document
 39 filed with the board alleging a violation of chapter
 40 21 or 22.

41 4. "Custodian" means a government body, government
 42 official, or government employee designated as the
 43 lawful custodian of a government record pursuant to
 44 section 22.1.

45 5. "Government body" means the same as defined in
 46 section 22.1.

47 6. "Person" means an individual, partnership,
 48 association, corporation, legal representative,
 49 trustee, receiver, custodian, government body, or
 50 official, employee, agency, or political subdivision of

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1 this state.

2 7. "Respondent" means any agency or other unit
 3 of state or local government, custodian, government
 4 official, or government employee who is the subject of
 5 a complaint.

6 Sec. 5. NEW SECTION. 23.3 Board appointed.

7 1. An Iowa public information board is created
 8 consisting of five members appointed by the governor,
 9 subject to confirmation by the senate. Membership
 10 shall be balanced as to political affiliation as
 11 provided in section 69.16 and gender as provided in
 12 section 69.16A. Members appointed to the board shall
 13 serve staggered, four-year terms, beginning and ending
 14 as provided by section 69.19. A quorum shall consist
 15 of three members.

16 2. A vacancy on the board shall be filled by the
 17 governor by appointment for the unexpired part of the

18 term. A board member may be removed from office by the
 19 governor for good cause. The board shall select one
 20 of its members to serve as chair and shall employ a
 21 director who shall serve as the executive officer of
 22 the board.

23 Sec. 6. NEW SECTION. 23.4 Compensation and
 24 expenses.

25 Board members shall be paid a per diem as specified
 26 in section 7E.6 and shall be reimbursed for actual and
 27 necessary expenses incurred while on official board
 28 business. Per diem and expenses shall be paid from
 29 funds appropriated to the board.

30 Sec. 7. NEW SECTION. 23.5 Election of remedies.

31 1. An aggrieved person, any taxpayer or citizen
 32 of this state, the attorney general, or any county
 33 attorney may seek enforcement of the requirements of
 34 chapters 21 and 22 by electing either to file an action
 35 pursuant to section 17A.19, 21.6, or 22.10, whichever
 36 is applicable, or in the alternative, to file a timely
 37 complaint with the board.

38 2. If more than one person seeks enforcement of
 39 chapter 21 or 22 with respect to the same incident
 40 involving an alleged violation, and one or more of
 41 such persons elects to do so by filing an action under
 42 section 17A.19, 21.6, or 22.10 and one or more of such
 43 persons elects to do so by filing a timely complaint
 44 with the board, the court in which the action was filed
 45 shall dismiss the action without prejudice, authorizing
 46 the complainant to file a complaint with respect to
 47 the same incident with the board without regard to the
 48 timeliness of the filing of the complaint at the time
 49 the action in court is dismissed.

50 3. If a person files an action pursuant to section

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1 22.8 seeking to enjoin the inspection of a public
 2 record, the respondent or person requesting access to
 3 the record which is the subject of the request for
 4 injunction may remove the proceeding to the board for
 5 its determination by filing, within thirty days of the
 6 commencement of the judicial proceeding, a complaint
 7 with the board alleging a violation of chapter 22 in
 8 regard to the same matter.

9 Sec. 8. NEW SECTION. 23.6 Board powers and duties.

10 The board shall have all of the following powers and
 11 duties:

12 1. Employ such employees as are necessary to
 13 execute its authority, including administrative law
 14 judges, and attorneys to prosecute respondents in
 15 proceedings before the board and to represent the board
 16 in proceedings before a court. Notwithstanding section

17 8A.412, all of the board's employees, except for the
18 executive director and attorneys, shall be employed
19 subject to the merit system provisions of chapter 8A,
20 subchapter IV.

21 2. Adopt rules with the force of law pursuant to
22 chapter 17A calculated to implement, enforce, and
23 interpret the requirements of chapters 21 and 22 and to
24 implement any authority delegated to the board by this
25 chapter.

26 3. Issue, consistent with the requirements of
27 section 17A.9, declaratory orders with the force of law
28 determining the applicability of chapter 21 or 22 to
29 specified fact situations and issue informal advice to
30 any person concerning the applicability of chapters 21
31 and 22.

32 4. Receive complaints alleging violations of
33 chapter 21 or 22, seek resolution of such complaints
34 through informal assistance or through mediation and
35 settlement, formally investigate such complaints,
36 decide after such an investigation whether there is
37 probable cause to believe a violation of chapter 21
38 or 22 has occurred, and if probable cause has been
39 found prosecute the respondent before the board in a
40 contested case proceeding conducted according to the
41 provisions of chapter 17A.

42 5. Request and receive from a government body
43 assistance and information as necessary in the
44 performance of its duties. The board may examine
45 a record of a government body that is the subject
46 matter of a complaint, including any record that is
47 confidential by law. Confidential records provided
48 to the board by a governmental body shall continue
49 to maintain their confidential status. Any member or
50 employee of the board is subject to the same policies

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1 and penalties regarding the confidentiality of the
2 document as an employee of the government body.

3 6. Issue subpoenas enforceable in court for the
4 purpose of investigating complaints and to facilitate
5 the prosecution and conduct of contested cases before
6 the board.

7 7. After appropriate board proceedings, issue
8 orders with the force of law, determining whether there
9 has been a violation of chapter 21 or 22, requiring
10 compliance with specified provisions of those chapters,
11 imposing civil penalties equivalent to and to the same
12 extent as those provided for in section 21.6 or 22.10,
13 as applicable, on a respondent who has been found in
14 violation of chapter 21 or 22, and imposing any other
15 appropriate remedies calculated to declare, terminate,

16 or remediate any violation of those chapters.

17 8. Represent itself in judicial proceedings
18 to enforce or defend its orders and rules through
19 attorneys on its own staff, through the office of the
20 attorney general, or through other attorneys retained
21 by the board, at its option.

22 9. Make training opportunities available to lawful
23 custodians, government bodies, and other persons
24 subject to the requirements of chapters 21 and 22 and
25 require, in its discretion, appropriate persons who
26 have responsibilities in relation to chapters 21 and 22
27 to receive periodic training approved by the board.

28 10. Disseminate information calculated to inform
29 members of the public about the public's right to
30 access government information in this state including
31 procedures to facilitate this access and including
32 information relating to the obligations of government
33 bodies under chapter 21 and lawful custodians under
34 chapter 22 and other laws dealing with this subject.

35 11. Prepare and transmit to the governor and to the
36 general assembly, at least annually, reports describing
37 complaints received, board proceedings, investigations,
38 hearings conducted, decisions rendered, and other work
39 performed by the board.

40 12. Make recommendations to the governor and the
41 general assembly by proposing legislation relating
42 to issues involving public access to meetings of a
43 governmental body and to records of a government body
44 including but not limited to recommendations relating
45 to the following issues:

- 46 a. The categorization of government records.
- 47 b. Public employment applications.
- 48 c. Information unduly invading personal privacy
- 49 including personal information on mailing lists and
- 50 opt-in provisions relating to such lists and personal

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1 information in confidential personnel records of a
2 government body.

3 d. Tentative, preliminary, or draft material.

4 e. Serial meetings of less than a majority of a
5 governmental body.

6 f. Definitions of what constitutes a governmental
7 body for purposes of chapter 21 and what constitutes a
8 government body for purposes of chapter 22.

9 13. Aid the general assembly in evaluating the
10 impact of legislation affecting public access to
11 government information.

12 14. Conduct public hearings, conferences,
13 workshops, and other meetings as necessary to address
14 problems and suggest solutions concerning access to

15 government information and proceedings.

16 15. Review the collection, maintenance, and use of
17 government records by lawful custodians to ensure that
18 confidential records and information are handled to
19 adequately protect personal privacy interests.

20 Sec. 9. NEW SECTION. 23.7 Filing of complaints
21 with the board.

22 1. The board shall adopt rules with the force
23 of law and pursuant to chapter 17A providing for the
24 timing, form, content, and means by which any aggrieved
25 person, any taxpayer to or citizen of this state,
26 the attorney general, or any county attorney may file
27 a complaint with the board alleging a violation of
28 chapter 21 or 22. The complaint must be filed within
29 sixty days from the time the alleged violation occurred
30 or the complainant could have become aware of the
31 violation with reasonable diligence. All complaints
32 filed with the board shall be public records.

33 2. All board proceedings in response to the filing
34 of a complaint shall be conducted as expeditiously as
35 possible.

36 3. The board shall not charge a complainant any
37 fee in relation to the filing of a complaint, the
38 processing of a complaint, or any board proceeding or
39 judicial proceeding resulting from the filing of a
40 complaint.

41 Sec. 10. NEW SECTION. 23.8 Initial processing of
42 complaint.

43 Upon receipt of a complaint alleging a violation
44 of chapter 21 or 22, the board shall do either of the
45 following:

46 1. Determine that, on its face, the complaint
47 is within the board's jurisdiction, appears legally
48 sufficient, and could have merit. In such a case the
49 board shall accept the complaint, and shall notify the
50 parties of that fact in writing.

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1 2. Determine that, on its face, the complaint is
2 outside its jurisdiction, is legally insufficient, is
3 frivolous, is without merit, involves harmless error,
4 or relates to a specific incident that has previously
5 been finally disposed of on its merits by the board or
6 a court. In such a case the board shall decline to
7 accept the complaint. If the board refuses to accept a
8 complaint, the board shall provide the complainant with
9 a written order explaining its reasons for the action.

10 Sec. 11. NEW SECTION. 23.9 Informal assistance –
11 mediation and settlement.

12 1. After accepting a complaint, the board shall
13 promptly work with the parties through its employees

14 to reach an informal, expeditious resolution of the
 15 complaint. If an informal resolution satisfactory to
 16 the parties cannot be reached, the board or the board's
 17 designee shall offer the parties an opportunity to
 18 resolve the dispute through mediation and settlement.

19 2. The mediation and settlement process shall
 20 enable the complainant to attempt to resolve the
 21 dispute with the aid of a neutral mediator employed and
 22 selected by the board, in its discretion, from either
 23 its own staff or an outside source.

24 3. Mediation shall be conducted as an informal,
 25 nonadversarial process and in a manner calculated
 26 to help the parties reach a mutually acceptable and
 27 voluntary settlement agreement. The mediator shall
 28 assist the parties in identifying issues and shall
 29 foster joint problem solving and the exploration of
 30 settlement alternatives.

31 Sec. 12. NEW SECTION. 23.10 Enforcement.

32 1. If any party declines mediation or settlement or
 33 if mediation or settlement fails to resolve the matter
 34 to the satisfaction of all parties, the board shall
 35 initiate a formal investigation concerning the facts
 36 and circumstances set forth in the complaint. The
 37 board shall, after an appropriate investigation, make
 38 a determination as to whether the complaint is within
 39 the board's jurisdiction and whether there is probable
 40 cause to believe that the facts and circumstances
 41 alleged in the complaint constitute a violation of
 42 chapter 21 or 22.

43 2. If the board finds the complaint is outside the
 44 board's jurisdiction or there is no probable cause to
 45 believe there has been a violation of chapter 21 or 22,
 46 the board shall issue a written order explaining the
 47 reasons for the board's conclusions and dismissing the
 48 complaint, and shall transmit a copy to the complainant
 49 and to the party against whom the complaint was filed.

50 3. a. If the board finds the complaint is within

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1 the board's jurisdiction and there is probable cause
 2 to believe there has been a violation of chapter 21
 3 or 22, the board shall issue a written order to that
 4 effect and shall commence a contested case proceeding
 5 under chapter 17A against the respondent. An attorney
 6 selected by the director of the board shall prosecute
 7 the respondent in the contested case proceeding. At
 8 the termination of the contested case proceeding the
 9 board shall, by a majority vote of its members, render
 10 a final decision as to the merits of the complaint. If
 11 the board finds that the complaint has merit, the board
 12 may issue any appropriate order to ensure enforcement

13 of chapter 21 or 22 including but not limited to
 14 an order requiring specified action or prohibiting
 15 specified action and any appropriate order to remedy
 16 any failure of the respondent to observe any provision
 17 of those chapters.

18 b. If the board determines, by a majority vote of
 19 its members, that the respondent has violated chapter
 20 21 or 22, the board may also do any or all of the
 21 following:

22 (1) Require the respondent to pay damages as
 23 provided for in section 21.6 or 22.10, whichever is
 24 applicable, to the extent that provision would make
 25 such damages payable if the complainant had sought to
 26 enforce a violation in court instead of through the
 27 board.

28 (2) Void any action taken in violation of chapter
 29 21 if a court would be authorized to do so in similar
 30 circumstances pursuant to section 21.6.

31 c. The board shall not have the authority to remove
 32 a person from public office for a violation of chapter
 33 21 or 22. The board may file an action under chapter
 34 21 or 22 to remove a person from office for violations
 35 that would subject a person to removal under those
 36 chapters.

37 d. A final board order resulting from such
 38 proceedings may be enforced by the board in court
 39 and is subject to judicial review pursuant to section
 40 17A.19.

41 Sec. 13. NEW SECTION. 23.11 Defenses in a
 42 contested case proceeding.

43 A respondent may defend against a proceeding before
 44 the board charging a violation of chapter 21 or 22
 45 on the ground that if such a violation occurred it
 46 was only harmless error or that clear and convincing
 47 evidence demonstrated that grounds existed to justify
 48 a court to issue an injunction against disclosure
 49 pursuant to section 22.8.

50 Sec. 14. NEW SECTION. 23.12 Jurisdiction.

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1 The board shall not have jurisdiction over the
 2 judicial or legislative branches of state government or
 3 any entity, officer, or employee of those branches, or
 4 over the governor or the office of the governor.

5 Sec. 15. IOWA PUBLIC INFORMATION BOARD –
 6 TRANSITION PROVISIONS.

7 1. The initial members of the Iowa public
 8 information board established pursuant to this Act
 9 shall be appointed by September 1, 2010.

10 2. Notwithstanding any provision of this Act to the
 11 contrary, the director of the board and employees of

12 the board shall not be hired prior to July 1, 2011.
 13 3. Prior to January 15, 2011, the board shall
 14 submit a report to the governor and the general
 15 assembly. The report shall include a job description
 16 for the executive director of the board, goals for
 17 board operations, and performance measures to measure
 18 achievement of the board's goals.
 19 Sec. 16. IOWA PUBLIC INFORMATION BOARD –
 20 CONTINGENT FUNDING. Implementation of the Iowa public
 21 information board is contingent upon the receipt of
 22 funding by the department of management by August 15,
 23 2010, sufficient to cover the initial expenses of the
 24 board. The department of management may seek and
 25 receive grants and outside funding to fund the initial
 26 expenses of the board.
 27 Sec. 17. EFFECTIVE DATE. Except for the section
 28 of this Act establishing transition provisions for the
 29 Iowa public information board, this Act takes effect
 30 July 1, 2011.>
 31 2. Title page, by striking lines 1 through 3
 32 and inserting: <An Act creating the Iowa public
 33 information board and providing an effective date.>

SENATE AMENDMENT

H-8416

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 III
 5 BASIC HEALTH INSURANCE COVERAGE
 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. Title page, line 4, after <exchange> by
 22 inserting <and providing for basic health and accident

23 insurance coverages>
 24 3. By renumbering as necessary.

PETTENGILL of Benton

H-8417

1 Amend the amendment, H-8349, to Senate File 2354,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, by striking lines 3 through 28 and
 5 inserting:

6 <__. Page 9, after line 3 by inserting:
 7 <Sec. __. NEW SECTION. 68A.702 Fee imposed –
 8 board funding.

9 1. a. (1) A five percent fee is imposed, payable
 10 by the recipient from the recipient's campaign fund,
 11 on all contributions received from a single source, if
 12 the aggregate amount received from that source, in any
 13 calendar year, exceeds two hundred fifty dollars, made
 14 to a state or county statutory political committee,
 15 political committee, candidate, or candidate's
 16 committee.

17 (2) This paragraph "a" does not apply to
 18 contributions made between a candidate's committee and
 19 a state or county statutory political committee.

20 b. A five percent fee is imposed on the entire
 21 amount of any independent expenditure made by a
 22 candidate or other committee or corporation.

23 2. Fees are due and payable upon filing of a
 24 disclosure statement on or after July 1, 2010, by
 25 a state or county statutory political committee,
 26 political committee, or candidate's committee and
 27 upon disclosure of an independent expenditure by a
 28 candidate, candidate's committee, political committee,
 29 or a corporation.

30 3. Funds raised by the fees imposed under this
 31 section shall be deposited in the general fund of the
 32 state.>

33 __. Title page, line 3, after <corporations,> by
 34 inserting <establishing fees,>>

ISENHART of Dubuque

H-8418

1 Amend the amendment, H-8348, to Senate File 2354,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, by striking lines 3 through 36 and
 5 inserting:

6 <__. Page 1, line 34, by striking <a

7 communication> and inserting ~~<a communication one or~~
 8 more communications>

9 ____ Page 1, line 35, by striking <advocates> and
 10 inserting ~~<advocates~~ advocate>

11 ____ Page 5, after line 14 by inserting:
 12 <Sec. ____ NEW SECTION. 68A.404A Independent
 13 expenditures – tax benefits – penalty.

14 1. A person or entity making an independent
 15 expenditure or providing funds to another entity for
 16 the purpose of making an independent expenditure shall
 17 not be eligible to receive a tax benefit or program
 18 incentive offered by the state or any of its political
 19 subdivisions that is not generally available if the
 20 person or entity has made an independent campaign
 21 expenditure, in a calendar year of seven hundred fifty
 22 dollars or more in aggregate, within a period of the
 23 previous five years.

24 2. A person or entity that is receiving a tax
 25 benefit or program incentive offered by the state or
 26 any of its political subdivisions that is not generally
 27 available shall be disqualified from receiving any
 28 tax benefit or program incentive for five years if
 29 the person or entity makes an independent campaign
 30 expenditure described in subsection 1. If the person
 31 or entity is currently receiving such a benefit or
 32 incentive, the benefit or incentive shall terminate
 33 effective on the date of the campaign expenditure.

34 3. The board shall post to an internet site, on
 35 a quarterly basis, a list of all persons or entities
 36 making independent expenditures and shall provide
 37 the list to the secretary of state. The secretary of
 38 state shall provide the list to all state and local
 39 government bodies for which candidate elections are
 40 held.

41 4. A person or entity violating the provisions
 42 of section 68A.404 or this section shall be fined by
 43 the board in an amount not to exceed the amount of the
 44 independent expenditure.

45 5. This section does not apply to ballot issue
 46 elections. >>

ISENHART of Dubuque

H-8421

1 Amend Senate File 2367, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 26, after line 17 by inserting:

4 <DIVISION ____
 5 TREASURER OF STATE PROVISIONS

6 Sec. ____ NEW SECTION. 12G.1 Iowa financial
 7 literacy program – legislative intent.

8 The general assembly finds that the general welfare
 9 of this state and well-being of its citizens is
 10 directly related to the financial education of those
 11 citizens. While the state has limited resources
 12 to promote financial literacy, a vital and valid
 13 public purpose shall be served by the creation and
 14 implementation of programs which encourage and make
 15 possible the attainment of financial literacy by the
 16 largest possible number of citizens in this state, and
 17 particularly by low-income to moderate-income families.

18 Sec. __. NEW SECTION. 12G.2 Program created.

19 An Iowa financial literacy program is created within
 20 the office of the treasurer of state. The treasurer
 21 of state shall have all powers necessary to carry out
 22 and effectuate the purposes, objectives, and provisions
 23 pertaining to the program, including the authority to
 24 do all of the following:

25 1. Promote the advantages of personal savings
 26 and responsible borrowing and the viability and
 27 desirability of implementing a personal savings program
 28 and responsible borrowing practices regardless of an
 29 individual's or family's financial status.

30 2. Create an incentive program and awards ceremony
 31 whereby individuals and families who have made
 32 significant progress toward achieving personal savings
 33 goals and engaging in responsible borrowing practices
 34 shall be officially recognized.

35 3. Create strategies for coordination of the
 36 program with the Iowa educational savings plan trust
 37 established in chapter 12D.

38 4. Make presentations to groups including but not
 39 limited to schools, hospitals, civic organizations,
 40 and privately organized clubs and groups regarding the
 41 existence of the program.

42 5. Coordinate conferences, meetings, and events
 43 which promote financial literacy and education.

44 Sec. __. NEW SECTION. 12G.3 Financial literacy
 45 fund.

46 1. A financial literacy fund is created within the
 47 state treasury under the control of the treasurer of
 48 state. The fund shall consist of moneys in the form
 49 of a devise, gift, bequest, donation, federal or other
 50 grant, reimbursement, repayment, judgment, transfer,

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1 payment, or appropriation from any source intended to
 2 be used for the purposes of the fund.

3 2. Moneys in the fund are appropriated to the
 4 treasurer of state for purposes of the Iowa financial
 5 literacy program established in section 12G.2.

6 3. Section 8.33 does not apply to any moneys in the

- 7 fund. Notwithstanding section 12C.7, subsection 2,
8 interest or earnings on moneys deposited in the fund
9 shall be credited to the fund.>
10 2. By renumbering as necessary.

KRESSIG of Black Hawk

H-8422

- 1 Amend House File 2481 as follows:
2 1. Page 18, line 30, after <plants.> by inserting
3 <The department is authorized to sell plant material
4 in other states.>
5 2. Page 18, lines 34 and 35, by striking <of Iowa
6 and in other states>
7 3. By striking page 19, line 4, through page 20,
8 line 13.
9 4. Page 25, by striking lines 7 through 9 and
10 inserting <two twenty-five dollars for each meet
11 or trial held, with the exception of meets or trials
12 held for raccoon hunting, for which the fee shall be
13 eight dollars.>
14 5. Page 25, line 35, by striking <so as to lure,
15 attract, or entice> and inserting <for the sole purpose
16 of luring, attracting, or enticing>
17 6. Page 26, by striking lines 2 through 7 and
18 inserting <thirty days following complete removal of
19 all feed.>
20 7. Page 26, after line 14 by inserting:
21 <c. "Livestock" means the same as defined in
22 section 717.1.>
23 8. Page 26, line 15, by striking <c.> and inserting
24 <d.>
25 9. Page 26, by striking lines 17 through 24 and
26 inserting:
27 <2. Except as provided in subsection 3, it shall
28 be unlawful for a person to establish or maintain a
29 baited area on any public or private property, or to
30 knowingly allow another person to establish or maintain
31 a baited area on private property in the state under
32 the person's lawful control. It shall be unlawful for
33 a person to hunt, take, or attempt to take any wildlife
34 on or in a baited area.>
35 10. Page 27, line 13, by striking <agencies of the
36 state> and inserting <state or county agencies>
37 11. Page 27, line 15, after <to> by inserting
38 <education,>
39 12. Page 27, after line 21 by inserting:
40 <g. Recreational feeding of waterfowl at federal,
41 state, county, or city parks or refuges if not
42 otherwise prohibited by the managing agency or

43 municipality of such parks or refuges.
 44 3A. When entering private property, a person
 45 who is an official or agent of the department, or a
 46 person accompanying such an official or agent of the
 47 department shall comply with the provisions of section
 48 455B.103. The person shall also comply with standard
 49 biosecurity requirements customarily required by
 50 the owner of livestock on the property and which are

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1 necessary in order to control the spread of disease
 2 among a livestock or wildlife population.
 3 4. A person who violates any provision of this
 4 section is guilty of a simple misdemeanor punishable as
 5 a scheduled violation under section 805.8B, subsection
 6 3, paragraph "e".
 7 5. In addition to any other penalties imposed
 8 under this section, a person charged with unlawful
 9 establishment or maintenance of a baited area shall
 10 immediately remove all feed from the baited area.
 11 Failure to do so shall constitute an additional
 12 violation of this section for each day that the feed
 13 remains.>
 14 13. Page 27, line 22, by striking <4.> and
 15 inserting <6.>
 16 14. Page 28, after line 8 by inserting:
 17 <Sec. ____ Section 805.8B, subsection 3, paragraph
 18 e, Code Supplement 2009, is amended to read as follows:
 19 e. For violations of sections ~~481A.41~~, 481A.57,
 20 481A.85, 481A.93, 481A.95, 481A.120, 481A.137, 481B.5,
 21 482.3, 482.9, 482.15, and 483A.42, the scheduled fine
 22 is one hundred dollars.>
 23 15. By renumbering as necessary.

BELL of Jasper

H-8423

1 Amend Senate File 2370, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 19, after line 3 by inserting:
 4 <Sec. ____ NEW SECTION. 456A.14A Law enforcement
 5 bureau chief.
 6 A person employed as the chief of the law
 7 enforcement bureau of the department shall have
 8 prior experience as a peace officer employed by the
 9 department in the field enforcing the hunting and
 10 fishing regulations of the state.>
 11 2. Page 27, after line 26 by inserting:
 12 <Sec. ____ EFFECTIVE UPON ENACTMENT. The provision
 13 of this Act enacting section 456A.14A, being deemed of

14 immediate importance, takes effect upon enactment.>
 15 3. Title page, line 3, after <applicable> by
 16 inserting <and including effective date provisions>
 17 4. By renumbering as necessary.

WINDSCHITL of Harrison

H-8424

1 Amend Senate File 2354, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking page 5, line 31, through page 6,
 4 line 1, and inserting:
 5 <b. (1) Except as set out in subsection 2,
 6 published material designed to expressly advocate the
 7 nomination, election, or defeat of a candidate for
 8 public office or the passage or defeat of a ballot
 9 issue shall include on the published material an
 10 attribution statement disclosing who is responsible for
 11 the published material.
 12 (2) The person who is responsible for the published
 13 material has the sole responsibility and liability for
 14 the attribution statement required by this section.>

COHOON of Des Moines

H-8425

1 Amend the amendment, H-8347, to Senate File 2354,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by striking lines 14 through 18 and
 5 inserting:
 6 <___. Page 8, by striking lines 20 through 30 and
 7 inserting:
 8 <___. a. The prohibitions in subsections 1 and 2
 9 shall not apply to media organizations when discussing
 10 candidates, nominations, public officers, or public
 11 questions.
 12 b. Notwithstanding paragraph "a", the board shall
 13 adopt rules requiring the owner, publisher, or editor
 14 of a sham newspaper that promotes in any way the
 15 candidacy of a person for any public office to comply
 16 with this section and section 68A.404. As used in
 17 this subsection, "sham newspaper" means a newspaper
 18 publication that is published for the primary purpose
 19 of evading the requirements of this section or section
 20 68A.404, and "owner" means a person having an ownership
 21 interest exceeding ten percent of the equity or profits

22 of the publication. >>

23 2. By renumbering as necessary.

COHOON of Des Moines

H-8426

1 Amend Senate File 2235, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 8 through 34 and
4 inserting:

5 <a. The customer is certified as eligible for the
6 federal low-income home energy assistance program.

7 b. The customer is certified as eligible for the
8 federal low-income home energy assistance program, has
9 received the maximum amount of the annual assistance
10 pursuant to the program, and makes a prepaid cash
11 payment in an amount corresponding to the vendor's
12 stated cash price of that day for two hundred gallons
13 of deliverable fuel.

14 2. In the event that an unpaid balance is owed
15 by a customer who is certified as eligible for the
16 federal low-income home energy assistance program, the
17 division may offer assistance in facilitating a payment
18 arrangement.>

19 2. Page 2, line 7, by striking <"a"> and inserting
20 <"b">

21 3. Page 2, line 26, by striking <"a"> and inserting
22 <"b">

23 4. Page 2, line 33, after <who> by inserting <is
24 certified as eligible for the federal low-income home
25 energy assistance program and>

26 5. By renumbering as necessary.

SMITH of Marshall

H-8428

1 Amend Senate File 2370, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 26, after line 33 by inserting:

4 <Sec. ____ Section 483A.8, subsection 3, paragraph
5 c, Code Supplement 2009, is amended to read as follows:

6 c. The commission shall annually limit to
7 ~~six~~ twelve thousand the number of nonresidents allowed
8 to have antlered or any sex deer hunting licenses. Of
9 the ~~six~~ twelve thousand nonresident antlered or any sex
10 deer hunting licenses issued, not more than thirty-five
11 percent of the licenses shall be bow season licenses.

12 After the ~~six~~ twelve thousand antlered or any sex
13 nonresident deer hunting licenses have been issued,
14 all additional licenses shall be issued for antlerless

15 deer only. The commission shall annually determine the
16 number of nonresident antlerless deer only deer hunting
17 licenses that will be available for issuance.>
18 2. By renumbering as necessary.

PETTENGILL of Benton

H-8429

1 Amend Senate File 2370, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 26, after line 33 by inserting:
4 <Sec. ____ Section 483A.24, Code 2009, is amended
5 by adding the following new subsection:
6 **NEW SUBSECTION.** 17. An antlered or any sex or
7 antlerless deer hunting license that is issued to
8 a resident owner or tenant of a farm unit pursuant
9 to subsection 2 may be transferred by that owner or
10 tenant to a nonresident who is a close relative of the
11 owner or tenant of the farm unit. The deer hunting
12 licenses transferred shall be valid for use only on the
13 farm unit for which the applicant applies pursuant to
14 subsection 2. The deer hunting licenses transferred
15 pursuant to this subsection shall be in addition to the
16 number of nonresident deer hunting licenses authorized
17 pursuant to section 483A.8. For the purposes of this
18 subsection, a close relative is a lineal descendent of
19 the owner or tenant or the owner or tenant's spouse, a
20 child of a sibling of the owner or tenant or the owner
21 or tenant's spouse, or a sibling of the owner or tenant
22 or the owner or tenant's spouse.>
23 2. By renumbering as necessary.

PETTENGILL of Benton

H-8430

1 Amend Senate File 2370, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 20, after line 26 by inserting:
4 <Sec. ____ Section 462A.14, subsection 1, paragraph
5 b, Code 2009, is amended to read as follows:
6 b. While having an alcohol concentration of
7 ~~10.08~~ or more.>
8 2. By renumbering as necessary.

MAY of Dickinson
D. OLSON of Boone

H-8433

- 1 Amend House File 2525 as follows:
 2 1. Page 14, after line 9 by inserting:
 3 <DIVISION ____
 4 LOCAL FOOD AND FARM PLAN
 5 <Sec. ____ LOCAL FOOD AND FARM PLAN. To the
 6 extent feasible, the Leopold center for sustainable
 7 agriculture established pursuant to section 266.39
 8 shall prepare a local food and farm plan containing
 9 policy and funding recommendations for supporting and
 10 expanding local food systems and for assessing and
 11 overcoming obstacles necessary to increase locally
 12 grown food production. The Leopold center for
 13 sustainable agriculture shall submit the plan to the
 14 general assembly by January 10, 2011. The plan shall
 15 include recommendations for short-term and long-term
 16 solutions, including but not limited to the enactment
 17 of legislation.
 18 Sec. ____ REPEAL. This division of this Act is
 19 repealed on January 10, 2011.
 20 Sec. ____ EFFECTIVE DATE. This division of this
 21 Act, being deemed of immediate importance, takes effect
 22 upon enactment.>
 23 2. By renumbering as necessary.

BAILEY of Hamilton
 KUHN of Floyd
 MERTZ of Kossuth
 HANSON of Jefferson
 MAREK of Washington

H-8434

- 1 Amend Senate File 2370, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking page 24, line 19, through page 26,
 4 line 31.
 5 2. Page 27, by striking lines 15 through 19.
 6 3. By renumbering as necessary.

SCHULTE of Linn

H-8437

- 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, line 6, after <sixty> by inserting
 6 <calendar>
 7 3. Page 3, by striking lines 13 through 25 and

8 inserting:

9 <c. The board may assess its costs associated with
 10 an application or a certificate of franchise authority
 11 pursuant to the assessment authority contained in
 12 section 476.10, subsection 1, paragraph "a".

13 ~~2. The failure of the board to notify the applicant~~
 14 ~~of the completeness of the applicant's affidavit or~~
 15 ~~issue a certificate of franchise authority before the~~
 16 ~~fifteenth business day after receipt of a completed~~
 17 ~~affidavit shall constitute issuance of the certificate~~
 18 ~~of franchise authority applied for by the applicant~~
 19 ~~without further action by the applicant.>~~

20 4. Page 4, line 17, after <for the> by inserting
 21 <remaining>

22 5. Page 4, line 35, after <for the> by inserting
 23 <remaining>

24 6. By renumbering, redesignating, and correcting
 25 internal references as necessary.

QUIRK of Chickasaw

H-8439

1 Amend Senate File 2367, as amended, passed, and
 2 reprinted by the Senate, as follows:

- 3 1. Page 14, by striking lines 6 through 12.
- 4 2. By renumbering as necessary.

WATTS of Dallas

H-8440

1 Amend Senate File 2367, as amended, passed, and
 2 reprinted by the Senate, as follows:

- 3 1. Page 14, line 6, after <CONTINUATION> by
 4 inserting <AND EXTENSION>
- 5 2. Page 14, line 12, after <force> by inserting
 6 <, and shall be extended and applied to other food
 7 establishments in existence as of June 15, 2006, that
 8 use a similar cooking apparatus for ground meat .>

GASKILL of Wapello

H-8441

1 Amend Senate File 2356, as amended, passed, and
 2 reprinted by the Senate, as follows:

- 3 1. Page 2, by striking lines 30 through 32 and
 4 inserting <such hospital has reached service capacity,
 5 the hospital and the>

HUNTER of Polk

H-8443

1 Amend Senate File 2270, 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. 91F.1 Short title.

6 This chapter shall be known and may be cited as the
7 "Family Friendly Workplace Act".

8 Sec. 2. NEW SECTION. 91F.2 Definitions.

9 1. "Employer" means a person engaged in a business
10 that has one or more employees and also includes the
11 state of Iowa, a department or agency thereof, and any
12 political subdivision of the state.

13 2. "Reasonable efforts" means any effort that would
14 not impose an undue hardship on the operation of the
15 employer's business.

16 3. "Undue hardship" means any action that requires
17 significant difficulty, compromises the safety of other
18 employees, requires temporary facility closure, or
19 results in expenditures exceeding five hundred dollars,
20 exclusive of the costs of additional labor or unpaid
21 leave costs.

22 Sec. 3. NEW SECTION. 91F.3 Right to express breast
23 milk in workplace – private location.

24 1. An employer shall provide reasonable unpaid
25 break time or permit an employee to use paid break
26 time, meal time, or both, each day, to allow the
27 employee to express breast milk for the employee's
28 nursing child for up to two years after the child's
29 birth.

30 2. The employer shall make reasonable efforts
31 to provide a place, other than a toilet stall, which
32 is shielded from view and free from intrusion from
33 coworkers and the public, that may be used by an
34 employee to express breast milk in privacy.

35 3. The department of workforce development shall
36 provide on its internet site information and links
37 to other internet sites where employers can access
38 information regarding methods to accommodate employees
39 who express breast milk in the workplace. The
40 department shall consult with appropriate organizations
41 or associations to determine the appropriate
42 information and internet site links so as to provide
43 employers with the most accurate and useful information
44 available.

45 4. a. An employee shall provide notice to an
46 employer of the employee's need for time and a location
47 to express breast milk at least sixty days prior to the
48 anticipated date that the employee will give birth.

49 b. If an employee gives birth more than sixty days
50 prior to the employee's anticipated date of delivery,

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1 or the employee is hired while breast-feeding, the
2 employee shall notify the employer within a reasonable
3 time about the employee's need for time and a location
4 to express breast milk.

5 5. a. At least thirty days prior to the
6 anticipated date that the employee will give birth,
7 the employer and employee shall establish a written
8 agreement pursuant to the provisions in this section.
9 The agreement shall be signed by the employer or
10 the employer's designee and the employee and shall
11 be notarized by a third party, who may be another
12 employee of the employer. A copy of the agreement
13 shall be given to the employee and a copy placed in the
14 employee's personnel file.

15 b. If an employee gives birth more than thirty days
16 prior to the employee's anticipated date of delivery,
17 or the employee is hired while breast-feeding, the
18 employer and employee shall establish a written
19 agreement pursuant to the provisions of this section
20 as soon as practicable. The agreement shall be signed
21 by the employer or the employer's designee and the
22 employee and shall be notarized by a third party, who
23 may be another employee of the employer. A copy of the
24 agreement shall be given to the employee and a copy
25 placed in the employee's personnel file.

26 c. If an employer and employee are unable to agree
27 on the amount of time, the location, or both for the
28 employee to express breast milk, the employee may file
29 a written or electronic complaint using a form provided
30 by the Iowa civil rights commission on its internet
31 site.

32 Sec. 4. NEW SECTION. 216.6B Employment
33 accommodation – expressing breast milk.

34 1. It shall be the responsibility of the commission
35 to investigate and issue civil penalties and remedies,
36 relating to the provisions of section 91F.3 pertaining
37 to the right of an employee to express breast milk
38 in the workplace, as appropriate pursuant to section
39 216.15C.

40 2. The commission shall develop a complaint form
41 to be available on the commission's internet site that
42 pertains to the right of an employee to express breast
43 milk in the workplace, pursuant to section 91F.3.

44 Sec. 5. NEW SECTION. 216.15C Investigation and
45 hearing – expressing breast milk in the workplace.

46 1. Upon receipt by the commission of a completed
47 and signed complaint form from an aggrieved employee
48 pursuant to section 216.6B, an authorized member of
49 the commission shall commence an investigation within
50 five days of receiving the complaint. The commission's

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1 investigation is not to be construed as a contested
2 case as defined in section 17A.2.

3 2. The investigating member of the commission shall
4 provide notice in writing using regular or electronic
5 mail to the employer of the allegations contained in
6 the complaint and shall request a response from the
7 employer within ten days from the date of notice. This
8 period may be extended by the investigating member of
9 the commission for good cause.

10 3. If the employer fails to respond to the
11 investigating member of the commission's request for
12 response within the established time, the investigating
13 member of the commission may determine the employee's
14 claim to be enforceable.

15 4. If the employer answers the investigating
16 member of the commission's request for response
17 within the established time, the investigating
18 member of the commission shall notify the aggrieved
19 employee in writing using regular or electronic mail
20 of the employer's response and afford the employee
21 an opportunity to present additional information
22 in support of the employee's complaint pursuant to
23 section 91F.3. The employee shall submit the requested
24 additional information within ten days from the
25 date of notice. This period may be extended by the
26 investigating member of the commission for good cause.

27 5. Upon receipt of the requested additional
28 information from the employee, the commission may
29 determine additional information is required from the
30 employer and shall provide notice in writing using
31 regular or electronic mail to the employer of the
32 request and require a response within ten days from the
33 date of notice.

34 6. The members of the commission and its staff
35 shall not disclose the filing of a complaint or the
36 information gathered during the investigation, unless
37 such disclosure is made in connection with the conduct
38 of such investigation.

39 7. a. Within five days upon receipt of all
40 requested information, the investigating member of
41 the commission may determine the employee's complaint
42 to be enforceable and the commission shall notify
43 the employer in writing using regular or electronic
44 mail of that determination. Should the investigating
45 member of the commission determine that the complaint
46 is unenforceable, the commission shall so notify the
47 employee in writing using regular or electronic mail.
48 The determination constitutes final agency action.

49 b. Upon determination that a complaint pursuant
50 to section 91F.3 is enforceable, the commission

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1 shall notify the employer in writing using regular or
 2 electronic mail of that determination and afford the
 3 employer an opportunity to comply with the provisions
 4 of section 91F.3 within ten days of the date of notice
 5 prior to initiating judicial proceedings.

6 c. After the employer has received notice of the
 7 decision and the ten-day compliance period has expired,
 8 the commission may also impose a minimum civil penalty
 9 of one hundred dollars and a maximum civil penalty of
 10 five hundred dollars for each day that the respondent
 11 was not in compliance with section 91F.3 and each day
 12 the respondent remains out of compliance with section
 13 91F.3 as ordered by the commission. The maximum
 14 civil penalty shall be assessed only if the commission
 15 determines that the respondent has been found in
 16 violation of section 91F.3, subsections 1 and 2. The
 17 aggregate civil penalty assessed shall not exceed five
 18 thousand dollars. Civil penalties collected pursuant
 19 to this paragraph shall be deposited in the general
 20 fund of the state.

21 8. The commission shall establish rules to govern,
 22 expedite, and effectuate the procedures established by
 23 this section and its own actions thereunder.>

24 2. Title page, line 3, after <milk> by inserting <,
 25 and providing penalties and remedies>

WILLEMS of Linn

H-8448

1 Amend the amendment, H-8443, to Senate File 2270, as
 2 passed by the Senate, as follows:

3 1. Page 3, line 43, by striking <or electronic>

4 2. Page 3, line 47, by striking <or electronic>

5 3. Page 4, lines 1 and 2, by striking <or
 6 electronic>

7 4. Page 4, by striking lines 6 and 7.

8 5. Page 4, line 8, by striking <the commission may
 9 also impose> and inserting:

10 <c. The commission may impose>

11 6. Page 4, by striking lines 11 through 13 and
 12 inserting <remains out of compliance with section 91F.3
 13 only after the employer has received notice of the
 14 decision and the ten-day compliance period has expired.
 15 The maximum>

16 7. By renumbering as necessary.

STRUYK of Pottawattamie

H-8452

1 Amend Senate File 2367, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 26, after line 17 by inserting:

4 <DIVISION ____

5 REVENUE COLLECTIONS BY COUNTY TREASURERS

6 Sec. ____ Section 321.40, subsection 6, Code
7 Supplement 2009, is amended to read as follows:

8 6. a. The department or the county treasurer
9 shall refuse to renew the registration of a vehicle
10 registered to the applicant if the department or
11 the county treasurer knows that the applicant has a
12 delinquent account, charge, fee, loan, taxes, or other
13 indebtedness owed to or being collected by the state,
14 from information provided pursuant to sections 8A.504
15 and 421.17. An applicant may contest this action by
16 requesting a contested case proceeding from the agency
17 that referred the debt for collection pursuant to
18 section 8A.504. The department of revenue and the
19 department of transportation shall notify the county
20 treasurers through the distributed teleprocessing
21 network of persons who owe such a charge, fee, loan,
22 taxes, or other indebtedness.

23 b. The county treasurer of the county of the
24 person's residence and in which the person's vehicle
25 is registered, in cooperation with the department
26 of revenue, may collect delinquent taxes including
27 penalties and interest owed to the state from a person
28 applying for renewal of a vehicle registration. The
29 applicant may remit full payment of the taxes including
30 applicable penalties and interest, along with a
31 processing fee of five dollars, to the county treasurer
32 at the time of registration renewal. Upon full payment
33 of the required taxes including applicable penalties
34 and interest, the processing fee, and the vehicle
35 registration fee, the county treasurer shall issue
36 the registration to the person. A county treasurer
37 collecting on behalf of the department of revenue shall
38 update the vehicle registration records through the
39 distributed teleprocessing network on a daily basis
40 for all persons who have paid taxes pursuant to this
41 subsection. A county treasurer shall forward all
42 funds collected for the department of revenue to the
43 department of revenue.

44 Sec. ____ Section 321.152, Code 2009, is amended by
45 adding the following new subsection:

46 NEW SUBSECTION. 2A. The five dollar processing
47 fee charged by a county treasurer for collection of
48 tax debt owed to the department of revenue pursuant to
49 section 321.40, subsection 6, shall be retained for
50 deposit in the county general fund.

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1 Sec. ____ Section 321.153, Code 2009, is amended to
2 read as follows:

3 321.153 Treasurer's report to department.

4 1. The county treasurer on the tenth day of each
5 month shall certify to the department a full and
6 complete statement of all fees and penalties received
7 by the county treasurer during the preceding calendar
8 month and shall remit all moneys not retained for
9 deposit under section 321.152 to the treasurer of
10 state.

11 2. The distributed teleprocessing network shall be
12 used in the collection, receipting, accounting, and
13 reporting of any fee collected through the registration
14 renewal or title process, with sufficient time and
15 financial resources provided for implementation.

16 3. This section does not apply to fees collected
17 or retained by a county treasurer pursuant to
18 participation in county issuance of driver's licenses
19 under chapter 321M.

20 4. This section does not apply to processing fees
21 charged by a county treasurer for the collection of
22 tax debt owed to the department of revenue pursuant to
23 section 321.40.

24 Sec. ____ Section 421.17, subsection 27, Code 2009,
25 is amended by adding the following new paragraph:
26 NEW PARAGRAPH. k. A county treasurer may collect
27 delinquent taxes, including penalties and interest,
28 administered by the department in conjunction with
29 renewal of a vehicle registration as provided in
30 section 321.40, subsection 6, paragraph "b", and rules
31 adopted pursuant to this paragraph. County treasurers
32 shall be given access to information required for the
33 collection of delinquent taxes, including penalties
34 and interest, as necessary to accomplish the purposes
35 of section 321.40, subsection 6, paragraph "b". The
36 confidentiality provisions of sections 422.20 and
37 422.72 do not apply to information provided to a
38 county treasurer pursuant to this paragraph. A county
39 treasurer collecting taxes, penalties, and interest
40 administered by the department is subject to the
41 requirements and penalties of the confidentiality
42 laws of this state regarding tax or indebtedness
43 information. The director shall adopt rules to
44 implement the collection of tax debt as authorized in
45 section 321.40 and this paragraph.

46 Sec. ____ Section 422.20, subsection 3, paragraph
47 a, Code 2009, is amended to read as follows:

48 a. Unless otherwise expressly permitted by
49 section 8A.504, section 421.17, subsections 22, 23,
50 and 26, ~~sections~~ and subsection 27, paragraph "k",

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1 section 252B.9, section 321.40, subsection 6, paragraph
 2 "b", sections 321.120, 421.19, 421.28, 422.72, and
 3 452A.63, and this section, a tax return, return
 4 information, or investigative or audit information
 5 shall not be divulged to any person or entity,
 6 other than the taxpayer, the department, or internal
 7 revenue service for use in a matter unrelated to tax
 8 administration.

9 Sec. ____ Section 422.72, subsection 3, paragraph
 10 a, Code 2009, is amended to read as follows:

11 a. Unless otherwise expressly permitted by
 12 section 8A.504, section 421.17, subsections 22, 23,
 13 and 26, ~~sections~~ and subsection 27, paragraph "k",
 14 section 252B.9, section 321.40, subsection 6, paragraph
 15 "b", sections 321.120, 421.19, 421.28, 422.20, and
 16 452A.63, and this section, a tax return, return
 17 information, or investigative or audit information
 18 shall not be divulged to any person or entity,
 19 other than the taxpayer, the department, or internal
 20 revenue service for use in a matter unrelated to tax
 21 administration.

22 Sec. ____ INTENT – COLLECTION OF COURT DEBT BY
 23 COUNTY TREASURERS – STUDY.

24 1. It is the intent of the general assembly to
 25 implement the collection of court debt on behalf of the
 26 clerk of the district court at the time a person renews
 27 a motor vehicle registration beginning July 1, 2011.

28 2. The state court administrator, or the state
 29 court administrator's designee, in cooperation with
 30 the Iowa state county treasurers association shall
 31 develop a plan to allow county treasurers to collect
 32 restitution and delinquent court debt on behalf of
 33 the clerk of the district court at the time a person
 34 appears before the county treasurer to renew a vehicle
 35 registration. The state court administrator shall
 36 submit a report of the plan to the general assembly on
 37 or before December 1, 2010.>

38 2. By renumbering as necessary.

GASKILL of Wapello

H-8453

1 Amend House File 2512 as follows:

- 2 1. Page 1, line 3, after <(1)> by inserting <(a)>
- 3 2. Page 1, after line 33 by inserting:
- 4 <(b) A vehicle shall not be operated with a maximum
- 5 gross weight exceeding ninety-five thousand five
- 6 hundred pounds pursuant to this subparagraph (1) unless
- 7 the vehicle is equipped with an engine compression

8 braking system.>
 9 3. By renumbering as necessary.

HUSER of Polk

H-8456

1 Amend House File 2526 as follows:
 2 1. Page 25, after line 14, by inserting:
 3 <__. Before a medically necessary abortion is
 4 performed all of the following conditions shall be met:
 5 a. The pregnant woman is referred to a nonprofit
 6 agency providing a comprehensive range of free services
 7 including options counseling.
 8 b. The woman is provided an ultrasound exam.
 9 c. The woman is provided information that the
 10 right to life is the paramount and most fundamental
 11 right of every person, irrespective of age, health,
 12 function, physical or mental dependency, and this right
 13 applies to all human beings from the beginning of their
 14 biological development.>
 15 2. Page 63, after line 12 by inserting:
 16 <1A. Before a medically necessary abortion is
 17 performed all of the following conditions shall be met:
 18 a. The pregnant woman is referred to a nonprofit
 19 agency providing a comprehensive range of free services
 20 including options counseling.
 21 b. The woman is provided an ultrasound exam.
 22 c. The woman is provided information that the
 23 right to life is the paramount and most fundamental
 24 right of every person, irrespective of age, health,
 25 function, physical or mental dependency, and this right
 26 applies to all human beings from the beginning of their
 27 biological development.>
 28 3. By renumbering as necessary.

ALONS of Sioux
 SCHULTZ of Crawford
 DOLECHECK of Ringgold
 SORENSON of Warren
 TYMESON of Madison
 MERTZ of Kossuth
 BAUDLER of Adair
 WATTS of Dallas
 HUSEMAN of Cherokee

DE BOEF of Keokuk
 KOESTER of Polk
 CHAMBERS of O'Brien
 ROBERTS of Carroll
 WINDSCHITL of Harrison
 SODERBERG of Plymouth
 HAGENOW of Polk
 ANDERSON of Page
 SANDS of Louisa

H-8460

1 Amend Senate File 2378, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 35, after line 30 by inserting:
 4 <DIVISION ____

5 PILOT PROJECT

6 Sec. ____ NEW SECTION. 321.296 Speed limit
7 enforcement in work zones on primary roads – pilot
8 project.

9 1. The department of public safety, in consultation
10 with the department of transportation, shall design and
11 implement a pilot project utilizing one or more photo
12 traffic enforcement devices for the enforcement of
13 posted speed limits in work zones on primary highways.
14 The pilot project shall take place during the calendar
15 year beginning January 1, 2011, at times and locations
16 to be determined by the department of public safety.

17 a. The department of public safety may enter into
18 an agreement or contract with a vendor for furnishing,
19 installing, servicing, operating, or maintaining a
20 photo traffic enforcement device for the purposes
21 of the pilot project. The department of public
22 safety, or the vendor designated by the department of
23 public safety, shall cooperate with the department of
24 transportation when choosing the location within a work
25 zone for installation of a photo traffic enforcement
26 device.

27 b. The department of transportation shall post
28 signs providing notice to motorists entering a work
29 zone where a photo traffic enforcement device is in
30 use.

31 2. A citation for a violation of a speed limit
32 in a work zone resulting from evidence produced by a
33 photo traffic enforcement device used pursuant to a
34 pilot project under this section shall be mailed, no
35 later than seven days from the date of the violation,
36 to the owner of record of the motor vehicle involved
37 in the violation. The citation shall be accompanied
38 by documentation including but not limited to the
39 following:

40 a. A photo-image constituting evidence of the
41 violation.

42 b. An explanation of the owner's rights and
43 responsibilities with regard to the citation including
44 a statement explaining that, as the owner of the
45 vehicle, the person is responsible for payment of
46 the civil penalty unless the person does one of the
47 following in a manner approved by the department of
48 public safety:

49 (1) If the person was not the driver of the vehicle
50 at the time the violation occurred, identify the person

Page 2

1 who was the driver of the vehicle.

2 (2) If the person sold the vehicle prior to the
3 occurrence of the violation, identify the person or

4 business to whom the vehicle was sold.

5 (3) If the vehicle or registration plates were
6 stolen prior to the time the violation occurred,
7 provide information regarding the report of the theft
8 to a law enforcement agency.

9 c. Directions for remitting the civil penalty.

10 3. a. Notwithstanding section 321.482 and section
11 805.8A, subsection 14, paragraph "i", a violation of a
12 posted speed limit in a work zone for which a citation
13 is issued pursuant to this section is a civil offense
14 punishable by a civil penalty as follows:

15 (1) Two hundred sixty-three dollars for speed not
16 more than ten miles per hour over the posted speed
17 limit.

18 (2) Four hundred sixty-five dollars for speed
19 greater than ten but not more than twenty miles per
20 hour over the posted speed limit.

21 (3) Seven hundred thirty-five dollars for speed
22 greater than twenty but not more than twenty-five miles
23 per hour over the posted speed limit.

24 (4) One thousand four hundred ten dollars for speed
25 greater than twenty-five miles per hour over the posted
26 speed limit.

27 b. Civil penalties assessed under this section
28 shall be payable to the clerk of the district court
29 as provided in section 602.8105, subsection 5, and
30 distributed as provided in section 602.8108, subsection
31 11.

32 4. Upon approval of the executive council, there is
33 appropriated to the department of public safety from
34 the general fund of the state the amount sufficient to
35 cover the costs actually incurred by the department
36 of public safety to carry out the provisions of this
37 section, including the amount necessary to reimburse
38 the department of transportation for any costs incurred
39 for the installation of signage as required under
40 subsection 1. The amount appropriated under this
41 subsection shall not exceed the amount deposited
42 pursuant to section 602.8108, subsection 11.

43 Sec. ____. Section 602.8105, Code Supplement 2009,
44 is amended by adding the following new subsection:
45 NEW SUBSECTION. 5. The clerk of the district court
46 shall collect a civil penalty assessed pursuant to
47 section 321.296 for distribution as provided in section
48 602.8108, subsection 11.

49 Sec. ____. Section 602.8108, Code Supplement 2009,
50 is amended by adding the following new subsection:

Page 3

1 NEW SUBSECTION. 11. The clerk of the district
2 court shall remit to the treasurer of state, not

3 later than the fifteenth day of each month, all moneys
 4 collected from the civil penalty provided in section
 5 321.296 during the preceding calendar month for deposit
 6 in the general fund of the state.

7 Sec. ____ PHOTO TRAFFIC ENFORCEMENT PILOT PROJECT
 8 REPORT. The department of public safety shall report
 9 to the general assembly on or before January 15, 2012,
 10 regarding the pilot project implemented pursuant to
 11 this Act. The report shall include but not be limited
 12 to the number of citations issued and the number and
 13 dollar amount of civil penalties remitted pursuant to
 14 this Act, the costs associated with the pilot project,
 15 traffic safety data relating to the work zones where
 16 photo traffic enforcement devices were employed during
 17 the pilot project, comments and suggestions from the
 18 department of transportation relating to the pilot
 19 project, and any findings and recommendations from
 20 the department of public safety regarding future use
 21 of photo traffic enforcement devices for speed limit
 22 enforcement in work zones or elsewhere on Iowa roads.

23 Sec. ____ FUTURE REPEAL. This division of this Act
 24 is repealed June 30, 2012.>

25 2. By renumbering as necessary.

ZIRKELBACH of Jones

H-8461

1 Amend House File 2526 as follows:

2 1. Page 106, after line 8 by inserting:
 3 <Sec. ____ REVIEW OF FACILITIES PROVIDING CARE
 4 SERVICES FOR ADULTS. The department on aging, in
 5 cooperation with the department of inspections
 6 and appeals, may conduct or commission a review of
 7 the provision of care services provided to adults
 8 in age-restricted facilities, independent living
 9 facilities, and other facilities not otherwise subject
 10 to state or federal regulation or oversight. For
 11 the purposes of the review, care services include
 12 but are not limited to assistance with instrumental
 13 activities of daily living, personal care services, and
 14 health-related services. The department on aging shall
 15 submit a report to the general assembly by January 1,
 16 2011, regarding its findings and any recommendations
 17 for legislation necessary to protect the health,
 18 safety, and welfare of adults living in facilities in
 19 which such care services are provided. The department
 20 may seek funding from any source to defray the costs of
 21 fulfilling the duties specified in this section.>

22 2. By renumbering as necessary.

ISENHART of Dubuque

H-8465

1 Amend the amendment, H-8443, to Senate File 2270, as
2 passed by the Senate, as follows:

3 1. By striking page 1, line 5, through page 4, line
4 25, and inserting:

5 <<Section 1. NEW SECTION. 135.30B Expressing
6 breast milk – private and public places.

7 Notwithstanding any other provision of law to the
8 contrary, a woman may express breast milk for the
9 woman's own child in any public or private place where
10 the woman's presence is otherwise authorized.>

11 _____. Title page, by striking lines 1 through 2 and
12 inserting: <An Act relating to expressing breast milk
13 in public and private places.>>

TYMESON of Madison

H-8466

1 Amend House File 2528 as follows:

2 1. Page 2, after line 7 by inserting:

3 <Sec. _____. Section 690.2, Code 2009, is amended to
4 read as follows:

5 690.2 Finger and palm prints – photographs – duty
6 of sheriff and chief of police.

7 The sheriff of every county, and the chief of
8 police of each city regardless of the form of
9 government thereof, shall take the fingerprints of
10 all unidentified dead bodies in their respective
11 jurisdictions and all persons who are taken into
12 custody for the commission of a serious misdemeanor,
13 aggravated misdemeanor, or felony and shall forward
14 such fingerprint records on such forms and in such
15 manner as may be prescribed by the commissioner of
16 public safety, within two working days after the
17 fingerprint records are taken, to the department of
18 public safety and, if appropriate, to the federal
19 bureau of investigation. Fingerprints may be taken of
20 a person who has been arrested for a simple misdemeanor
21 subject to an enhanced penalty for conviction of a
22 second or subsequent offense. In addition to the
23 fingerprints as herein provided, any such officer may
24 also take the photograph and palm prints of any such
25 person and forward them to the department of public
26 safety. If a defendant is convicted by a court of
27 this state of an offense which is a simple misdemeanor
28 subject to an enhanced penalty for conviction of a
29 second or subsequent offense, a serious misdemeanor,
30 an aggravated misdemeanor, or a felony, the court
31 shall determine whether such defendant has previously
32 been fingerprinted in connection with the criminal

33 proceedings leading to the conviction and, if not,
 34 shall order that the defendant be fingerprinted and
 35 those prints submitted to the department of public
 36 safety. The court shall also order that a juvenile
 37 adjudicated delinquent for an offense which would be an
 38 offense other than a simple misdemeanor if committed
 39 by an adult, be fingerprinted and the prints submitted
 40 to the department of public safety if the juvenile
 41 has not previously been fingerprinted. The taking of
 42 fingerprints for a serious misdemeanor offense under
 43 chapter 321 or 321A is not required under this section.
 44 Fingerprints shall not be taken from an applicant for a
 45 permit to carry a weapon pursuant to section 724.10.>
 46 2. Page 3, line 8, after <permit.> by inserting
 47 <Such permits, including renewal permits and duplicate
 48 permits, shall not be issued for a particular weapon
 49 and shall not contain information about a particular
 50 weapon including the make, model, or serial number of

Page 2

1 the weapon or any ammunition used in that weapon.>
 2 3. Page 3, line 13, after <law.> by inserting <The
 3 department of public safety or the sheriff's office of
 4 the county in which an application for a permit was
 5 made under this section shall destroy or dispose of all
 6 information collected about a particular weapon prior
 7 to July 1, 2010.>
 8 4. Page 6, line 33, after <chooses.> by inserting
 9 <However, the application shall not require and
 10 the sheriff shall not take the fingerprints of the
 11 applicant.>
 12 5. Page 8, after line 11 by inserting:
 13 <3. Neither the sheriff nor the commissioner shall
 14 require an applicant for a nonprofessional permit to
 15 carry weapons, including a renewal permit or duplicate
 16 permit, to provide information identifying a particular
 17 weapon in the application including the make, model,
 18 or serial number of the weapon or any ammunition used
 19 in that particular weapon. The department of public
 20 safety or the sheriff's office of the county in which
 21 an application for a permit was made under this section
 22 shall destroy or dispose of all information collected
 23 about a particular weapon prior to July 1, 2010.>
 24 6. Page 8, line 12, by striking <3.> and inserting
 25 <4.>
 26 7. By renumbering as necessary.

H-8476

- 1 Amend House File 2512 as follows:
 2 1. Page 1, line 3, by striking <The> and inserting
 3 <The Except as provided in subparagraph (3), the>
 4 2. Page 2, after line 5 by inserting:
 5 <(3) A county board of supervisors with respect
 6 to highways under the county's jurisdiction may, by
 7 ordinance or resolution, exclude commercial motor
 8 vehicles other than livestock and construction vehicles
 9 from the weight allowances provided under subparagraph
 10 (1).>
 11 3. By renumbering as necessary.

STRUYK of Pottawattamie

H-8478

- 1 Amend the amendment, H-8451, to House File 2527 as
 2 follows:
 3 1. Page 1, line 3, by striking <three> and
 4 inserting <six>

SWEENEY of Hardin

H-8479

- 1 Amend House File 2527 as follows:
 2 1. Page 11, by striking lines 9 through 18.
 3 2. By renumbering as necessary.

SCHULTE of Linn
 COWNIE of Polk
 DE BOEF of Keokuk
 S. OLSON of Clinton
 CHAMBERS of O'Brien
 ROBERTS of Carroll
 SODERBERG of Plymouth
 DRAKE of Cass
 MERTZ of Kossuth
 UPMEYER of Hancock
 ZIRKELBACH of Jones

HAGENOW of Polk
 ALONS of Sioux
 MAY of Dickinson
 L. MILLER of Scott
 LUKAN of Dubuque
 SCHULTZ of Crawford
 SWEENEY of Hardin
 MEREK of Washington
 QUIRK of Chickasaw
 SCHUELLER of Jackson

H-8480

- 1 Amend House File 2527 as follows:
 2 1. Page 10, by striking lines 2 through 9.
 3 2. By renumbering as necessary.

SWEENEY of Hardin
 DE BOEF of Keokuk
 S. OLSON of Clinton

ALONS of Sioux
 MAY of Dickinson
 L. MILLER of Scott

CHAMBERS of O'Brien
 ROBERTS of Carroll
 SODERBERG of Plymouth

LUKAN of Dubuque
 SCHULTZ of Crawford
 DRAKE of Cass

H-8481

- 1 Amend House File 2527 as follows:
 2 1. Page 24, before line 6 by inserting:
 3 <DIVISION ____
 4 REVENUES FOR SCHOOL AID
 5 Sec. ____ NEW SECTION. 421.18 Certification of tax
 6 credit savings – appropriation to property tax equity
 7 relief fund.
 8 1. The department shall annually calculate the
 9 amount of tax credit savings realized from 2010 Iowa
 10 Acts, House File 2527, and shall certify that amount to
 11 the treasurer of state. For purposes of this section,
 12 "tax credit savings" means the amount of revenues
 13 actually collected in the most recent fiscal year
 14 minus the amount of tax revenues that would have been
 15 collected without enactment of 2010 Iowa Acts, House
 16 File 2527.
 17 2. There is appropriated each fiscal year from the
 18 general fund of the state to the property tax equity
 19 and relief fund created in section 257.16A an amount
 20 equal to the amount certified pursuant to subsection
 21 1.>
 22 2. Title page, line 3, after <programs> by
 23 inserting <, the appropriation of certified tax
 24 credit savings for school aid purposes,>
 25 3. By renumbering as necessary.

HELLAND of Polk
 WAGNER of Linn

H-8482

- 1 Amend House File 2527 as follows:
 2 1. By striking page 1, line 1, through page 5, line
 3 3, and inserting:
 4 <DIVISION I
 5 REVIEW AND REAUTHORIZATION OF PROGRAMS
 6 Section 1. INTENT AND PURPOSE.
 7 1. It is the intent of the general assembly that
 8 each tax credit, withholding credit, and revenue
 9 division program should effectuate the purposes for
 10 which it was enacted and that the cost of such programs
 11 should be included more readily in the yearly budgeting
 12 process.
 13 2. The purposes of this Act are to provide for the
 14 regular review of all tax credit, withholding credit,
 15 and revenue division programs in order to facilitate

16 the reauthorization of successful programs and to do
 17 so at a cost that can be accommodated by the state's
 18 annual budget.

19 DIVISION II

20 LEGISLATIVE TAX EXPENDITURE COMMITTEE

21 Sec. 2. Section 2.45, Code Supplement 2009, is
 22 amended by adding the following new subsection:

23 NEW SUBSECTION. 5. a. The legislative tax
 24 expenditure committee which shall be composed of
 25 ten members of the general assembly, consisting of
 26 five members from each house, to be appointed by the
 27 legislative council. In appointing the five members of
 28 each house to the committee, the council shall appoint
 29 three members from the majority party and two members
 30 from the minority party.

31 b. The legislative tax expenditure committee shall
 32 have the powers and duties described in section 2.48.

33 Sec. 3. NEW SECTION. 2.48 Legislative tax
 34 expenditure committee – review of tax incentive
 35 programs.

36 1. Duties of committee. The legislative tax
 37 expenditure committee shall do all of the following:

38 a. Evaluate any tax expenditure available
 39 under Iowa law and assess its equity, simplicity,
 40 competitiveness, public purpose, adequacy, and extent
 41 of conformance with the original purposes of the
 42 legislation that enacted the tax expenditure, as those
 43 issues pertain to taxation in Iowa. For purposes of
 44 this section, "tax expenditure" means an exclusion
 45 from the operation or collection of a tax imposed in
 46 this state. Tax expenditures include tax credits,
 47 exemptions, deductions, and rebates. Tax expenditures
 48 also include sales tax refunds issued pursuant to
 49 section 423.3 or section 423.4.

50 b. Establish and maintain a system for making

Page 2

1 available to the public information about the amount
 2 and effectiveness of tax expenditures, and the extent
 3 to which tax expenditures comply with the original
 4 intent of the legislation that enacted the tax
 5 expenditure.

6 2. Review of tax expenditures – budget
 7 estimates. The legislative tax expenditure committee
 8 shall do all of the following:

9 a. Engage in the regular review of the state's tax
 10 expenditures.

11 (1) In reviewing tax expenditures, the committee
 12 may review any tax expenditure at any time, but
 13 shall at a minimum perform the reviews described in
 14 subsection 3.

15 (2) For each tax expenditure reviewed, the
16 committee shall submit a report to the legislative
17 council containing the results of the review. The
18 report shall contain a statement of the policy goals
19 of the tax expenditure and a return on investment
20 calculation for the tax expenditure. For purposes of
21 this subparagraph, "return on investment calculation"
22 means analyzing the cost to the state of providing
23 the tax expenditure, analyzing the benefits realized
24 by the state from providing the tax expenditure, and
25 reaching a conclusion as to whether the benefits of
26 the tax expenditure are worth the cost to the state of
27 providing the tax expenditure.

28 (3) The report described in subparagraph (2)
29 may include recommendations for better aligning
30 tax expenditures with the original intent of the
31 legislation that enacted the tax expenditure.

32 b. (1) Estimate for each fiscal year, in
33 conjunction with the legislative services agency
34 and the department of revenue, the cost of each
35 individual tax expenditure and the total cost of all
36 tax expenditures, and by December 15 provide those
37 estimates to the governor for use in the preparation
38 of the budget message under section 8.22 and to the
39 general assembly to be used in the budget process.

40 (2) The estimates provided pursuant to subparagraph
41 (1) may include the committee's recommendations for
42 the imposition of a limitation on a specified tax
43 expenditure, a limitation on the total amount of
44 tax expenditures, or any other recommendation for a
45 specific tax expenditure or the program under which the
46 tax expenditure is provided.

47 3. Schedule of review of all tax expenditures. The
48 committee shall review the following tax expenditures
49 and incentives according to the following schedule:

50 a. In 2011:

Page 3

1 (1) The high quality jobs program under chapter 15,
2 subchapter II, part 13.

3 (2) The tax credits for increasing research
4 activities available under sections 15.335, 15A.9,
5 422.10, and 422.33.

6 (3) The franchise tax credits available under
7 sections 422.11 and 422.33.

8 (4) The earned income tax credit available under
9 section 422.12B.

10 b. In 2012:

11 (1) The Iowa fund of funds program in chapter 15E,
12 division VII.

13 (2) Property tax revenue divisions for urban

- 14 renewal areas under section 403.19.
- 15 (3) The targeted jobs withholding credits available
- 16 under section 403.19A.
- 17 (4) Funding of urban renewal projects with
- 18 increased local sales and services tax revenues under
- 19 section 423B.10.
- 20 (5) School tuition organization tax credits under
- 21 sections 422.11S and 422.33.
- 22 (6) Tuition and textbook tax credits under section
- 23 422.12.
- 24 c. In 2013:
- 25 (1) The child and dependent care and early
- 26 childhood development tax credits under section
- 27 422.12C.
- 28 (2) The endow Iowa tax credits authorized under
- 29 section 15E.305.
- 30 (3) The redevelopment tax credits available under
- 31 section 15.293A.
- 32 (4) The disaster recovery housing tax credits
- 33 available under sections 16.211 and 16.212.
- 34 (5) The tax credits available for film, television,
- 35 and video project promotion under section 15.393.
- 36 d. In 2014:
- 37 (1) Tax credits for investments in qualifying
- 38 businesses and community-based seed capital funds under
- 39 chapter 15E, division V.
- 40 (2) Historic preservation and cultural and
- 41 entertainment district tax credits under chapter 404A.
- 42 (3) Wind energy production tax credits under
- 43 chapter 476B.
- 44 (4) Renewable energy tax credits under chapter
- 45 476C.
- 46 (5) The ethanol promotion tax credits available
- 47 under section 422.11N.
- 48 (6) The E-85 gasoline promotion tax credits
- 49 available under section 422.11O.
- 50 (7) The biodiesel blended fuel tax credits

Page 4

- 1 available under section 422.11P.
- 2 e. In 2015:
- 3 (1) The agricultural assets transfer tax credit
- 4 under section 175.37.
- 5 (2) The claim of right tax credit under section
- 6 422.5.
- 7 (3) The reduction in allocating income to Iowa by S
- 8 corporation shareholders under section 422.8.
- 9 (4) The minimum tax credit under sections 422.11B,
- 10 422.33, and 422.60.
- 11 (5) The assistive device corporate tax credit under
- 12 section 422.33.

- 13 (6) The charitable conservation contribution tax
 14 credit under sections 422.11W and 422.33.
- 15 (7) The motor vehicle fuel tax credit under section
 16 422.110.
- 17 (8) The new jobs tax credits available under
 18 section 422.11A.
- 19 (9) The financial assistance available under the
 20 enterprise zones program in chapter 15E, division
 21 XVIII.
- 22 4. A tax expenditure or incentive reviewed pursuant to
 23 subsection 3 shall be reviewed again not more than
 24 five years after the tax expenditure or incentive was
 25 most recently reviewed.>
- 26 2. Page 5, line 26, by striking <2012> and
 27 inserting <2013>
- 28 3. By renumbering as necessary.

SANDS of Louisa

H-8487

- 1 Amend the amendment, H-8443, to Senate File 2270, as
 2 passed by the Senate, as follows:
- 3 1. By striking page 1, line 5, through page 4, line
 4 25, and inserting:
- 5 <<Section 1. NEW SECTION. 135.30B Short title.
 6 This section and sections 135.30C through 135.30F
 7 shall be known and may be cited as the "Family Friendly
 8 Workplace Act".
- 9 Sec. 2. NEW SECTION. 135.30C Definitions.
- 10 1. "Employer" means a person engaged in a business
 11 that has one or more employees and also includes the
 12 state of Iowa, a department or agency thereof, and any
 13 political subdivision of the state.
- 14 2. "Reasonable efforts" means any effort that would
 15 not impose an undue hardship on the operation of the
 16 employer's business.
- 17 3. "Undue hardship" means any action that requires
 18 significant difficulty, compromises the safety of other
 19 employees, requires temporary facility closure, or
 20 results in expenditures exceeding five hundred dollars,
 21 exclusive of the costs of additional labor or unpaid
 22 leave costs.
- 23 Sec. 3. NEW SECTION. 135.30D Right to express
 24 breast milk in workplace – private location.
- 25 1. An employer shall provide reasonable unpaid
 26 break time or permit an employee to use paid break
 27 time, meal time, or both, each day, to allow the
 28 employee to express breast milk for the employee's
 29 nursing child for up to two years after the child's
 30 birth.
- 31 2. The employer shall make reasonable efforts

32 to provide a place, other than a toilet stall, which
33 is shielded from view and free from intrusion from
34 coworkers and the public, that may be used by an
35 employee to express breast milk in privacy.

36 3. The department shall provide on its internet
37 site information and links to other internet sites
38 where employers can access information regarding
39 methods to accommodate employees who express breast
40 milk in the workplace. The department shall consult
41 with appropriate organizations or associations to
42 determine the appropriate information and internet site
43 links so as to provide employers with the most accurate
44 and useful information available.

45 4. a. An employee shall provide notice to an
46 employer of the employee's need for time and a location
47 to express breast milk at least sixty days prior to the
48 anticipated date that the employee will give birth.

49 b. If an employee gives birth more than sixty days
50 prior to the employee's anticipated date of delivery,

Page 2

1 or the employee is hired while breast-feeding, the
2 employee shall notify the employer within a reasonable
3 time about the employee's need for time and a location
4 to express breast milk.

5 5. a. At least thirty days prior to the
6 anticipated date that the employee will give birth,
7 the employer and employee shall establish a written
8 agreement pursuant to the provisions in this section.
9 The agreement shall be signed by the employer or
10 the employer's designee and the employee and shall
11 be notarized by a third party, who may be another
12 employee of the employer. A copy of the agreement
13 shall be given to the employee and a copy placed in the
14 employee's personnel file.

15 b. If an employee gives birth more than thirty days
16 prior to the employee's anticipated date of delivery,
17 or the employee is hired while breast-feeding, the
18 employer and employee shall establish a written
19 agreement pursuant to the provisions of this section
20 as soon as practicable. The agreement shall be signed
21 by the employer or the employer's designee and the
22 employee and shall be notarized by a third party, who
23 may be another employee of the employer. A copy of the
24 agreement shall be given to the employee and a copy
25 placed in the employee's personnel file.

26 c. If an employer and employee are unable to agree
27 on the amount of time, the location, or both for the
28 employee to express breast milk, the employee may file
29 a written or electronic complaint using a form provided
30 by the department on its internet site.

31 Sec. 4. NEW SECTION. 135.30E Employment
32 accommodation – expressing breast milk.
33 1. It shall be the responsibility of the director
34 or the director's designee to investigate and
35 issue civil penalties and remedies, relating to the
36 provisions of section 135.30D pertaining to the right
37 of an employee to express breast milk in the workplace,
38 as appropriate pursuant to section 135.30F.
39 2. The director or the director's designee shall
40 develop a complaint form to be available on the
41 department's internet site that pertains to the right
42 of an employee to express breast milk in the workplace,
43 pursuant to section 135.30D.
44 Sec. 5. NEW SECTION. 135.30F Investigation and
45 hearing – expressing breast milk in the workplace.
46 1. Upon receipt by the director or the director's
47 designee of a completed and signed complaint form from
48 an aggrieved employee pursuant to section 135.30E, the
49 director shall authorize an investigator to commence
50 an investigation within five days of receiving the

Page 3

1 complaint. The department's investigation is not to
2 be construed as a contested case as defined in section
3 17A.2.
4 2. The investigator shall provide notice in writing
5 using regular or electronic mail to the employer of
6 the allegations contained in the complaint and shall
7 request a response from the employer within ten days
8 from the date of notice. This period may be extended
9 by the investigator.
10 3. If the employer fails to respond to the
11 investigator's request for response within the
12 established time, the investigator may determine the
13 employee's claim to be enforceable.
14 4. If the employer answers the investigator's
15 request for response within the established time,
16 the investigator shall notify the aggrieved employee
17 in writing using regular or electronic mail of
18 the employer's response and afford the employee an
19 opportunity to present additional information in
20 support of the employee's complaint pursuant to section
21 135.30D. The employee shall submit the requested
22 additional information within ten days from the
23 date of notice. This period may be extended by the
24 investigator.
25 5. Upon receipt of the requested additional
26 information from the employee, the investigator may
27 determine additional information is required from the
28 employer and shall provide notice in writing using
29 regular or electronic mail to the employer of the

30 request and require a response within ten days from the
31 date of notice.

32 6. The department and its staff shall not disclose
33 the filing of a complaint or the information gathered
34 during the investigation, unless such disclosure
35 is made in connection with the conduct of such
36 investigation.

37 7. a. Within five days upon receipt of all
38 requested information, the investigator may determine
39 the employee's complaint to be enforceable and the
40 department shall notify the employer in writing using
41 regular or electronic mail of that determination.

42 Should the investigator determine that the complaint
43 is unenforceable, the department shall so notify the
44 employee in writing using regular or electronic mail.
45 The determination constitutes final agency action.

46 b. Upon determination that a complaint pursuant
47 to section 135.30D is enforceable, the department
48 shall notify the employer in writing using regular or
49 electronic mail of that determination and afford the
50 employer an opportunity to comply with the provisions

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1 of section 135.30D within ten days of the date of
2 notice prior to initiating judicial proceedings.

3 c. After the employer has received notice of the
4 decision and the ten-day compliance period has expired,
5 the department may also impose a minimum civil penalty
6 of one hundred dollars and a maximum civil penalty of
7 five hundred dollars for each day that the respondent
8 was not in compliance with section 135.30D and each day
9 the respondent remains out of compliance with section
10 135.30D as ordered by the department. The maximum
11 civil penalty shall be assessed only if the department
12 determines that the respondent has been found in
13 violation of section 135.30D, subsections 1 and 2. The
14 aggregate civil penalty assessed shall not exceed five
15 thousand dollars. Civil penalties collected pursuant
16 to this paragraph shall be deposited in the general
17 fund of the state.

18 8. The department shall establish rules to govern,
19 expedite, and effectuate the procedures established by
20 this section and its own actions thereunder.>

21 _____. Title page, line 2, after <milk> by inserting
22 <, and providing penalties and remedies>>

H-8488

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. 18. The commissioner shall
7 annually convene a work group composed of the consumer
8 advocate, health insurance carriers, health care
9 providers, small employers that purchase health
10 insurance under chapter 513B, and individual consumers
11 in the state for the purpose of considering ways
12 to reduce the cost of providing health insurance
13 coverage and health care services, including but
14 not limited to utilization of uniform billing codes,
15 improvements to provider credentialing procedures,
16 reducing out-of-state care expenses, and the electronic
17 delivery of explanation of benefits statements. The
18 recommendations made by the work group shall be
19 included in the annual report filed with the general
20 assembly pursuant to section 505.18.

21 Sec. ____ Section 505.17, Code 2009, is amended to
22 read as follows:

23 505.17 Confidential information.

24 1. a. Information, records, and documents utilized
25 for the purpose of, or in the course of, investigation,
26 regulation, or examination of an insurance company or
27 insurance holding company, received by the division
28 from some other governmental entity which treats such
29 information, records, and documents as confidential,
30 are confidential and shall not be disclosed by the
31 division and are not subject to subpoena. Such
32 information, records, and documents do not constitute a
33 public record under chapter 22.

34 b. The disclosure of confidential information,
35 administrative or judicial orders which contain
36 confidential information, or information regarding
37 other action of the division which is not a public
38 record subject to disclosure, to other insurance and
39 financial regulatory officials may be permitted by
40 the commissioner provided that those officials are
41 subject to, or agree to comply with, standards of
42 confidentiality comparable to those imposed on the
43 commissioner.

44 2. Notwithstanding subsection 1, an application for
45 a rate increase filed by a health insurance carrier and
46 all information, records, and documents accompanying
47 such an application or utilized for the purpose of,
48 or in the course of consideration of the application
49 by the commissioner, shall constitute a public record
50 under chapter 22 except as provided in this subsection.

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1 a. The commissioner shall consider the written
2 request of a health insurance carrier to keep
3 confidential certain details of an application or
4 accompanying information, records, and documents. If
5 the request includes a sufficient explanation as to why
6 public disclosure of such details would give an unfair
7 advantage to competitors, the commissioner shall keep
8 such details confidential. If the commissioner elects
9 to keep certain details confidential, the commissioner
10 shall release only the nonconfidential details in
11 response to a request for records made pursuant to
12 chapter 22. If confidential details are withheld from
13 a request for records made pursuant to chapter 22, the
14 commissioner shall release an explanation of why the
15 information was deemed confidential and a summary of
16 the nature of the information withheld and the reasons
17 for withholding the information.

18 b. In considering requests for confidential
19 treatment, the commissioner shall narrowly construe the
20 provisions of this subsection in order to appropriately
21 balance an applicant's need for confidentiality
22 against the public's right to information about the
23 application.

24 c. The commissioner shall adopt rules establishing
25 a process relating to requests to keep information
26 confidential pursuant to this subsection which may
27 include but are not limited to the following:

28 (1) The nature and extent of competition in the
29 applicant's industry sector or service territory.

30 (2) The likelihood of adverse financial impact to
31 the applicant if the information were to be released.

32 (3) Any other factor the commissioner reasonably
33 considers relevant.

34 Sec. ____. NEW SECTION. 505.18 Internet consumer
35 guide – annual report.

36 1. Consumers deserve to know the quality and cost
37 of their health care insurance. Health care insurance
38 transparency provides consumers with the information
39 necessary, and the incentive, to choose health plans
40 based on cost and quality. Reliable cost and quality
41 information about health care insurance empowers
42 consumer choice and consumer choice creates incentives
43 at all levels, and motivates the entire health care
44 delivery system to provide better health care and
45 health care benefits at a lower cost. It is the
46 purpose of this section to make information regarding
47 the costs of health care insurance readily available to
48 consumers through the consumer advocate bureau of the
49 insurance division.

50 2. The consumer advocate shall implement and

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1 maintain a consumer guide on the internet site of
2 the insurance division that is easily accessible and
3 available to consumers regarding each health insurance
4 carrier licensed to do business in the state. The
5 information shall be useful to consumers and purchasers
6 of health insurance and shall include but is not
7 limited to information regarding health insurance plan
8 design, premium rate filings and approvals, health care
9 cost information, and any other state-based information
10 the consumer advocate determines may be beneficial to
11 consumers and purchasers of health insurance. The
12 consumer advocate may contract with outside vendors or
13 entities to assist in providing this information.

14 3. The commissioner in collaboration with the
15 consumer advocate shall prepare and deliver a report
16 to the governor and to the general assembly no later
17 than November 15 of each year that provides findings
18 regarding health spending costs for health insurance
19 plans in the state for the previous fiscal year.
20 The commissioner may contract with outside vendors
21 or entities to assist in providing the information
22 contained in the annual report. The report shall
23 provide, at a minimum, the following information:

24 a. Aggregate health insurance data concerning loss
25 ratios of health insurance carriers licensed to do
26 business in the state.

27 b. Rate increase data.

28 c. Health care expenditures in the state and the
29 effect of such expenditures on health insurance premium
30 rates.

31 d. A ranking and quantification of those factors
32 that result in higher costs and those factors that
33 result in lower costs for each health insurance plan
34 offered in the state.

35 e. The current capital and surplus and reserve
36 amounts held in reserve by each health insurance
37 carrier licensed to do business in the state including
38 whether these funds are available to offset premium
39 increases and the reasons for such availability or
40 unavailability.

41 f. A listing of any apparent medical trends
42 affecting health insurance costs in the state.

43 g. Any additional data or analysis deemed
44 appropriate by the commissioner to provide the
45 general assembly with pertinent health insurance cost
46 information.

47 h. Recommendations made by the work group convened
48 pursuant to section 505.8, subsection 18.

49 Sec. __. NEW SECTION. 505.19 Health insurance
50 rate increase applications – public hearing and

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1 comment.

2 1. All health insurance carriers licensed to
 3 do business in the state shall immediately notify
 4 policyholders of any application for a rate increase
 5 that is filed with the insurance division. Such
 6 notice shall specify the rate increase proposed that
 7 is applicable to each policyholder and shall include
 8 the ranking and quantification of those factors that
 9 are responsible for the amount of the rate increase
 10 proposed. The notice shall include information about
 11 how the policy holder can contact the consumer advocate
 12 for assistance.

13 2. The commissioner shall hold a public hearing at
 14 the time a carrier files for proposed health insurance
 15 rate increases prior to approval or disapproval of
 16 the proposed rate increases for that carrier by the
 17 commissioner.

18 3. The consumer advocate shall solicit public
 19 comments on each proposed health insurance rate
 20 increase application and shall post without delay all
 21 comments received on the insurance division's internet
 22 site prior to approval or disapproval of the proposed
 23 rate increase by the commissioner.

24 4. The consumer advocate shall present the public
 25 testimony and comments received for consideration by
 26 the commissioner in determining whether to approve
 27 or disapprove such health insurance rate increase
 28 proposals.

29 5. The commissioner shall adopt rules pursuant
 30 to chapter 17A to implement the provisions of this
 31 section.>

32 2. Page 18, after line 31 by inserting:
 33 <Sec. ____ EFFECTIVE UPON ENACTMENT. The following
 34 provisions of this Act, being deemed of immediate
 35 importance, take effect upon enactment:

36 1. The section of this Act enacting section 505.8,
 37 subsection 18.

38 2. The section of this Act amending section 505.17.

39 3. The sections of this Act enacting sections
 40 505.18 and 505.19.>

41 3. Title page, line 4, after <Act> by inserting <a
 42 health care and insurance cost work group, applications
 43 for health insurance rate increases, an internet
 44 consumer guide,>

45 4. Title page, line 9, after <applicable> by
 46 inserting <and including effective date provisions>

47 5. By renumbering as necessary.

H-8489

1 Amend Senate File 2378, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 20, line 3, through page 29,
4 line 11, and inserting:
5 <Sec. ____ Section 805.8A, Code Supplement 2009, is
6 amended by striking the section and inserting in lieu
7 thereof the following:

8 805.8A Motor vehicle and transportation scheduled
9 violations.

10 1. Parking violations.

11 a. For parking violations under sections 321.236,
12 321.239, 321.358, 321.360, and 321.361, the scheduled
13 fine is five dollars, except if the local authority has
14 established the fine by ordinance. The scheduled fine
15 for a parking violation pursuant to section 321.236
16 increases by five dollars if authorized by ordinance
17 and if the parking violation is not paid within thirty
18 days of the date upon which the violation occurred.
19 For purposes of calculating the unsecured appearance
20 bond required under section 805.6, the scheduled fine
21 shall be five dollars, or if the amount of the fine is
22 greater than five dollars, the unsecured appearance
23 bond shall be the amount of the fine established by
24 the local authority. However, violations charged
25 by a city or county upon simple notice of a fine
26 instead of a uniform citation and complaint required by
27 section 321.236, subsection 1, paragraph "b", are not
28 scheduled violations, and this section shall not apply
29 to any offense charged in that manner. For a parking
30 violation under section 461A.38, the scheduled fine is
31 ten dollars. For a parking violation under section
32 321.362, the scheduled fine is twenty dollars.

33 b. For a parking violation under section 321L.2A,
34 subsection 2, the scheduled fine is twenty dollars.

35 c. For violations under section 321L.2A, subsection
36 3, sections 321L.3, 321L.4, subsection 2, and section
37 321L.7, the scheduled fine is two hundred dollars.

38 2. Title and registration violations. For title or
39 registration violations under the following sections,
40 the scheduled fine is as follows:

41 a. 321.17, \$50.

42 b. 321.25, \$100.

43 c. 321.32, \$20.

44 d. 321.34, \$20.

45 e. 321.37, \$20.

46 f. 321.38, \$20.

47 g. 321.41, \$20.

48 h. 321.45, \$100.

49 i. 321.46, \$100.

50 j. 321.47, \$100.

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- 1 k. 321.48, \$100.
- 2 l. 321.52, \$100.
- 3 m. 321.55, \$50.
- 4 n. 321.57, \$100.
- 5 o. 321.62, \$100.
- 6 p. 321.67, \$100.
- 7 q. 321.98, \$50.
- 8 r. 321.99, \$200.
- 9 s. 321.104, \$100.
- 10 t. 321.115, \$30.
- 11 u. 321.115A, \$30.
- 12 3. Equipment violations. For equipment violations
- 13 under the following sections, the scheduled fine is as
- 14 follows:
- 15 a. 321.234A, \$50.
- 16 b. 321.247, \$100.
- 17 c. 321.317, \$20.
- 18 d. 321.381, \$100.
- 19 e. 321.381A, \$100.
- 20 f. 321.382, \$25.
- 21 g. 321.383, \$30.
- 22 h. 321.384, \$30.
- 23 i. 321.385, \$30.
- 24 j. 321.386, \$30.
- 25 k. 321.387, \$20.
- 26 l. 321.388, \$20.
- 27 m. 321.389, \$20.
- 28 n. 321.390, \$20.
- 29 o. 321.392, \$20.
- 30 p. 321.393, \$20.
- 31 q. 321.398, \$30.
- 32 r. 321.402, \$30.
- 33 s. 321.403, \$30.
- 34 t. 321.404, \$30.
- 35 u. 321.404A, \$25.
- 36 v. 321.409, \$30.
- 37 w. 321.415, \$30.
- 38 x. 321.419, \$30.
- 39 y. 321.420, \$30.
- 40 z. 321.421, \$30.
- 41 aa. 321.422, \$20.
- 42 ab. 321.423, \$30.
- 43 ac. 321.430, \$100.
- 44 ad. 321.432, \$20.
- 45 ae. 321.433, \$30.
- 46 af. 321.436, \$20.
- 47 ag. 321.437, for improperly used or nonused, or
- 48 defective or improper equipment, other than brakes,
- 49 driving lights, and brake lights, \$20.
- 50 ah. 321.438, \$50.

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- 1 ai. 321.439, \$20.
2 aj. 321.440, \$20.
3 ak. 321.441, \$20.
4 al. 321.442, \$20.
5 am. 321.444, \$20.
- 6 4. Driver's license violations. For driver's
7 license violations under the following sections, the
8 scheduled violation is as follows:
- 9 a. 321.174, \$200.
10 b. 321.174A, \$50.
11 c. 321.180, \$50.
12 d. 321.180B, \$50.
13 e. 321.193, \$50.
14 f. 321.194, \$50.
15 g. 321.216, \$100.
16 h. 321.216B, \$200.
17 i. 321.216C, \$200.
18 j. 321.219, \$200.
19 k. 321.220, \$200.
- 20 5. Speed violations.
- 21 a. For excessive speed violations in excess of the
22 limit under section 321.236, subsections 5 and 11,
23 sections 321.285, and 461A.36, the scheduled fine shall
24 be the following:
- 25 (1) Twenty dollars for speed not more than five
26 miles per hour in excess of the limit.
27 (2) Forty dollars for speed greater than five but
28 not more than ten miles per hour in excess of the
29 limit.
30 (3) Eighty dollars for speed greater than ten but
31 not more than fifteen miles per hour in excess of the
32 limit.
33 (4) Ninety dollars for speed greater than fifteen
34 but not more than twenty miles per hour in excess of
35 the limit.
36 (5) One hundred dollars plus five dollars for each
37 mile per hour of excessive speed over twenty miles per
38 hour over the limit.
- 39 b. Notwithstanding paragraph "a", for excessive
40 speed violations in speed zones greater than fifty-five
41 miles per hour, the scheduled fine shall be:
- 42 (1) Twenty dollars for speed not more than five
43 miles per hour in excess of the limit.
44 (2) Forty dollars for speed greater than five but
45 not more than ten miles per hour in excess of the
46 limit.
47 (3) Eighty dollars for speed greater than ten but
48 not more than fifteen miles per hour in excess of the
49 limit.
50 (4) Ninety dollars for speed greater than fifteen

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1 but not more than twenty miles per hour in excess of
2 the limit.

3 (5) One hundred dollars plus five dollars for each
4 mile per hour of excessive speed over twenty miles per
5 hour over the limit.

6 c. Excessive speed in whatever amount by a school
7 bus is not a scheduled violation under any section
8 listed in this subsection.

9 d. Excessive speed in conjunction with a violation
10 of section 321.278 is not a scheduled violation,
11 whatever the amount of excess speed.

12 e. For a violation under section 321.295, the
13 scheduled fine is fifty dollars.

14 6. Operating violations. For operating violations
15 under the following sections, the scheduled violation
16 is as follows:

17 a. 321.236, subsections 3, 4, 9, and 12, \$20.

18 b. 321.275, subsections 1 through 7, \$35.

19 c. 321.277A, \$35.

20 d. 321.288, \$100.

21 e. 321.297, \$100.

22 f. 321.299, \$100.

23 g. 321.302, \$100.

24 h. 321.303, \$100.

25 i. 321.304, subsections 1 and 2, \$100.

26 j. 321.305, \$100.

27 k. 321.306, \$100.

28 l. 321.311, \$100.

29 m. 321.312, \$100.

30 n. 321.314, \$100.

31 o. 321.315, \$35.

32 p. 321.316, \$35.

33 q. 321.318, \$35.

34 r. 321.323, \$100.

35 s. 321.340, \$100.

36 t. 321.353, \$100.

37 u. 321.354, \$100.

38 v. 321.363, \$35.

39 w. 321.365, \$35.

40 x. 321.366, \$100.

41 y. 321.395, \$100.

42 7. Failure to yield or obey violations. For failure
43 to yield or obey violations under the following
44 sections, the scheduled violation is as follows:

45 a. 321.257, subsection 2, for a violation by an
46 operator of a motor vehicle, \$100.

47 b. 321.298, \$100.

48 c. 321.307, \$100.

49 d. 321.308, \$100.

50 e. 321.313, \$100.

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- 1 f. 321.319, \$100.
- 2 g. 321.320, \$100.
- 3 h. 321.321, \$100.
- 4 i. 321.327, \$100.
- 5 j. 321.329, \$100.
- 6 k. 321.333, \$100.
- 7 8. Traffic sign or signal violations. For traffic
- 8 sign or signal violations under the following sections,
- 9 the scheduled violation is as follows:
 - 10 a. 321.236, subsections 2 and 6, \$35.
 - 11 b. 321.256, \$100.
 - 12 c. 321.294, \$100.
 - 13 d. 321.304, subsection 3, \$100.
 - 14 e. 321.322, \$100.
- 15 9. Bicycle or pedestrian violations. For bicycle
- 16 or pedestrian violations under the following sections,
- 17 the scheduled fine for a pedestrian or bicyclist is as
- 18 follows:
 - 19 a. 321.234, subsections 3 and 4, \$25.
 - 20 b. 321.236, subsection 10, \$15.
 - 21 c. 321.257, subsection 2, \$25.
 - 22 d. 321.275, subsection 8, \$25.
 - 23 e. 321.325, \$25.
 - 24 f. 321.326, \$25.
 - 25 g. 321.328, \$25.
 - 26 h. 321.331, \$25.
 - 27 i. 321.332, \$25.
 - 28 j. 321.397, \$25.
 - 29 k. 321.434, \$25.
- 30 9A. Electric personal assistive mobility device
- 31 violations. For violations under section 321.235A, the
- 32 scheduled fine is fifteen dollars.
- 33 10. School bus violations.
 - 34 a. For violations by an operator of a school bus
 - 35 under sections 321.285 and 321.372, subsections 1 and
 - 36 2, the scheduled fine is one hundred dollars. However,
 - 37 an excessive speed violation by a school bus of more
 - 38 than ten miles per hour in excess of the limit is not a
 - 39 scheduled violation.
 - 40 b. For a violation under section 321.372,
 - 41 subsection 3, the scheduled fine is two hundred
 - 42 dollars.
- 43 11. Emergency vehicle violations. For emergency
- 44 vehicle violations under the following sections, the
- 45 scheduled fine is as follows:
 - 46 a. 321.231, \$100.
 - 47 b. 321.323A, \$100.
 - 48 c. 321.324, \$100.
 - 49 d. 321.367, \$100.
 - 50 e. 321.368, \$100.

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- 1 12. Restrictions on vehicles.
2 a. For violations under sections 321.309, 321.310,
3 321.394, 321.461, and 321.462, the scheduled fine is
4 thirty-five dollars.
5 b. For violations under section 321.437, the
6 scheduled fine is thirty-five dollars.
7 c. For height, length, width, and load violations
8 under sections 321.454, 321.455, 321.456, 321.457, and
9 321.458, the scheduled fine is two hundred dollars.
10 d. For violations under section 321.466, the
11 scheduled fine is twenty dollars for each two thousand
12 pounds or fraction thereof of overweight.
13 e. (1) Violations of the schedule of axle
14 and tandem axle and gross or group of axle weight
15 violations in section 321.463 shall be scheduled
16 violations subject to the provisions, procedures, and
17 exceptions contained in sections 805.6 through 805.11,
18 irrespective of the amount of the fine under that
19 schedule.
20 (a) Violations of the schedule of weight violations
21 shall be chargeable, where the fine charged does not
22 exceed one thousand dollars, only by uniform citation
23 and complaint.
24 (b) Violations of the schedule of weight
25 violations, where the fine charged exceeds one
26 thousand dollars shall, when the violation is
27 admitted and section 805.9 applies, be chargeable
28 upon uniform citation and complaint, indictment, or
29 county attorney's information, but otherwise shall be
30 chargeable only upon indictment or county attorney's
31 information.
32 (2) In all cases of charges under the schedule of
33 weight violations, the charge shall specify the amount
34 of fine charged under the schedule. Where a defendant
35 is convicted and the fine under the foregoing schedule
36 of weight violations exceeds one thousand dollars, the
37 conviction shall be of an indictable offense although
38 section 805.9 is employed and whether the violation
39 is charged upon uniform citation and complaint,
40 indictment, or county attorney's information.
41 f. For a violation under section 321E.16, other
42 than the provisions relating to weight, the scheduled
43 fine is two hundred dollars.
44 13. Motor carrier violations.
45 a. (1) For a violation under section 321.54, the
46 scheduled fine is thirty dollars.
47 (2) For violations under sections 326.22 and
48 326.23, the scheduled fine is fifty dollars.
49 b. For a violation under section 321.449, the
50 scheduled fine is fifty dollars.

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- 1 c. For violations under sections 321.364, 321.450,
2 321.460, and 452A.52, the scheduled fine is two hundred
3 dollars.
- 4 d. For violations of section 325A.3, subsection 5,
5 or section 325A.8, the scheduled fine is one hundred
6 dollars.
- 7 e. For violations of chapter 325A, other than a
8 violation of section 325A.3, subsection 5, or section
9 325A.8, the scheduled fine is two hundred fifty
10 dollars.
- 11 f. For failure to have proper carrier
12 identification markings under section 327B.1, the
13 scheduled fine is one hundred dollars.
- 14 g. For failure to have proper evidence of
15 interstate authority carried or displayed under section
16 327B.1, and for failure to register, carry, or display
17 evidence that interstate authority is not required
18 under section 327B.1, the scheduled fine is two hundred
19 fifty dollars.
- 20 14. Miscellaneous violations.
- 21 a. Failure to obey a peace officer. For a violation
22 under section 321.229, the scheduled fine is one
23 hundred dollars.
- 24 b. Abandoning a motor vehicle. For a violation
25 under section 321.91, the scheduled fine is two hundred
26 dollars.
- 27 c. Seat belt or restraint violations.
- 28 (1) For a violation under section 321.445, the
29 scheduled fine is fifty dollars.
- 30 (2) For a violation under section 321.446, the
31 scheduled violation is one hundred dollars.
- 32 d. Litter and debris violations. For violations
33 under sections 321.369 and 321.370, the scheduled fine
34 is seventy dollars.
- 35 e. Open container violations. For violations under
36 sections 321.284 and 321.284A, the scheduled fine is
37 two hundred dollars.
- 38 f. Proof of financial responsibility. If, in
39 connection with a motor vehicle accident, a person is
40 charged and found guilty of a violation of section
41 321.20B, subsection 1, the scheduled fine is five
42 hundred dollars; otherwise, the scheduled fine for
43 a violation of section 321.20B, subsection 1, is
44 two hundred fifty dollars. Notwithstanding section
45 805.12, fines collected pursuant to this paragraph
46 shall be submitted to the state court administrator and
47 distributed fifty percent to the victim compensation
48 fund established in section 915.94, twenty-five percent
49 to the county in which such fine is imposed, and
50 twenty-five percent to the general fund of the state.

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1 g. Radar-jamming devices. For a violation under
2 section 321.232, the scheduled fine is one hundred
3 dollars.

4 h. Railroad crossing violations. For violations
5 under sections 321.341, 321.342, 321.343, and 321.344,
6 and 321.344B, the scheduled fine is two hundred
7 dollars.

8 i. Road work zone violations. The scheduled fine
9 for any moving traffic violation under chapter 321,
10 as provided in this section, shall be doubled if the
11 violation occurs within any road work zone, as defined
12 in section 321.1. However, notwithstanding subsection
13 5, the scheduled fine for violating the speed limit in
14 a road work zone is as follows:

15 (1) One hundred fifty dollars for speed not more
16 than ten miles per hour over the posted speed limit.

17 (2) Three hundred dollars for speed greater than
18 ten but not more than twenty miles per hour over the
19 posted speed limit.

20 (3) Five hundred dollars for speed greater than
21 twenty but not more than twenty-five miles per hour
22 over the posted speed limit.

23 (4) One thousand dollars for speed greater than
24 twenty-five miles per hour over the posted speed limit.

25 j. Vehicle component parts records violations. For
26 violations under section 321.95, the scheduled fine is
27 fifty dollars.>

28 2. Page 29, line 15, by striking <one hundred ~~ten~~>
29 and inserting <~~one~~ two hundred>

30 3. By striking page 29, line 34, through page 30,
31 line 20, and inserting:

32 <a. To the department of corrections for
33 operations including but not limited to drug courts
34 and salaries and support for probation and parole
35 officers, \$652,810, and of the amount allocated in
36 this paragraph, \$402,810 shall be allocated by the
37 department of corrections to the sixth judicial
38 district department of correctional services, \$150,000
39 shall be allocated to the fifth judicial district
40 department of correctional services, and \$100,000 shall
41 be allocated to the first judicial district department
42 of correctional services.

43 b. To the department of corrections for salaries
44 and support for correctional officers, \$2,497,190, and
45 of the amount allocated in this paragraph, \$1,451,000
46 shall be allocated by the department of corrections
47 for the operation of the Fort Madison correctional
48 facility, \$846,190 shall be allocated for the operation
49 of the Luster Heights facility, and \$200,000 shall be
50 allocated for the operation of the Anamosa correctional

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1 facility.

2 c. To the department of public safety, \$150,000,
3 for costs associated with the training and equipment
4 needs of volunteer fire fighters.

5 d. To the department of public safety for salaries
6 and support for sworn peace officers of the state
7 patrol, \$250,000.

8 e. To the Iowa civil rights commission, \$100,000.

9 f. To the judicial branch, \$5,300,000.

10 g. To the department of justice for salaries and
11 support, \$150,000.

12 3. Moneys remaining in the fund at or after the
13 close of the fiscal year shall revert to the general
14 fund of the state.

15 4. This section is repealed June 30, 2011.>

16 4. Page 33, before line 21 by inserting:

17 <Sec. ____ Section 321.174, subsection 1, Code
18 2009, is amended to read as follows:

19 1. a. A person, except those expressly exempted,
20 shall not operate any motor vehicle upon a highway in
21 this state unless the person has a driver's license
22 issued by the department valid for the vehicle's
23 operation.

24 b. A moving traffic violation does not include a
25 violation of this subsection.

26 Sec. ____ Section 321.210, subsection 2, paragraph
27 d, Code 2009, is amended to read as follows:

28 d. The first two speeding violations within any
29 twelve-month period of ten miles per hour or less over
30 the legal speed limit in speed zones having a legal
31 speed limit between thirty-four miles per hour and
32 ~~fifty six~~ sixty-one miles per hour.

33 Sec. ____ Section 516B.3, subsection 1, Code 2009,
34 is amended to read as follows:

35 1. The commissioner shall require that insurance
36 companies transacting business in this state not
37 consider speeding violations occurring on or after
38 July 1, 1986, but before May 12, 1987, which are for
39 speeding violations for ten miles per hour or less
40 over the legal speed limit in speed zones that have a
41 legal speed limit greater than thirty-five miles per
42 hour or speeding violations occurring on or after May
43 12, 1987, which are for speeding violations for ten
44 miles per hour or less over the legal speed limit in
45 speed zones that have a legal speed limit equal to or
46 greater than thirty-five miles per hour but not greater
47 than ~~fifty five~~ sixty miles per hour for the purpose
48 of establishing rates for motor vehicle insurance
49 charged by the insurer and shall require that insurance
50 companies not cancel or refuse to renew any such policy

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1 for such violations. In any twelve-month period, this
 2 section applies only to the first two such violations
 3 which occur.>
 4 5. Title page, line 2, by striking <providing for>
 5 and inserting <modifying certain traffic offenses,>

TAYLOR of Linn
 R. OLSON of Polk

H-8490

1 Amend the Senate amendment, H-8409, to House File
 2 2229, as passed by the House, as follows:
 3 1. Page 1, after line 2 by inserting:
 4 <__. Page 1, by striking lines 8 and 9 and
 5 inserting:
 6 <2. A third-party administrator, as defined in
 7 section 510.11, shall not make available any dentists
 8 in its dentist >>
 9 2. Page 1, after line 5 by inserting:
 10 <__. Page 1, by striking lines 16 and 17 and
 11 inserting:
 12 <a. "Covered services" means services eligible
 13 for reimbursement under the dental plan, including
 14 services not otherwise reimbursed because of applicable
 15 contractual limitations, including but not limited
 16 to balance billing, deductibles, waiting periods,
 17 frequency limitations, and maximum annual benefits. >>
 18 3. Page 1, after line 15 by inserting:
 19 <__. By renumbering as necessary.>

QUIRK of Chickasaw

H-8491

1 Amend Senate File 2367, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 26, after line 17 by inserting:
 4 <DIVISION ____
 5 PARI-MUTUEL DOG RACETRACKS
 6 Sec. ____ NEW SECTION. 99D.9A Alternative dog
 7 racetrack licensure – annual fee.
 8 1. A licensee authorized to operate a pari-mutuel
 9 dog racetrack and to conduct gambling games pursuant
 10 to section 99F.6 as of January 1, 2010, may, upon
 11 written notification to the commission and agreement
 12 to pay the annual alternative dog racetrack licensure
 13 fee to the commission as provided in this section,
 14 discontinue scheduling performances of live dog races
 15 at the racetrack and maintain a license under this

16 chapter for purposes of permitting pari-mutuel wagering
 17 on simultaneously telecast dog races.

18 2. For purposes of this section, the annual
 19 alternative dog racetrack licensure fee shall be
 20 determined and paid as follows:

21 a. For the pari-mutuel dog racetrack located in
 22 Dubuque county, the payment of three million dollars
 23 each January commencing January 2011.

24 b. For the pari-mutuel dog racetrack located in
 25 Pottawattamie county, the payment of seven million
 26 dollars each January commencing January 2011.

27 3. The annual alternative dog racetrack licensure
 28 fee shall be paid to the commission for deposit in the
 29 general fund of the state.

30 Sec. ____ Section 99D.11, subsection 6, paragraph
 31 b, Code Supplement 2009, is amended to read as follows:

32 b. (1) The commission may authorize the licensee
 33 to simultaneously telecast within the racetrack
 34 enclosure, for the purpose of pari-mutuel wagering,
 35 a horse or dog race licensed by the racing authority
 36 of another state. It is the responsibility of
 37 each licensee to obtain the consent of appropriate
 38 racing officials in other states as required by the
 39 federal Interstate Horseracing Act of 1978, 15 U.S.C.
 40 § 3001-3007, to televise races for the purpose of
 41 conducting pari-mutuel wagering.

42 (2) A licensee may also obtain the permission of a
 43 person licensed by the commission to conduct horse or
 44 dog races in this state to televise races conducted by
 45 that person for the purpose of conducting pari-mutuel
 46 racing. However, arrangements made by a licensee
 47 to televise any race for the purpose of conducting
 48 pari-mutuel wagering are subject to the approval of
 49 the commission, and the commission shall select the
 50 races to be televised. The races selected by the

Page 2

1 commission shall be the same for all licensees approved
 2 by the commission to televise races for the purpose of
 3 conducting pari-mutuel wagering. The commission shall
 4 not authorize the simultaneous telecast or televising
 5 of and a licensee shall not simultaneously telecast
 6 or televise any horse or dog race for the purpose of
 7 conducting pari-mutuel wagering unless the simultaneous
 8 telecast or televising is done at the racetrack of a
 9 licensee that schedules no less than sixty performances
 10 of nine live races each day of the season or that is
 11 not obligated to schedule performances of live races
 12 pursuant to section 99D.9A.

13 (3) For purposes of the taxes imposed under this
 14 chapter, races televised by a licensee for purposes

15 of pari-mutuel wagering shall be treated as if the
 16 races were held at the racetrack of the licensee.
 17 Notwithstanding any contrary provision in this chapter,
 18 the commission may allow a licensee to adopt the same
 19 deductions as those of the pari-mutuel racetrack from
 20 which the races are being simultaneously telecast.
 21 Sec. ____ Section 99F.6, subsection 4, paragraph b,
 22 Code 2009, is amended to read as follows:
 23 b. The commission shall authorize the licensees
 24 of pari-mutuel dog racetracks located in Dubuque
 25 county and Black Hawk county to conduct gambling
 26 games as provided in section 99F.4A if the licensees
 27 schedule at least one hundred thirty performances
 28 of twelve live races each day during a season of
 29 twenty-five weeks. For the pari-mutuel dog racetrack
 30 located in Pottawattamie county, the commission shall
 31 authorize the licensee to conduct gambling games as
 32 provided in section 99F.4A if the licensee schedules
 33 at least two hundred ninety performances of twelve
 34 live races each day during a season of fifty weeks.
 35 The commission shall approve an annual contract to be
 36 negotiated between the annual recipient of the dog
 37 racing promotion fund and each dog racetrack licensee
 38 to specify the percentage or amount of gambling game
 39 proceeds which shall be dedicated to supplement the
 40 purses of live dog races. The parties shall agree
 41 to a negotiation timetable to insure no interruption
 42 of business activity. If the parties fail to agree,
 43 the commission shall impose a timetable. If the
 44 two parties cannot reach agreement, each party shall
 45 select a representative and the two representatives
 46 shall select a third person to assist in negotiating
 47 an agreement. The two representatives may select the
 48 commission or one of its members to serve as the third
 49 party. Alternately, each party shall submit the name
 50 of the proposed third person to the commission who

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1 shall then select one of the two persons to serve as
 2 the third party. All parties to the negotiations,
 3 including the commission, shall consider that the dog
 4 racetracks were built to facilitate the development
 5 and promotion of Iowa greyhound racing dogs in this
 6 state and shall negotiate and decide accordingly.
 7 However, the requirement to schedule performances of
 8 live races for purposes of conducting gambling games
 9 under this chapter shall not apply to a licensee who is
 10 not obligated to schedule performances of live races
 11 pursuant to section 99D.9A.

12 Sec. ____ IOWA GREYHOUND OWNERS AND KENNELS
 13 RETIREMENT FUND.

- 14 1. A greyhound owners and kennels retirement fund
 15 is created in the state treasury under the control of
 16 the racing and gaming commission.
- 17 2. The fund shall consist of all of the following:
- 18 a. Moneys in the dog racing promotion fund created
 19 in section 99D.12 and the Iowa horse and dog breeders
 20 fund created in section 99D.22, that were deposited
 21 in those funds from a dog racetrack licensee that
 22 discontinues scheduling performances of live dog races
 23 pursuant to section 99D.9A.
- 24 b. Moneys credited to the fund from a dog racetrack
 25 licensee that discontinues scheduling performances of
 26 live dog races pursuant to section 99D.9A representing
 27 the remaining balance of all dog purse supplement
 28 payments owed by the licensee pursuant to an agreement
 29 approved by the commission.
- 30 3. Moneys in the fund shall be disbursed by the
 31 racing and gaming commission to registered Iowa
 32 greyhound owners and registered Iowa kennels in an
 33 expeditious and equitable manner as determined by the
 34 racing and gaming commission.
- 35 4. Section 8.33 does not apply to any moneys in the
 36 fund. Notwithstanding section 12C.7, subsection 2,
 37 interest or earnings on moneys deposited in the fund
 38 shall be credited to the fund.
- 39 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
 40 of this Act, being deemed of immediate importance,
 41 takes effect upon enactment.>
- 42 2. By renumbering as necessary.

MASCHER of Johnson
 ABDUL-SAMAD of Polk

H-8492

- 1 Amend Senate File 2370, as amended, passed, and
 2 reprinted by the Senate, as follows:
- 3 1. By striking page 24, line 18, through page 26,
 4 line 31 and inserting <birds which have not been tagged
 5 as ~~herein~~ required in this section>
- 6 2. Page 27, by striking lines 15 through 19.
- 7 3. By renumbering as necessary.

BELL of Jasper

H-8496

- 1 Amend Senate File 2270, 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. 135.30B Expressing breast

6 milk – workplace policy.

- 7 An employer shall establish a policy relating to
 8 employees expressing breast milk while at work.>
 9 2. Title page, line 1, by striking <relating to
 10 workplace accommodations for> and inserting <requiring
 11 employers to establish policies relating to>
 12 3. Title page, line 2, after <milk> by inserting
 13 <at work>

UPMEYER of Hancock

H-8497

- 1 Amend the amendment, H-8491, to Senate File 2367,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 8, by striking <1.>
 5 2. Page 1, by striking lines 11 through 13 and
 6 inserting <written notification to the commission,>
 7 3. Page 1, by striking lines 18 through 29.
 8 4. By renumbering as necessary.

RAECKER of Polk

H-8498

- 1 Amend the amendment, H-8421, to Senate File 2367,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, after line 43 by inserting:
 5 <Sec. ____ NEW SECTION. 12G.3 Financial literacy
 6 program – members of the general assembly.
 7 The treasurer of state and auditor of state shall
 8 develop a financial literacy program for newly elected
 9 members of the general assembly, which program shall
 10 include information on basic budgeting, financial
 11 statements, an overview of the state's budget process,
 12 and a review of the current financial condition of
 13 the state. The treasurer of state and auditor of
 14 state shall coordinate with the legislative council in
 15 providing for the ability of newly-elected members of
 16 the general assembly to attend the program prior to
 17 being sworn in.>
 18 2. Page 1, line 44, by striking <12G.3> and
 19 inserting <12G.4>
 20 3. Page 2, line 4, after <state> by inserting <and
 21 auditor of state>
 22 4. Page 2, line 5, by striking <program> and
 23 inserting <programs>
 24 5. Page 2, line 5, by striking <section 12G.2> and

25 inserting <sections 12G.2 and 12G.3>
 26 6. By renumbering as necessary.

RAECKER of Polk

H-8500

1 Amend the Senate amendment, H-8409, to House File
 2 2229, as passed by the House, as follows:
 3 1. Page 1, by striking line 15 and inserting:
 4 <e. Maximum annual benefits.
 5 5. Prior to providing dental services, other than
 6 covered services, a dentist shall provide the covered
 7 individual with an estimate of the costs that will
 8 be billed for the dental services. The estimate may
 9 include a disclaimer stating that the actual amount
 10 billed for the dental services may differ from the
 11 estimate provided by the dentist. >>
 12 2. By renumbering as necessary.

HELLAND of Polk

H-8502

1 Amend the Senate amendment, H-8409, to House File
 2 2229, as passed by the House, as follows:
 3 1. Page 1, by striking line 15 and inserting:
 4 <e. Maximum annual benefits.
 5 5. Nothing in this section shall be construed to
 6 prohibit a dentist and an individual covered under a
 7 dental plan from negotiating a discounted price for
 8 services provided by the dentist to the patient. >>
 9 2. By renumbering as necessary.

HELLAND of Polk

H-8506

1 Amend the amendment, H-8491, to Senate File 2367,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 3, after line 11 by inserting:
 5 <Sec. ____ Section 142D.4, subsection 10, Code
 6 2009, is amended by striking the subsection.>
 7 2. By renumbering as necessary.

REICHERT of Muscatine

H-8507

1 Amend the Senate amendment, H-8410, to House File
 2 777, as amended, passed, and reprinted by the House,

3 as follows:

4 1. Page 8, by striking lines 19 through 26 and
5 inserting:
6 <4. Implementation of the Iowa public information
7 board is limited to the extent of the funding
8 available. The legislative services agency shall
9 provide transitional administrative support to the
10 board for the fiscal year beginning July 1, 2010, and
11 ending June 30, 2011.>

LENSING of Johnson

H-8508

1 Amend Senate File 2201, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, before line 1 by inserting:
4 <Section 1. NEW SECTION. 1.19 Right to choose
5 health care.
6 No law shall restrict a person's natural right and
7 power to secure the blessings of liberty to choose
8 private health care systems or private health care
9 plans. No law shall interfere with the right of a
10 person or entity to pay for lawful medical services
11 to preserve life or health, and no law shall impose a
12 penalty, tax, fee, or fine, of any type, for declining
13 or failing to contract for health care coverage or for
14 declining or failing to participate in any particular
15 health care system or plan, except as required by a
16 court of law where an individual or entity is a named
17 party in a legal dispute. Nothing in this section
18 shall be construed to expand, limit, or otherwise
19 modify any determination of law regarding what
20 constitutes lawful medical services within the state
21 of Iowa.>
22 2. Title page, line 2, after <including> by
23 inserting <contracts for health care coverage,>
24 3. By renumbering as necessary.

ROBERTS of Carroll
SORENSEN of Warren

H-8509

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 III
5 CHOICE OF HEALTHCARE
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.

ROBERTS of Carroll
 SORENSON of Warren

H-8510

1 Amend the amendment, H-8488, to Senate File 2201,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 6, after <18.> by inserting <a.>
 5 2. Page 1, after line 20 by inserting:
 6 <b. The work group shall also complete an annual
 7 review of the cost of health insurance mandates
 8 currently imposed on health insurance regulated by
 9 the state and provide projections of the cost of
 10 any mandates that the commissioner determines may be
 11 considered by the general assembly during the upcoming
 12 legislative session. The review and projections
 13 shall be included in the annual report filed by the
 14 commissioner with the general assembly pursuant to
 15 section 505.18.>

UPMEYER of Hancock

H-8511

1 Amend the amendment, H-8488, to Senate File 2201,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 16, 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,>

SCHULTE of Linn

H-8512

1 Amend the amendment, H-8488, to Senate File 2201,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 3, after line 42 by inserting:
5 <Og. Any increase in health insurance premiums that
6 is related to compliance by health insurance carriers
7 with the provisions of section 505.19.>

PETTENGILL of Benton

H-8515

1 Amend Senate File 2376, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 29, after line 12 by inserting:
4 <Sec. ___. Section 298.3, subsection 1A, paragraph
5 a, subparagraph (2), Code Supplement 2009, if enacted
6 by 2010 Iowa Acts, House File 2462, is amended to read
7 as follows:

8 (2) The ~~funding cost~~ of technical support services
9 provided by third-party contractual agreement and
10 technical support training of school district personnel
11 necessary for purchases made under this section. For
12 the purposes of this subparagraph, a third-party
13 contractual agreement with an area education agency
14 shall not qualify for expenditure of funds under
15 this section. For the purposes of this subparagraph,
16 "technical support" means a range of services providing
17 assistance with technology products and issues specific
18 to those products. For purposes of this subparagraph,
19 "cost" does not include salaries of school district
20 employees.>

21 2. By renumbering as necessary.

BAILEY of Hamilton
CHAMBERS of O'Brien

H-8518

1 Amend Senate File 2376, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 20, after line 5 by inserting:
4 <Sec. ___. Section 7C.13, subsection 3, Code
5 Supplement 2009, is amended to read as follows:
6 3. Open meetings ~~for consideration of tax exempt~~

7 ~~issuance and public records. The deliberations~~
 8 ~~or meetings and records~~ of the board of directors
 9 of the qualified student loan bond issuer ~~that~~
 10 ~~relate to the issuance of bonds in accordance with~~
 11 ~~this chapter shall be conducted in accordance with~~
 12 ~~chapter subject to chapters 21 and 22.~~

13 Sec. ____ Section 7C.13, subsection 5, Code
 14 Supplement 2009, is amended by striking the
 15 subsection.>

16 2. Page 21, after line 30 by inserting:

17 <Sec. ____ Section 260C.37, Code 2009, is amended
 18 to read as follows:

19 260C.37 Membership in association of school boards.
 20 1. Boards of directors of community colleges may
 21 pay, out of funds available to them, reasonable annual
 22 dues to an Iowa association of school boards.

23 Membership in ~~such an~~ the Iowa association of school
 24 boards shall be limited to ~~those~~ duly elected members
 25 of boards of directors of community colleges. Each
 26 board that pays membership dues to the Iowa association
 27 of school boards shall annually post on its internet
 28 site the amount the board pays in annual dues to the
 29 Iowa association of school boards, the amount of any
 30 fees paid and revenue or dividend payments received
 31 for services the board receives from the association
 32 or from any of the association's affiliated for-profit
 33 entities, and the products or services the community
 34 college received inclusive with membership in the
 35 association.

36 2. By September 1 annually, the Iowa association
 37 of school boards shall publish on its internet site
 38 a listing of the member community colleges and the
 39 annual dues paid by each, and the total revenue the
 40 association receives from each community college
 41 resulting from the payment of membership fees and
 42 the sale of products and services to the community
 43 college by the association or its affiliated for-profit
 44 entities. In addition, the association shall submit
 45 to the general assembly copies of all reports the
 46 association provides to the United States department of
 47 education relating to federal grants and grant amounts
 48 that the association or its affiliated for-profit
 49 entities administer or distribute to community
 50 colleges.>

Page 2

1 3. Page 24, after line 29 by inserting:

2 <Sec. ____ Section 273.3, subsection 13, Code
 3 Supplement 2009, is amended to read as follows:

4 13. Be authorized to pay, out of funds available to
 5 the board reasonable annual dues to an Iowa association

6 of school boards. Membership shall be limited to those
 7 duly elected members of the area education agency
 8 board. Each board that pays membership dues to the
 9 Iowa association of school boards shall annually post
 10 on its internet site the amount the board pays in
 11 annual dues to the Iowa association of school boards,
 12 the amount of any fees paid and revenue or dividend
 13 payments received for services the board receives
 14 from the association or from any of the association's
 15 affiliated for-profit entities, and the products or
 16 services the area education agency received inclusive
 17 with membership in the association. By September 1
 18 annually, the Iowa association of school boards shall
 19 publish on its internet site a listing of the member
 20 area education agencies and the annual dues paid by
 21 each, and the total revenue the association receives
 22 from each area education agency resulting from the
 23 payment of membership fees and the sale of products
 24 and services to the area education agency by the
 25 association or its affiliated for-profit entities.
 26 In addition, the association shall submit to the
 27 general assembly copies of all reports the association
 28 provides to the United States department of education
 29 relating to federal grants and grant amounts that the
 30 association or its affiliated for-profit entities
 31 administer or distribute to area education agencies.>

32 4. Page 25, line 23, after <assembly> by inserting
 33 <a listing of all 28E agreements the association enters
 34 into, and>

35 5. By renumbering as necessary.

FORD of Polk

H-8519

1 Amend the Senate amendment, H-8409, to House File
 2 2229, as passed by the House, as follows:

3 1. Page 1, by striking line 15 and inserting:

4 <e. Maximum annual benefits.

5 5. A dentist shall not discriminate among
 6 individuals covered under a dental plan by charging
 7 different covered individuals different prices for the
 8 same dental service that is not a covered service. >>

9 2. By renumbering as necessary.

HELLAND of Polk

H-8525

1 Amend Senate File 2376, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 29, after line 12 by inserting:

4 <Sec. ____ Section 298.3, subsection 1A, paragraph
 5 a, subparagraph (2), Code Supplement 2009, if enacted
 6 by 2010 Iowa Acts, House File 2462, is amended by
 7 striking the subparagraph.>

8 2. By renumbering as necessary.

RANTS of Woodbury

H-8528

1 Amend the amendment, H-8488, to Senate File 2201,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, line 16, 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,>

SODERBERG of Plymouth

H-8529

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) Two members selected by the Iowa drainage
 6 district association. One member shall represent a
 7 drainage and levee district not governed through county
 8 boards of supervisors and one member shall represent
 9 drainage and levee districts governed through county
 10 boards of supervisors.>

11 ____ Page 2, lines 29 and 30, by striking <wetland
 12 restoration and creation,>>

13 2. Page 1, by striking lines 29 and 30.

14 3. Page 1, line 48, after <watershed.> by inserting
 15 <All political subdivisions within a watershed must be
 16 notified by certified mail within thirty days prior
 17 to organization of any watershed management authority
 18 within the watershed, and provided the opportunity to
 19 participate.>

20 4. Page 1, line 49, after <include> by inserting
 21 <the entire watershed and include a>

22 5. Page 2, lines 1 and 2, by striking <county or
 23 a soil and water conservation district> and inserting
 24 <political subdivision>

25 6. Page 2, by striking lines 32 through 44 and
 26 inserting:

27 <2. A board of directors shall consist of one
 28 representative of each participating political
 29 subdivision.>

30 7. Page 3, line 32, by striking <shall> and

- 31 inserting <may>
32 8. Page 3, lines 32 and 33, by striking <and
33 cooperate> and inserting <its activities>
34 9. By renumbering as necessary.

SANDS of Louisa

H-8532

- 1 Amend the amendment, H-8443, to Senate File 2270, as
2 passed by the Senate, as follows:
3 1. By striking page 1, line 3, through page 4, line
4 25, and inserting:
5 <__. By striking everything after the enacting
6 clause and inserting:
7 <Section 1. NEW SECTION. 135.30B Expressing breast
8 milk – workplace policy.
9 An employer shall establish a policy relating to
10 employees expressing breast milk while at work. >__.
11 Title page, line 1, by striking <relating to
12 workplace accommodations for> and inserting <requiring
13 employers to establish policies relating to>
14 __. Title page, line 2, after <milk> by inserting
15 <at work>>

UPMEYER of Hancock

H-8535

- 1 Amend the amendment, H-8443, to Senate File 2270, as
2 passed by the Senate, as follows:
3 1. Page 2, line 11, by striking <notarized> and
4 inserting <witnessed>
5 2. Page 2, line 22, by striking <notarized> and
6 inserting <witnessed>

WILLEMS of Linn

H-8537

- 1 Amend the amendment, H-8443, to Senate File 2270, as
2 passed by the Senate, as follows:
3 1. Page 1, by striking lines 9 through 12 and
4 inserting:
5 1. "Employer" means the state of Iowa, its boards,
6 commissions, agencies, and departments, and its
7 political subdivisions including school districts and
8 other special purpose districts.

DE BOEF of Keokuk

H-8541

1 Amend the amendment, H-8430, to Senate File 2370,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

- 4 1. Page 1, by striking line 7 and inserting
5 ~~40.08~~ or more.
6 <Sec. ____ Section 462A.14, Code 2009, is amended
7 by adding the following new subsections:
8 NEW SUBSECTION. 14. A peace officer may stop or
9 detain a motorboat or sailboat upon a reasonable and
10 specific belief that a violation has occurred during
11 the operation of the motorboat or sailboat. The
12 reasonable and specific belief that a violation has
13 occurred must be observed by the peace officer prior to
14 the time of the stop or detention of the motorboat or
15 sailboat and must be the reason for the peace officer
16 to stop or detain the motorboat or sailboat.
17 NEW SUBSECTION. 15. For the purposes of this
18 section, "operate" means to be in actual physical
19 control of a motorboat which is powered by a motor
20 of ten horsepower or more and which is moving at a
21 speed great enough to cause a wake or to be in actual
22 physical control of a sailboat in motion which is under
23 a sail speed great enough to cause a wake.>
24 2. By renumbering as necessary.

R. OLSON of Polk
HORBACH of Tama

H-8542

1 Amend Senate File 2370, as amended, passed, and
2 reprinted by the Senate, as follows:

- 3 1. Page 5, line 24, by striking <two five> and
4 inserting <two>
5 2. Page 15, line 8, by striking <two five> and
6 inserting <two>

RAYHONS of Hancock

H-8544

1 Amend Senate File 2324, as amended, passed, and
2 reprinted by the Senate, as follows:

- 3 1. Page 5, after line 29 by inserting:
4 <Sec. ____ Section 477A.8, Code 2009, is amended to
5 read as follows:
6 477A.8 Customer service standards.
7 1. The holder of a certificate of franchise
8 authority shall comply with customer service
9 requirements consistent with those contained in 47

10 C.F.R. § 76.309, and established by the board, and
 11 shall maintain a local or toll-free telephone number
 12 for customer service contact.

13 2. The holder of a certificate of franchise
 14 authority shall implement an informal process for
 15 handling inquiries from municipalities and customers
 16 concerning billing events, service issues, and other
 17 complaints. If an issue is not resolved through
 18 this informal process, a municipality may request a
 19 confidential nonbinding mediation with the holder
 20 of a certificate of franchise authority, with the
 21 costs of such mediation to be shared equally between
 22 the municipality and the holder of a certificate of
 23 franchise authority.

24 3. A holder of a certificate of franchise authority
 25 issued under this chapter or a customer, in lieu of
 26 or in addition to requesting confidential nonbinding
 27 mediation pursuant to subsection 2, may refer an
 28 issue or complaint to the board, which shall possess
 29 regulatory authority with regard to unresolved issues
 30 or complaints. The board shall monitor the number of
 31 issues referred to the board or complaints received
 32 and the nature of those issues or complaints, and may
 33 investigate an issue or complaint, conduct informal
 34 hearings, and, if determined to be warranted, require
 35 remedial or corrective action on the part of a holder
 36 of a certificate of franchise authority issued under
 37 this chapter.>

38 2. By renumbering as necessary.

SANDS of Louisa

H-8545

1 Amend House File 2531 as follows:

2 1. Page 35, before line 8 by inserting:

3 <Sec. ____ Section 85.36, Code 2009, is amended by
 4 adding the following new subsection:

5 NEW SUBSECTION. 13. The basis of compensation for
 6 permanent total disability benefits or death benefits
 7 shall adjust on January 1 of each year for compensation
 8 which becomes due that year by a percentage equal
 9 to the cost-of-living adjustment made to disability
 10 benefits payable by the United States social security
 11 administration in December of the immediately preceding
 12 year.>

13 2. By renumbering as necessary.

R. OLSON of Polk

H-8546

1 Amend House File 2531 as follows:

2 1. Page 38, after line 1 by inserting:

3 <DIVISION ____
4 RESPONSIBLE BIDDER

5 Section 1. Section 8A.311, subsection 11, paragraph
6 b, Code 2009, is amended to read as follows:

7 b. (1) In awarding a contract under this
8 subsection, the department shall let the work to the
9 lowest responsive, responsible bidder, as defined in
10 section 26.2, submitting a sealed proposal. However,
11 if the department considers the bids received not to
12 be acceptable, all bids may be rejected and new bids
13 requested.

14 (2) A bid shall be accompanied by a certified or
15 cashier's check or bid bond in an amount designated in
16 the advertisement for bids as security that the bidder
17 will enter into a contract for the work requested.
18 The department shall establish the bid security in an
19 amount equal to at least five percent, but not more
20 than ten percent of the estimated total cost of the
21 work. The certified or cashier's checks or bid bonds
22 of unsuccessful bidders shall be returned as soon as
23 the successful bidder is determined. The certified or
24 cashier's check or bid bond of the successful bidder
25 shall be returned upon execution of the contract.
26 c. This subsection does not apply to the
27 construction, erection, demolition, alteration, or
28 repair of a public improvement when the contracting
29 procedure for the work requested is otherwise provided
30 for in law.

31 Sec. 2. Section 26.2, Code 2009, is amended by
32 adding the following new subsections:

33 NEW SUBSECTION. 5. "Responsible bidder" means a
34 bidder who meets the following requirements in addition
35 to any requirements that are part of the bidding
36 process for a public improvement contract:

37 a. The bidder uses the federal e-verify program to
38 ensure the employment eligibility of all workers who
39 will perform work on the public improvement. "E-verify
40 program" means one of the following:

41 (1) The electronic verification of work
42 authorization status program created under the federal
43 Illegal Immigration Reform and Immigrant Responsibility
44 Act of 1996, 8 U.S.C. § 1324a, and operated by the
45 United States department of homeland security.

46 (2) Any federal work authorization status program
47 equivalent to the program described in subparagraph
48 (1) and operated by the United States department of
49 homeland security or any other designated federal
50 agency authorized to verify the work authorization

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1 status of newly hired employees, pursuant to the
2 federal Immigration Reform and Control Act of 1986,
3 Pub. L. No. 99-603.

4 b. (1) The bidder shall ensure that each
5 individual who performs labor or service on the public
6 improvement project is a worker. "Worker" means an
7 employee of a contractor or subcontractor unless
8 an independent contractor relationship between the
9 individual and the contractor or subcontractor is
10 intended and all of the following conditions apply:

11 (a) The contractor or subcontractor does not
12 control or direct the performance of services by the
13 individual.

14 (b) The contractor or subcontractor is not
15 responsible for the payment of the individual's wages.

16 (c) The contractor or subcontractor does not have
17 the right to discharge the individual or to terminate
18 the working relationship with the individual.

19 (d) The contractor or subcontractor is not the
20 authority in charge of the work or for whose benefit
21 the individual is providing services.

22 (2) An individual classified as an employee under
23 this paragraph "b" shall also be classified as an
24 employee pursuant to chapters 85, 85A, 85B, 88, 91A,
25 and 96.

26 c. (1) The bidder requires all workers who perform
27 any labor or service for a contractor or subcontractor
28 on a public improvement project to complete every three
29 years a minimum ten-hour construction safety program
30 approved by the United States occupational safety and
31 health administration. A newly hired worker must be
32 required to complete the safety program within ninety
33 days of hire but may perform labor or service on a
34 public improvement during the ninety days.

35 (2) The bidder requires each primary contractor
36 working on a public improvement project to require at
37 least one worker who performs any labor or service on
38 the public improvement project to complete every five
39 years a minimum thirty-hour construction safety program
40 approved by the United States occupational safety and
41 health administration.

42 (3) The bidder requires a quarterly consultation at
43 the site of the public improvement project by the state
44 occupational safety and health administration on public
45 improvement projects that cost five million dollars or
46 more.

47 d. The bidder who participates in a public
48 improvement project participates in an apprenticeship
49 program approved by, and registered with, the United
50 States department of labor's office of apprenticeship.

Page 3

1 e. (1) The bidder does not have a record of
2 violations of specific laws over a period of time that
3 tend to show a consistent pattern and provides evidence
4 of compliance with specific laws. Such specific laws
5 include but are not limited to the following:

- 6 (a) State contractor registration and licensing
7 laws.
8 (b) Federal and state unemployment insurance laws.
9 (c) Federal and state tax laws.
10 (d) Federal and state workers' compensation laws.
11 (e) Federal and state environmental laws.
12 (f) State employment rules and regulations.

13 (2) Such a pattern may allow the governmental
14 entity to deny the bidder the award of a public
15 improvement contract, unless the governmental entity
16 finds that the violations did not seriously affect
17 public health or safety, or the environment, or violate
18 employment laws, or if the bidder did, that there were
19 mitigating circumstances. In making the findings
20 and determinations regarding violations, mitigating
21 circumstances, and whether the bidder is disqualified
22 to be awarded a public improvement contract, the
23 governmental entity is exempt from the requirements of
24 chapter 17A.

25 NEW SUBSECTION. 6. "Responsive bidder" means a
26 bidder who satisfies the material specifications of a
27 public improvement bid without significant change, but
28 whose bid may contain irregularities in the bid form.

29 Sec. 3. Section 28J.9, subsection 18, paragraph b,
30 Code 2009, is amended to read as follows:

31 b. Except as provided in paragraph "c", when
32 the cost of a contract for the construction of a
33 building, structure, or other improvement undertaken
34 by a port authority involves an expenditure exceeding
35 the competitive bid threshold in section 26.3, or as
36 established in section 314.1B, and the port authority
37 is the contracting entity, the port authority shall
38 make a written contract after notice calling for
39 bids for the award of the contract has been given by
40 publication twice, with at least seven days between
41 publications, in a newspaper of general circulation in
42 the area of the port authority. Each such contract
43 shall be let to the lowest responsive, ~~and~~ responsible
44 bidder, as defined in section 26.2. Every contract
45 shall be accompanied by or shall refer to plans and
46 specifications for the work to be done, prepared for
47 and approved by the port authority, and signed by an
48 authorized officer of the port authority and by the
49 contractor.

50 Sec. 4. Section 73A.18, Code 2009, is amended to

Page 4

1 read as follows:

2 73A.18 When bids required – advertisement –
3 deposit.

4 1. When the estimated total cost of construction,
5 erection, demolition, alteration, or repair of a public
6 improvement exceeds the competitive bid threshold in
7 section 26.3, or as established in section 314.1B,
8 the municipality shall advertise for bids on the
9 proposed improvement by two publications in a newspaper
10 published in the county in which the work is to be
11 done. The first advertisement for bids shall be
12 not less than fifteen days prior to the date set for
13 receiving bids.

14 2. The municipality shall let the work to the
15 lowest responsive, responsible bidder, as defined in
16 section 26.2, submitting a sealed proposal. However,
17 if in the judgment of the municipality bids received
18 are not acceptable, all bids may be rejected and new
19 bids requested. A bid shall be accompanied, in a
20 separate envelope, by a deposit of money or a certified
21 check or credit union certified share draft in an
22 amount to be named in the advertisement for bids as
23 security that the bidder will enter into a contract for
24 the doing of the work.

25 3. The municipality shall fix the bid security in
26 an amount equal to at least five percent, but not more
27 than ten percent of the estimated total cost of the
28 work. The checks, share drafts, or deposits of money
29 of the unsuccessful bidders shall be returned as soon
30 as the successful bidder is determined, and the check,
31 share draft, or deposit of money of the successful
32 bidder shall be returned upon execution of the contract
33 documents.

34 Sec. 5. Section 73A.21, subsection 2, Code 2009, is
35 amended to read as follows:

36 2. Notwithstanding this chapter, chapter 73,
37 chapter 309, chapter 310, chapter 331, or chapter 384,
38 when a contract for a public improvement is to be
39 awarded to the lowest responsive, responsible bidder,
40 as defined in section 26.2, a resident bidder shall be
41 allowed a preference as against a nonresident bidder
42 from a state or foreign country which gives or requires
43 a preference to bidders from that state or foreign
44 country. The preference is equal to the preference
45 given or required by the state or foreign country in
46 which the nonresident bidder is a resident.

47 Sec. 6. Section 262.34, subsection 1, Code
48 Supplement 2009, is amended to read as follows:

49 1. When the estimated cost of construction,
50 repairs, or improvement of buildings or grounds

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1 under charge of the state board of regents exceeds
2 one hundred thousand dollars, the board shall
3 advertise for bids for the contemplated improvement
4 or construction and shall let the work to the lowest
5 responsive, responsible bidder, as defined in section
6 26.2. However, if in the judgment of the board
7 bids received are not acceptable, the board may
8 reject all bids and proceed with the construction,
9 repair, or improvement by a method as the board may
10 determine. All plans and specifications for repairs
11 or construction, together with bids on the plans or
12 specifications, shall be filed by the board and be open
13 for public inspection. All bids submitted under this
14 section shall be accompanied by a deposit of money,
15 a certified check, or a credit union certified share
16 draft in an amount as the board may prescribe.

17 Sec. 7. Section 314.1, subsection 3, unnumbered
18 paragraph 1, Code 2009, is amended to read as follows:

19 In the award of contracts for the construction,
20 reconstruction, improvement, or repair or maintenance
21 of a highway, bridge, or culvert, the agency having
22 charge of awarding such contracts shall give due
23 consideration not only to the prices bid but also to
24 the mechanical or other equipment and the financial
25 responsibility and experience in the performance of
26 like or similar contracts. The agency may reject any
27 or all bids. The agency may readvertise and relet the
28 project without conducting an additional public hearing
29 if no substantial changes are made to the project's
30 plans or specifications. The agency may let by private
31 contract or build by day labor, at a cost not in excess
32 of the ~~lowest~~ bid received from the lowest responsive,
33 responsible bidder, as defined in section 26.2.

34 Sec. 8. Section 357.16, Code 2009, is amended to
35 read as follows:

36 357.16 Second election.

37 If the majority of the votes cast at said second
38 election be in favor of said improvement, the board of
39 supervisors shall again advertise for bids in the same
40 manner as before. If the bids at the second letting
41 will not necessitate raising the second preliminary
42 assessment more than ten percent, the board may let the
43 contract to the lowest responsive, responsible bidder,
44 as defined in section 26.2.

45 Sec. 9. Section 360.5, Code 2009, is amended to
46 read as follows:

47 360.5 Construction.

48 The township trustees or in case of joint ownership,
49 in conjunction with the city authorities shall have
50 charge of the building of such hall, shall receive

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1 bids, and shall let the building of the same to the
 2 lowest responsive, responsible bidder, as defined in
 3 section 26.2, and the township clerk shall pay out of
 4 the funds collected, only on the order of the trustees
 5 of said township for the township's share of the cost
 6 thereof.

7 Sec. 10. Section 468.35, subsection 1, Code 2009,
 8 is amended to read as follows:

9 1. The board shall award contract or contracts
 10 for each section of the work to the lowest
 11 responsive, responsible bidder, as defined in section
 12 26.2, or bidders therefor, bids to be submitted,
 13 received and acted upon separately as to the main drain
 14 and each of the laterals, and each settling basin,
 15 if any, exercising their own discretion as to letting
 16 such work as to the main drain as a whole, or as to
 17 each lateral as a whole, or by sections as to both main
 18 drain and laterals, and reserving the right to reject
 19 any and all bids and readvertise the letting of the
 20 work.>

21 2. By renumbering as necessary.

R. OLSON of Polk

H-8548

1 Amend Senate File 2331, as passed by the Senate, as
 2 follows:

3 1. Page 1, after line 13 by inserting:
 4 <Sec. ____ REVIEW AND RECOMMENDATIONS AND THE
 5 GENERAL ASSEMBLY HAWK-I PROGRAM CHIROPRACTIC CARE. The
 6 department of human services shall review the number,
 7 location and utilization of chiropractors participating
 8 in the hawk-i program, and shall make recommendations
 9 regarding reasonable access to chiropractic care under
 10 the program to the hawk-i board by January 14, 2011.>

11 2. By renumbering as necessary.

PETTENGILL of Benton

H-8549

1 Amend House File 2531 as follows:

2 1. Page 32, after line 10 by inserting:
 3 <Sec. ____ NEW SECTION. 2.9A Voting.
 4 Except for voting on a motion to adjourn, voting in
 5 the senate and house of representatives shall not occur

6 between midnight and 8 a.m. on any legislative day.>
7 2. By renumbering as necessary.

COWNIE of Polk

H-8553

1 Amend House File 2531 as follows:
2 1. Page 36, after line 7 by inserting:
3 <Sec. ____ Section 99F.6, subsection 4, paragraph
4 a, Code 2009, is amended to read as follows:
5 a. Before a license is granted, the division
6 of criminal investigation of the department of
7 public safety shall conduct a thorough background
8 investigation of the applicant for a license to
9 operate a gambling game operation on an excursion
10 gambling boat. The applicant shall provide information
11 on a form as required by the division of criminal
12 investigation. A qualified sponsoring organization
13 licensed to operate gambling games under this chapter
14 shall distribute the receipts of all gambling games,
15 less reasonable expenses, charges, taxes, fees, and
16 deductions allowed under this chapter, as winnings
17 to players or participants or shall distribute the
18 receipts for educational, civic, public, charitable,
19 patriotic, or religious uses as defined in section
20 99B.7, subsection 3, paragraph "b". However, a
21 licensee to conduct gambling games under this chapter
22 shall, unless an operating agreement for an excursion
23 gambling boat otherwise provides, distribute at least
24 three percent of the adjusted gross receipts for
25 each license year for educational, civic, public,
26 charitable, patriotic, or religious uses as defined
27 in section 99B.7, subsection 3, paragraph "b".
28 However, if a licensee who is also licensed to conduct
29 pari-mutuel wagering at a horse racetrack has unpaid
30 debt from the pari-mutuel racetrack operations, the
31 first receipts of the gambling games operated within
32 the racetrack enclosure less reasonable operating
33 expenses, taxes, and fees allowed under this chapter
34 shall be first used to pay the annual indebtedness.
35 The commission shall authorize, subject to the debt
36 payments for horse racetracks and the provisions of
37 paragraph "b" for dog racetracks, a licensee who is
38 also licensed to conduct pari-mutuel dog or horse
39 racing to use receipts from gambling games within
40 the racetrack enclosure to supplement purses for
41 races particularly for Iowa-bred horses pursuant to
42 an agreement which shall be negotiated between the
43 licensee and representatives of the dog or horse
44 owners. A qualified sponsoring organization shall
45 not make a contribution to a candidate, political

46 committee, candidate's committee, state statutory
47 political committee, county statutory political
48 committee, national political party, or fund-raising
49 event as these terms are defined in section 68A.102.
50 The membership of the board of directors of a qualified

Page 2

1 sponsoring organization shall represent a broad
2 interest of the communities.
3 Ob. For agreements subject to commission approval
4 concerning purses for horse racing beginning on or
5 after January 1, 2006, ~~and ending before January~~
6 ~~1, 2021,~~ the agreements shall provide that total
7 annual purses for all horse racing shall be ~~no~~
8 ~~less than~~ eleven percent of ~~the first two hundred~~
9 ~~million dollars of net receipts, and six percent~~
10 ~~of net receipts above two hundred million dollars.~~
11 Agreements that are subject to commission approval
12 concerning horse purses for a particular period of
13 time beginning on or after January 1, 2006, ~~and ending~~
14 ~~before January 1, 2021,~~ shall be jointly submitted to
15 the commission for approval. ~~A qualified sponsoring~~
16 ~~organization shall not make a contribution to a~~
17 ~~candidate, political committee, candidate's committee,~~
18 ~~state statutory political committee, county statutory~~
19 ~~political committee, national political party, or~~
20 ~~fund-raising event as these terms are defined in~~
21 ~~section 68A.102. The membership of the board of~~
22 ~~directors of a qualified sponsoring organization shall~~
23 ~~represent a broad interest of the communities. All~~
24 ~~parties to agreements that are subject to commission~~
25 ~~approval under this lettered paragraph shall agree to a~~
26 ~~negotiation timetable, or if the parties fail to agree,~~
27 ~~the commission shall impose a timetable, to insure~~
28 ~~no interruption of business activity. If any party~~
29 ~~representing a horse breed and the horse racetrack~~
30 ~~licensee cannot reach agreement, each party not in~~
31 ~~agreement shall select a representative and the two~~
32 ~~representatives shall select a third party to assist in~~
33 ~~negotiating an agreement. The two representatives may~~
34 ~~select the commission or one of its members to serve as~~
35 ~~the third party. Alternately, each party shall submit~~
36 ~~the name of a proposed third party to the commission~~
37 ~~which shall then select one of the two parties to serve~~
38 ~~as the third party. All parties to the negotiations,~~
39 ~~including the commission, shall consider that the horse~~
40 ~~racetrack was built to facilitate the development and~~
41 ~~promotion of Iowa-bred racing horses in this state and~~
42 ~~shall negotiate and decide accordingly. For purposes~~
43 ~~of this lettered paragraph, "net receipts" means the~~
44 ~~annual adjusted gross receipts from all gambling games~~

45 ~~less the annual amount of money pledged by the owner~~
 46 ~~of the facility to fund a project approved to receive~~
 47 ~~vision Iowa funds as of July 1, 2004.>~~
 48 2. By renumbering as necessary.

R. OLSON of Polk

H-8555

1 Amend Senate File 2331, as passed by the Senate, as
 2 follows:
 3 1. Page 1, after line 13 by inserting:
 4 <Sec. ___. REVIEW AND RECOMMENDATIONS – HAWK-I
 5 PROGRAM CHIROPRACTIC CARE. The department of human
 6 services shall review the number, location, and
 7 utilization of chiropractors participating in the
 8 hawk-i program, and shall make recommendations
 9 regarding reasonable access to chiropractic care
 10 under the program to the hawk-i board and the general
 11 assembly by January 14, 2011.>
 12 2. By renumbering as necessary.

PETTENGILL of Benton

H-8558

1 Amend the Senate amendment, H-8539, to House File
 2 2525, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. By striking page 1, line 46, through page 2,
 5 line 16.
 6 2. By renumbering as necessary.

SWEENEY of Hardin
 MAY of Dickinson
 SANDS of Louisa
 STRUYK of Pottawattamie

CHAMBERS of O'Brien
 GRASSLEY of Butler
 S. OLSON of Clinton

H-8564

1 Amend House File 2531 as follows:
 2 1. Page 31, line 5, by striking <shall not be held
 3 liable> and inserting <shall be held harmless by such
 4 political subdivisions>

SWAIM of Davis
 R. OLSON of Polk
 WILLEMS of Linn
 H. MILLER of Webster

PALMER of Mahaska
 SMITH of Marshall
 BAILEY of Hamilton
 GASKILL of Wapello

H-8579

1 Amend House File 2531 as follows:

2 1. Page 37, after line 14 by inserting:

3 <Sec. ____ Section 729.6, subsection 1, paragraph
4 c, Code 2009, as amended by 2010 Iowa Acts, Senate File
5 2215, if enacted, is amended to read as follows:

6 <c. "Genetic testing" means the same as genetic
7 test as defined in 29 U.S.C. § 1191b(d)(7). "Genetic
8 testing" does not mean routine physical measurement, a
9 routine chemical, blood, or urine analysis, a biopsy,
10 an autopsy, or clinical specimen obtained solely for
11 the purpose of conducting an immediate clinical or
12 diagnostic test to detect an existing disease, illness,
13 impairment, or disorder, or a test for drugs or for
14 human immunodeficiency virus infections.>

15 2. By renumbering as necessary.

RUNNING-MARQUARDT of Linn

H-8584

1 Amend the Senate amendment, H-8539, to House File
2 2525, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 2, line 1, after <266.39> by inserting
5 <, in cooperation with the Iowa cooperative extension
6 service in agriculture and home economics as provided
7 in chapter 266, at Iowa state university of science and
8 technology>

9 2. Page 2, line 7, after <agriculture> by inserting
10 <, in cooperation with the Iowa cooperative extension
11 service in agriculture and home economics,>

12 3. By renumbering as necessary.

SWEENEY of Hardin

H-8587

1 Amend House File 2531 as follows:

2 1. Page 36, after line 7 by inserting:

3 <Sec. ____ Section 99F.6, subsection 4, paragraph
4 a, Code 2009, is amended to read as follows:

5 a. Before a license is granted, the division
6 of criminal investigation of the department of
7 public safety shall conduct a thorough background
8 investigation of the applicant for a license to
9 operate a gambling game operation on an excursion
10 gambling boat. The applicant shall provide information
11 on a form as required by the division of criminal
12 investigation. A qualified sponsoring organization
13 licensed to operate gambling games under this chapter

14 shall distribute the receipts of all gambling games,
15 less reasonable expenses, charges, taxes, fees, and
16 deductions allowed under this chapter, as winnings
17 to players or participants or shall distribute the
18 receipts for educational, civic, public, charitable,
19 patriotic, or religious uses as defined in section
20 99B.7, subsection 3, paragraph "b". However, a
21 licensee to conduct gambling games under this chapter
22 shall, unless an operating agreement for an excursion
23 gambling boat otherwise provides, distribute at least
24 three percent of the adjusted gross receipts for
25 each license year for educational, civic, public,
26 charitable, patriotic, or religious uses as defined
27 in section 99B.7, subsection 3, paragraph "b".
28 However, if a licensee who is also licensed to conduct
29 pari-mutuel wagering at a horse racetrack has unpaid
30 debt from the pari-mutuel racetrack operations, the
31 first receipts of the gambling games operated within
32 the racetrack enclosure less reasonable operating
33 expenses, taxes, and fees allowed under this chapter
34 shall be first used to pay the annual indebtedness.
35 The commission shall authorize, subject to the debt
36 payments for horse racetracks and the provisions of
37 paragraph "b" for dog racetracks, a licensee who is
38 also licensed to conduct pari-mutuel dog or horse
39 racing to use receipts from gambling games within
40 the racetrack enclosure to supplement purses for
41 races particularly for Iowa-bred horses pursuant to
42 an agreement which shall be negotiated between the
43 licensee and representatives of the dog or horse
44 owners. A qualified sponsoring organization shall
45 not make a contribution to a candidate, political
46 committee, candidate's committee, state statutory
47 political committee, county statutory political
48 committee, national political party, or fund-raising
49 event as these terms are defined in section 68A.102.
50 The membership of the board of directors of a qualified

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1 sponsoring organization shall represent a broad
2 interest of the communities.
3 Ob. For agreements subject to commission approval
4 concerning purses for horse racing beginning on or
5 after January 1, 2006, and ending before January 1,
6 2021, the agreements shall provide that total annual
7 purses for all horse racing shall be no less than
8 eleven percent of the first two hundred million dollars
9 of net receipts, and six percent of net receipts
10 above two hundred million dollars. Agreements that
11 are subject to commission approval concerning horse
12 purses for a particular period of time beginning on

13 or after January 1, 2006, and ending before January
 14 1, 2021, shall be jointly submitted to the commission
 15 for approval. ~~A qualified sponsoring organization~~
 16 ~~shall not make a contribution to a candidate, political~~
 17 ~~committee, candidate's committee, state statutory~~
 18 ~~political committee, county statutory political~~
 19 ~~committee, national political party, or fund raising~~
 20 ~~event as those terms are defined in section 68A.102.~~
 21 The membership of the board of directors of a qualified
 22 sponsoring organization shall represent a broad
 23 interest of the communities. If any party representing
 24 a horse breed and the horse racetrack licensee cannot
 25 reach agreement by July 1 of the year preceding the
 26 year in which the agreement is to become effective, the
 27 commission shall require each party not in agreement
 28 to arbitrate to conclusion by September 1, as provided
 29 in this lettered paragraph. Each party not in
 30 agreement shall select a representative and the two
 31 representatives shall select a third party to assist in
 32 negotiating an agreement. The two representatives may
 33 select the commission or one of its members to serve as
 34 the third party. Alternately, each party shall submit
 35 the name of a proposed third party to the commission
 36 which shall then select one of the two parties to serve
 37 as the third party. All parties to the negotiations,
 38 including the commission, shall consider that the horse
 39 racetrack was built to facilitate the development and
 40 promotion of Iowa-bred racing horses in this state and
 41 shall negotiate and decide accordingly. For purposes
 42 of this lettered paragraph, "net receipts" means the
 43 annual adjusted gross receipts from all gambling games
 44 less the annual amount of money pledged by the owner
 45 of the facility to fund a project approved to receive
 46 vision Iowa funds as of July 1, 2004.>
 47 2. By renumbering as necessary.

R. OLSON of Polk

H-8589

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 by
 26 striking the section and inserting in lieu thereof the
 27 following:

28 724.8 Persons eligible for permit to carry weapons.

29 No professional or nonprofessional permit to carry
 30 weapons shall be issued to a person who is prohibited
 31 by federal law from shipping, transporting, possessing,
 32 or receiving a firearm.

33 Sec. ____ Section 724.9, Code 2009, is amended by
 34 striking the section and inserting in lieu thereof the
 35 following:

36 724.9 Firearm training program.

37 1. An applicant shall demonstrate knowledge of
 38 firearm safety by any of the following means:

39 a. Completion of any national rifle association
 40 firearms safety or firearms training course.

41 b. Completion of any firearms safety or firearms
 42 training course available to the general public
 43 offered by a law enforcement agency, community
 44 college, college, private or public institution or
 45 organization, or firearms training school utilizing
 46 instructors certified by the national rifle association
 47 or the department of public safety or another state's
 48 department of public safety, state police department,
 49 or similar certifying body.

50 c. Completion of any law enforcement firearms

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1 safety or firearms training course or class offered
 2 for security guards, investigators, special deputies,
 3 or any division or subdivision of a law enforcement or
 4 security enforcement agency.

5 d. Completion of small arms training while serving
 6 with the armed forces of the United States as evidenced
 7 by any of the following:

8 (1) For personnel released or retired from active
 9 duty, possession of an honorable discharge or general
 10 discharge under honorable conditions.

11 (2) For personnel on active duty or serving in

12 one of the national guard or reserve components of
13 the armed forces of the United States, possession of
14 a certificate of completion of basic training with a
15 service record of successful completion of small arms
16 training and qualification.

17 e. Previously having held a license to carry a
18 firearm in this state, any political subdivision of
19 this state, or in a state recognized under section
20 724.11A, unless such license was revoked for cause.

21 f. Completion of a law enforcement agency firearms
22 training course that qualifies a peace officer to carry
23 a firearm in the normal course of the peace officer's
24 duties.

25 2. Evidence of qualification under this section may
26 be documented by any of the following:

27 a. A photocopy of a certificate of completion or
28 any similar document indicating completion of any
29 course or class identified in subsection 1.

30 b. An affidavit from the instructor, school,
31 organization, or group that conducted or taught a
32 course or class identified in subsection 1 attesting to
33 the completion of the course or class by the applicant.

34 c. A copy of any document indicating participation
35 in any firearms shooting competition.

36 d. A copy of a license described in subsection 1,
37 paragraph "f".

38 3. An issuing officer shall not condition the
39 issuance of a permit on training requirements that are
40 not specified in or that exceed the requirements of
41 this section.

42 Sec. ____ Section 724.10, Code 2009, is amended to
43 read as follows:

44 724.10 Application for permit to carry weapons –
45 ~~criminal history~~ background check required.

46 1. A person shall not be issued a permit to carry
47 weapons unless the person has completed and signed an
48 application on a form to be prescribed and published
49 by the commissioner of public safety. The application
50 shall ~~state~~ require only the full name, driver's

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1 license or nonoperator's identification card number,
2 residence, place of birth, and age of the applicant,
3 and shall state whether the applicant ~~has ever been~~
4 ~~convicted of a felony, whether the person is addicted~~
5 ~~to the use of alcohol or any controlled substance, and~~
6 ~~whether the person has any history of mental illness or~~
7 ~~repeated acts of violence~~ meets the criteria specified
8 in sections 724.8 and 724.9. An applicant may provide
9 the applicant's social security number if the applicant
10 so chooses. The applicant shall also display an

11 identification card that bears a distinguishing number
 12 assigned to the cardholder, the full name, date of
 13 birth, sex, residence address, and a brief description
 14 and colored photograph of the cardholder.

15 2. The sheriff issuing officer, upon receipt
 16 of an initial or renewal application under this
 17 section, shall ~~conduct~~ immediately conduct a criminal
 18 history background check concerning each applicant by
 19 obtaining criminal history data from the department of
 20 public safety which shall include an inquiry of the
 21 national instant criminal background system maintained
 22 by the federal bureau of investigation or any successor
 23 agency.

24 3. A person who knowingly makes a false statement
 25 of material fact on the an application submitted under
 26 this section or who knowingly submits any materially
 27 falsified or forged document in connection with such
 28 application commits a class "D" felony an aggravated
 29 misdemeanor.

30 Sec. ____ Section 724.11, Code 2009, is amended to
 31 read as follows:

32 724.11 Issuance of permit to carry weapons.

33 1. Applications for permits to carry weapons shall
 34 be made to the sheriff of the county in which the
 35 applicant resides. Applications from persons who are
 36 nonresidents of the state, or whose need to go armed
 37 arises out of employment by the state, shall be made
 38 to the commissioner of public safety. In either case,
 39 the issuance of the permit shall be by and at the
 40 discretion of the sheriff or commissioner, who shall,
 41 before issuing the permit, shall determine that the
 42 requirements of sections 724.6 to 724.10 have been
 43 satisfied. However, the training program requirements
 44 in section 724.9 may shall be waived for renewal
 45 permits.

46 2. The issuing officer shall collect a fee of
 47 ten fifty dollars, except from a duly appointed peace
 48 officer or correctional officer, for each permit
 49 issued. Renewal permits or duplicate permits shall be
 50 issued for a fee of five twenty-five dollars, provided

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1 the application for such renewal permit is received
 2 by the issuing officer at least thirty days prior to
 3 the expiration of the applicant's current permit.

4 The issuing officer shall notify the commissioner of
 5 public safety of the issuance of any permit at least
 6 monthly and forward to the commissioner an amount
 7 equal to two dollars for each permit issued and one
 8 dollar for each renewal or duplicate permit issued.

9 All such fees received by the commissioner shall be

10 paid to the treasurer of state and deposited in the
 11 operating account of the department of public safety
 12 to offset the cost of administering this chapter.
 13 ~~Any Notwithstanding section 8.33, any unspent balance~~
 14 as of June 30 of each year shall revert to the general
 15 fund ~~as provided by section 8.33 of the state.~~

16 3. The sheriff or commissioner of public safety
 17 shall approve or deny an initial or renewal application
 18 submitted under this section within thirty days of
 19 receipt of the application. If the issuing officer
 20 has not received a response to an information request
 21 necessary to determine the applicant's eligibility at
 22 the end of the thirty-day period and the applicant is
 23 not otherwise disqualified, the issuing officer shall
 24 issue a conditional permit to the applicant. The
 25 conditional permit shall be readily distinguishable
 26 in appearance from a five-year permit and shall be
 27 immediately revoked if the information subsequently
 28 received indicates the applicant is ineligible for a
 29 permit and the application is denied. A person whose
 30 application for a permit under this chapter is denied
 31 may seek review of the denial under section 724.21A.

32 Sec. ____ NEW SECTION. 724.11A Reciprocity.
 33 1. The commissioner of public safety shall compare
 34 the provisions of sections 724.7 and 724.8 with similar
 35 statutes of other states to determine whether such
 36 state's laws are similar to or exceed the requirements
 37 of sections 724.7 and 724.8. The commissioner shall
 38 seek a reciprocity agreement with each state whose laws
 39 are similar to or exceed the requirements of sections
 40 724.7 and 724.8.

41 2. A valid nonprofessional permit or license to
 42 carry weapons recognized in this state pursuant to
 43 subsection 1 shall have the same legal effect as a
 44 nonprofessional permit to carry weapons issued under
 45 this chapter, except that such permit shall not be
 46 considered to be a substitute for an annual permit to
 47 acquire weapons issued pursuant to section 724.15.

48 Sec. ____ Section 724.17, Code 2009, is amended to
 49 read as follows:

50 724.17 Application for annual permit to acquire –

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1 criminal history check required.
 2 The application for an annual permit to acquire
 3 pistols or revolvers may be made to the sheriff of the
 4 county of the applicant's residence and shall be on a
 5 form prescribed and published by the commissioner of
 6 public safety. The application shall state require
 7 only the full name of the applicant, the driver's
 8 license or nonoperator's identification card number of

9 the applicant, the residence of the applicant, and the
10 age and place of birth of the applicant. The applicant
11 shall also display an identification card that bears
12 a distinguishing number assigned to the cardholder,
13 the full name, date of birth, sex, residence address,
14 and brief description and colored photograph of the
15 cardholder, or other identification as specified by
16 rule of the department of public safety. The sheriff
17 shall conduct a criminal history check concerning
18 each applicant by obtaining criminal history data
19 from the department of public safety which shall
20 include an inquiry of the national instant criminal
21 background system maintained by the federal bureau of
22 investigation or any successor agency. A person who
23 knowingly makes a false statement of material fact on
24 the application commits a class "D" felony. A person
25 who knowingly makes a false statement of material fact
26 on an application submitted under this section or who
27 knowingly submits any materially falsified or forged
28 document in connection with such application commits
29 an aggravated misdemeanor.

30 Sec. __. NEW SECTION. 724.21A Hearing on denial
31 or revocation of permit to carry weapons and permits to
32 acquire pistols or revolvers.

33 1. In any case where the sheriff or the
34 commissioner of public safety denies an application
35 for or revokes a permit to carry weapons or an annual
36 permit to acquire pistols or revolvers, the applicant
37 or permit holder shall have the right to appeal the
38 denial or revocation of the permit to an administrative
39 law judge in the department of inspections and appeals
40 within thirty days of receiving written notice of the
41 denial or revocation.

42 2. The applicant or permit holder may file an
43 appeal with an administrative law judge by filing a
44 copy of the denial or revocation notice with a written
45 statement that clearly states the applicant's reasons
46 rebutting the denial or revocation along with a fee
47 of ten dollars. Additional supporting information
48 relevant to the proceedings may also be included.

49 3. The administrative law judge shall grant an
50 aggrieved applicant an opportunity to be heard within

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1 forty-five days of receipt of the request for an
2 appeal. The hearing may be held by telephone or video
3 conference at the discretion of the administrative law
4 judge. The administrative law judge shall receive
5 witness testimony and other evidence relevant to the
6 proceedings at the hearing.

7 4. Upon conclusion of the hearing, the

8 administrative law judge shall order that the denial
9 or revocation of the permit be either rescinded or
10 sustained. An applicant, permit holder, or issuing
11 officer aggrieved by the final judgment of the
12 administrative law judge shall have the right to
13 judicial review in accordance with the terms of the
14 Iowa administrative procedure Act, chapter 17A.

15 Sec. ____ Section 724.25, subsection 1, Code 2009,
16 is amended to read as follows:

17 1. As used in ~~sections 724.8, subsection 2,~~
18 ~~and section~~ 724.26, the word "felony" means any offense
19 punishable in the jurisdiction where it occurred
20 by imprisonment for a term exceeding one year, but
21 does not include any offense, ~~other than an offense~~
22 ~~involving a firearm or explosive~~, classified as a
23 misdemeanor under the laws of the state and punishable
24 by a term of imprisonment of two years or less.

25 Sec. ____ Section 724.27, Code 2009, is amended to
26 read as follows:

27 724.27 Offenders' rights restored.

28 1. The provisions of section 724.8, subsection
29 2, section 724.15, subsection 1, paragraphs "b" and
30 "c", and section 724.26 shall not apply to a person who
31 is eligible to have the person's civil rights regarding
32 firearms restored under section 914.7 and who is
33 pardoned or has had the person's civil rights restored
34 by the President of the United States or the chief
35 executive of a state and who is expressly authorized
36 by the President of the United States or such chief
37 executive to receive, transport, or possess firearms or
38 destructive devices, if any of the following occur:

39 a. The person is pardoned by the President of the
40 United States or the chief executive of a state for a
41 disqualifying conviction.

42 b. The person's civil rights have been restored
43 after a disqualifying conviction, commitment, or
44 adjudication.

45 c. The person's conviction for a disqualifying
46 offense has been expunged.

47 2. Subsection 1 shall not apply to a person whose
48 pardon, restoration of civil rights, or expungement of
49 conviction expressly forbids the person to receive,
50 transport, or possess firearms or destructive devices.>

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1 2. By renumbering as necessary.

H-8590

1 Amend Senate File 2270, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting clause
4 and inserting:
5 <Section 1. BREAST-FEEDING IN THE WORKPLACE. It
6 is the intent of the general assembly that the state
7 shall not enact more stringent provisions than those
8 provided in federal House Resolution 3590, the Patient
9 Protection and Affordable Care Act, section 4207,
10 amending section 7 of the Fair Labor Standards Act of
11 1938, 29 U.S.C. § 207, relating to employers providing
12 time and locations for employees to express breast
13 milk.>

TYMESON of Madison

H-8593

1 Amend the amendment, H-8443, to Senate File 2270, as
2 passed by the Senate, as follows:

3 1. Page 1, line 48, after <birth> by inserting <or
4 as soon as practicable>
5 2. Page 2, lines 2 and 3, by striking <within a
6 reasonable time> and inserting <as soon as practicable>

MASCHER of Johnson

H-8594

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 eight million
14 eight 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.

TAYLOR of Linn

H-8595

1 Amend Senate File 2270, 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. 135.30B Breast-feeding
6 in the workplace.

7 1. An employer shall provide reasonable break
8 time for an employee to express breast milk for her
9 nursing child for one year after the child's birth
10 each time such employee has need to express the milk.
11 The employer shall also provide a place, other than
12 a bathroom, that is shielded from view and free from
13 intrusion from coworkers and the public, which may be
14 used by an employee to express breast milk.

15 2. An employer is not required to compensate
16 an employee receiving reasonable break time under
17 subsection 1 for any work time spent for such purpose.

18 3. An employer that employs less than fifty
19 employees shall not be subject to the requirements of
20 this section, if such requirements would impose an
21 undue hardship by causing the employer significant
22 difficulty or expense when considered in relation to
23 the size, financial resources, nature, or structure of
24 the employer's business.>

TYMESON of Madison

H-8596

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 35, after <18.> by inserting <a.>

5 2. Page 1, after line 49 by inserting:

6 <b. The work group shall also complete an annual
7 review of the cost of health insurance mandates
8 currently imposed on health insurance regulated by
9 the state and provide projections of the cost of
10 any mandates that the commissioner determines may be
11 considered by the general assembly during the upcoming
12 legislative session. The review and projections
13 shall be included in the annual report filed by the

14 commissioner with the general assembly pursuant to
15 section 505.18.>

UPMEYER of Hancock

H-8598

1 Amend the amendment, H-8589, to House File 2531 as
2 follows:

3 1. Page 1, by striking lines 29 through 32 and
4 inserting:
5 <A professional or nonprofessional permit to carry
6 weapons shall not be issued to a person unless the
7 person is eighteen years of age or older and the
8 person is not prohibited by federal law from shipping,
9 transporting, possessing, or receiving a firearm.>

WINDSCHITL of Harrison

H-8601

1 Amend the amendment, H-8587, to House File 2531 as
2 follows:

3 1. Page 2, line 10, after <dollars.> by inserting
4 <In addition, for agreements concerning horse racing
5 between the licensee operating the horse racetrack in
6 Polk county and representatives of standardbred horse
7 owners, the agreement shall include a supplemental
8 amount for standardbred horse races held at county fair
9 racetracks in the state.>
10 2. By renumbering as necessary.

PALMER of Mahaska

H-8602

1 Amend the amendment, H-8443, to Senate File 2270, as
2 passed by the Senate, as follows:

3 1. By striking page 1, line 5, through page 4, line
4 25, and inserting:
5 <<Section 1. BREAST-FEEDING IN THE WORKPLACE. It
6 is the intent of the general assembly that the state
7 shall not enact more stringent provisions than those
8 provided in federal House Resolution 3590, the Patient
9 Protection and Affordable Care Act, section 4207,
10 amending section 7 of the Fair Labor Standards Act of
11 1938, 29 U.S.C. § 207, relating to employers providing
12 time and locations for employees to express breast
13 milk. >>

TYMESON of Madison

H-8604

- 1 Amend House File 2531 as follows:
 2 1. Page 10, by striking lines 21 and 22.
 3 2. By renumbering as necessary.

HUSER of Polk

H-8605

- 1 Amend the amendment, H-8443, to Senate File 2270, as
 2 passed by the Senate, as follows:
 3 1. By striking page 1, line 5, through page 4, line
 4 25, and inserting:
 5 <<Section 1. NEW SECTION. 135.30B Breast-feeding
 6 in the workplace.
 7 1. An employer shall provide reasonable break
 8 time for an employee to express breast milk for her
 9 nursing child for one year after the child's birth
 10 each time such employee has need to express the milk.
 11 The employer shall also provide a place, other than
 12 a bathroom, that is shielded from view and free from
 13 intrusion from coworkers and the public, which may be
 14 used by an employee to express breast milk.
 15 2. An employer is not required to compensate
 16 an employee receiving reasonable break time under
 17 subsection 1 for any work time spent for such purpose.
 18 3. An employer that employs less than fifty
 19 employees shall not be subject to the requirements of
 20 this section, if such requirements would impose an
 21 undue hardship by causing the employer significant
 22 difficulty or expense when considered in relation to
 23 the size, financial resources, nature, or structure of
 24 the employer's business. >>

TYMESON of Madison

H-8611

- 1 Amend Senate File 2252, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, after line 4 by inserting:
 4 <Sec. ___. Section 216A.132, Code 2009, is amended
 5 to read as follows:
 6 216A.132 Council established – terms –
 7 compensation.
 8 1. A criminal and juvenile justice planning
 9 advisory council is established consisting of
 10 twenty-three members.
 11 a. The governor shall appoint seven members each
 12 for a four-year term beginning and ending as provided
 13 in section 69.19 and subject to confirmation by the

14 senate as follows:

15 (1) Three persons, each of whom is a county
16 supervisor, county sheriff, mayor, ~~city chief of~~
17 ~~police, or county attorney nonsupervisory police~~
18 ~~officer, or a chief of police of a department with less~~
19 ~~than eleven police officers.~~

20 (2) ~~Two persons who represent the general public~~
21 ~~and are not employed in any law enforcement, judicial,~~
22 ~~or corrections capacity.~~

23 ~~(3)~~ (2) Two persons who are knowledgeable about
24 Iowa's juvenile justice system.

25 (3) ~~person who represents the general public and~~
26 ~~is not employed in any law enforcement, judicial, or~~
27 ~~corrections capacity.~~

28 (4) ~~One person who is either a crime victim, or who~~
29 ~~represents a crime victim organization.~~

30 b. The departments of human services, corrections,
31 and public safety, the division on the status of
32 African-Americans, the ~~Iowa~~ department of public
33 health, the chairperson of the board of parole, the
34 attorney general, the state public defender, and the
35 governor's office of drug control policy, ~~and the chief~~
36 ~~justice of the supreme court~~ shall each designate a
37 person to serve on the council. ~~The person appointed~~
38 ~~by the Iowa department of public health shall be from~~
39 ~~the departmental staff who administer the comprehensive~~
40 ~~substance abuse program under chapter 125.~~

41 c. The chief justice of the supreme court shall
42 ~~appoint two additional members currently serving~~
43 ~~as district judges designate one member who is a~~
44 ~~district judge and one member who is either a district~~
45 ~~associate judge or associate juvenile judge. Two~~
46 ~~members of the senate and two members of the house of~~
47 ~~representatives shall be ex officio members and shall~~
48 ~~be appointed by the majority and minority leaders~~
49 ~~of the senate and the speaker and minority leader~~
50 ~~of the house of representatives pursuant to section~~

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1 ~~69.16 and shall serve terms as provided in section~~
2 ~~69.16B. The chairperson and ranking member of the~~
3 ~~senate committee on judiciary shall be members. In~~
4 ~~alternating four-year intervals, the chairperson and~~
5 ~~ranking member of the house committee on judiciary~~
6 ~~or of the house committee on public safety shall be~~
7 ~~members, with the chairperson and ranking member of the~~
8 ~~house committee on public safety serving during the~~
9 ~~initial interval. Nonlegislative members appointed~~
10 ~~pursuant to this paragraph shall serve for four-year~~
11 ~~terms beginning and ending as provided in section 69.19~~
12 ~~unless the member ceases to serve as a district court~~

13 judge.

14 d. The Iowa county attorneys association shall
 15 designate a person to serve on the council.

16 2. Members of the council shall receive
 17 reimbursement from the state for actual and necessary
 18 expenses incurred in the performance of their official
 19 duties. Members may also be eligible to receive
 20 compensation as provided in section 7E.6.>

21 2. Page 3, after line 28 by inserting:

22 <Sec. ____ APPOINTMENTS TO CRIMINAL AND JUVENILE
 23 JUSTICE PLANNING ADVISORY COUNCIL. The applicable
 24 provisions of chapter 69 shall apply to vacant
 25 positions on the criminal and juvenile justice planning
 26 advisory council occurring on or after July 1, 2010.>

27 3. By renumbering as necessary.

SWAIM of Davis

H-8614

1 Amend the Senate amendment, H-8568, to House File
 2 2526, as amended, passed, and reprinted by the House,
 3 as follows:

4 1. Page 3, lines 11 and 12, by striking <low-income
 5 Iowans> and inserting <persons who are eligible for the
 6 federal low-income home energy assistance program and
 7 other low-income Iowans and of working with community
 8 action programs and other partners>

9 2. Page 7, after line 32 by inserting:

10 <____. Page 113, after line 17 by inserting:

11 <Sec. ____ NEW SECTION. 216A.105 Deliverable
 12 fuels – mandatory delivery – penalties and remedies.

13 1. A deliverable fuel vendor engaged in the
 14 business of providing deliverable fuel to customers in
 15 this state shall not withhold the sale or delivery of
 16 deliverable fuel to a customer from November 1 through
 17 April 1 annually if either of the following apply:

18 a. The customer is certified as eligible for the
 19 federal low-income home energy assistance program.

20 b. The customer is certified as eligible for the
 21 federal low-income home energy assistance program, has
 22 received the maximum amount of the annual assistance
 23 pursuant to the program, and makes a prepaid cash
 24 payment in an amount corresponding to the vendor's
 25 stated cash price of that day for two hundred gallons
 26 of deliverable fuel.

27 2. In the event that an unpaid balance is owed
 28 by a customer who is certified as eligible for the
 29 federal low-income home energy assistance program, the
 30 division may offer assistance in facilitating a payment
 31 arrangement.

32 3. a. A customer shall be responsible for the

33 reasonable cost of system safety checks conducted
34 by a deliverable fuel vendor, unless the customer
35 is certified as eligible for the federal low-income
36 home energy assistance program and the cost is paid
37 for with program funds. System safety check payments
38 shall be in addition to, and shall not reduce, the
39 cash payment otherwise available for deliverable fuel
40 sale or delivery pursuant to subsection 1, paragraph
41 "b". A deliverable fuel vendor of propane conducting a
42 system safety check shall inform customers certified
43 as eligible for the low-income home energy assistance
44 program of the existence of programs and projects
45 developed by the Iowa propane education and research
46 council to provide assistance to persons certified as
47 eligible for the program, if applicable based upon the
48 results of the safety check. A deliverable fuel vendor
49 shall not be required to make or complete a delivery
50 of deliverable fuel if a system safety check reveals

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1 mechanical problems or defects with the system which
2 constitute a safety hazard or concern.
3 b. A customer shall be responsible for the
4 reasonable cost of delivering the deliverable fuel to
5 the customer, as determined by the deliverable fuel
6 vendor, unless the customer is certified as eligible
7 for the federal low-income home energy assistance
8 program and the cost is paid for with program funds.
9 Delivery fees or charges shall be in addition to, and
10 shall not reduce, the cash payment otherwise available
11 for the deliverable fuel sale or delivery pursuant to
12 subsection 1, paragraph "b".
13 4. A violation of this section is an unlawful
14 practice pursuant to section 714.16.
15 5. For the purposes of this section, unless the
16 context otherwise requires:
17 a. "Customer" means an existing customer of a
18 deliverable fuel vendor or a prospective customer who
19 is certified as eligible for the federal low-income
20 home energy assistance program and submits an
21 application or otherwise applies for the purchase or
22 delivery of deliverable fuel from a deliverable fuel
23 vendor serving the general geographic area or vicinity
24 where the fuel will be delivered.
25 b. "Deliverable fuel" means propane or any other
26 heating fuel sold or delivered in this state for home
27 heating purposes, other than electricity or natural
28 gas sold by a public utility furnishing electricity or
29 natural gas to the public for consumption pursuant to
30 chapter 476.
31 c. "Deliverable fuel vendor" means a retail propane

32 marketer or a retail dispenser or marketer of a
33 deliverable fuel other than propane for home heating
34 purposes.
35 d. "Propane" and "retail propane marketer" mean the
36 same as defined in section 101C.2. >>
37 3. By renumbering as necessary.

SMITH of Marshall

H-8615

1 Amend the Senate amendment, H-8568, to House File
2 2526, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 7, after line 32 by inserting:
5 <__. Page 113, after line 17 by inserting:
6 <Sec. __. NEW SECTION. 135.30B Expressing breast
7 milk in the workplace.
8 1. For the purpose of this section, unless the
9 context otherwise requires:
10 a. "Employer" means a person engaged in a business
11 that has one or more employees and also includes the
12 state of Iowa, a department or agency thereof, and any
13 political subdivision of the state.
14 b. "Reasonable efforts" means any effort that would
15 not impose an undue hardship on the operation of the
16 employer's business.
17 c. "Undue hardship" means any action that requires
18 significant difficulty, compromises the safety of other
19 employees, requires temporary facility closure, or
20 results in expenditures exceeding five hundred dollars,
21 exclusive of the costs of additional labor or unpaid
22 leave costs.
23 2. a. An employer shall provide reasonable unpaid
24 break time or permit an employee to use paid break
25 time, meal time, or both, each day, to allow the
26 employee to express breast milk for the employee's
27 nursing child for up to two years after the child's
28 birth.
29 b. The employer shall make reasonable efforts
30 to provide a place, other than a toilet stall, which
31 is shielded from view and free from intrusion from
32 coworkers and the public, that may be used by an
33 employee to express breast milk in privacy.
34 c. The department of public health shall provide
35 on its internet site information and links to other
36 internet sites where employers can access information
37 regarding methods to accommodate employees who express
38 breast milk in the workplace. The department shall
39 consult with appropriate organizations or associations
40 to determine the appropriate information and internet
41 site links so as to provide employers with the most

42 accurate and useful information available.

43 d. (1) An employee shall provide notice to an
44 employer of the employee's need for time and a location
45 to express breast milk at least sixty days prior to the
46 anticipated date that the employee will give birth.

47 (2) If an employee gives birth more than sixty days
48 prior to the employee's anticipated date of delivery,
49 or the employee is hired while breast-feeding, the
50 employee shall notify the employer within a reasonable

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1 time about the employee's need for time and a location
2 to express breast milk.

3 e. (1) At least thirty days prior to the
4 anticipated date that the employee will give birth,
5 the employer and employee shall establish a written
6 agreement pursuant to the provisions of this
7 subsection. The agreement shall be signed by the
8 employer or the employer's designee and the employee
9 and shall be notarized by a third party, who may
10 be another employee of the employer. A copy of the
11 agreement shall be given to the employee and a copy
12 placed in the employee's personnel file.

13 (2) If an employee gives birth more than
14 thirty days prior to the employee's anticipated
15 date of delivery, or the employee is hired while
16 breast-feeding, the employer and employee shall
17 establish a written agreement pursuant to the
18 provisions of this subsection as soon as practicable.
19 The agreement shall be signed by the employer or
20 the employer's designee and the employee and shall
21 be notarized by a third party, who may be another
22 employee of the employer. A copy of the agreement
23 shall be given to the employee and a copy placed in the
24 employee's personnel file.

25 (3) If an employer and employee are unable to agree
26 on the amount of time, the location, or both for the
27 employee to express breast milk, the employee may file
28 a written or electronic complaint using a form provided
29 by the Iowa civil rights commission on its internet
30 site.

31 3. A person who knowingly violates any provision
32 of this section, the rules adopted to implement this
33 section, or a lawful order, written or oral, of the
34 department or authorized agents of the department,
35 commits a simple misdemeanor.>

36 _____. Title page, line 3, after <appropriations> by
37 inserting: <providing a penalty,>>

H-8619

1 Amend House File 2528 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 80A.13, Code 2009, is amended
5 to read as follows:

6 80A.13 Campus weapon requirements.

7 An individual employed by a college or university,
8 or by a private security business holding a contract
9 with a college or university, who performs private
10 security duties on a college or university campus and
11 who carries a weapon while performing these duties
12 shall meet all of the following requirements:

13 ~~1. File with the sheriff of the county in which
14 the campus is located evidence that the individual has
15 successfully completed an approved firearms training
16 program under section 724.9. This requirement does not
17 apply to armored car personnel.~~

18 ~~2. Possess a permit to carry weapons issued by the
19 sheriff of the county in which the campus is located
20 under sections 724.6 through 724.11. This requirement
21 does not apply to armored car personnel.~~

22 ~~3. File~~ file with the sheriff of the county in
23 which the campus is located a sworn affidavit from
24 the employer outlining the nature of the duties to be
25 performed and justification of the need to go armed.

26 Sec. 2. Section 724.4, Code 2009, is amended to
27 read as follows:

28 724.4 Carrying weapons.

29 1. Except as otherwise provided in this section, a
30 person who goes armed with a dangerous weapon ~~concealed~~
31 ~~on or about the person, or who, within the limits of~~
32 ~~any city, goes armed with a pistol or revolver, or~~
33 ~~any loaded firearm of any kind, whether concealed~~
34 ~~or not, or who knowingly carries or transports in a~~
35 ~~vehicle a pistol or revolver, commits an aggravated~~
36 ~~misdemeanor with the intent to commit a crime of~~
37 violence commits a class "D" felony. This subsection
38 applies regardless of whether the dangerous weapon
39 is concealed or not concealed on or about the person
40 and regardless of whether the dangerous weapon is
41 transported in a vehicle. For purposes of this
42 subsection, "crime of violence" means a felony which
43 has, as an element of the offense, the use of physical
44 force by one person against another person.

45 2. A person who goes armed with a knife concealed
46 on or about the person, if the person uses the knife
47 in the commission of a crime, commits an aggravated
48 misdemeanor.

49 3. A person who goes armed with a knife concealed
50 on or about the person, if the person does not use the

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1 knife in the commission of a crime:

2 a. If the knife has a blade exceeding eight inches
3 in length, commits an aggravated misdemeanor.

4 b. If the knife has a blade exceeding five inches
5 but not exceeding eight inches in length, commits a
6 serious misdemeanor.

7 4. Subsections 1 through 3 do not apply to any of
8 the following:

9 a. A person who for any lawful purpose goes armed
10 with a dangerous weapon in the person's own dwelling
11 or place of business, or on land owned or possessed by
12 the person.

13 b. A peace officer, when the officer's duties
14 require the person to carry such weapons.

15 ~~c. A member of the armed forces of the United
16 States or of the national guard or person in the
17 service of the United States, when the weapons are
18 carried in connection with the person's duties as such.~~

19 ~~d. A correctional officer, when the officer's
20 duties require, serving under the authority of the Iowa
21 department of corrections.~~

22 ~~e. c.~~ A person who for any lawful purpose carries
23 an unloaded pistol, revolver, or other dangerous weapon
24 inside a closed and fastened container or securely
25 wrapped package which is too large to be concealed on
26 the person.

27 ~~f. A person who for any lawful purpose carries or
28 transports an unloaded pistol or revolver in a vehicle
29 inside a closed and fastened container or securely
30 wrapped package which is too large to be concealed on
31 the person or inside a cargo or luggage compartment
32 where the pistol or revolver will not be readily
33 accessible to any person riding in the vehicle or
34 common carrier.~~

35 ~~g. A person while the person is lawfully engaged in
36 target practice on a range designed for that purpose or
37 while actually engaged in lawful hunting.~~

38 ~~h. d.~~ A person who carries a knife used in hunting
39 or fishing, while actually engaged in lawful hunting
40 or fishing.

41 ~~i. A person who has in the person's possession
42 and who displays to a peace officer on demand a valid
43 permit to carry weapons which has been issued to the
44 person, and whose conduct is within the limits of that
45 permit. A person shall not be convicted of a violation
46 of this section if the person produces at the person's
47 trial a permit to carry weapons which was valid at
48 the time of the alleged offense and which would have
49 brought the person's conduct within this exception if
50 the permit had been produced at the time of the alleged~~

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1 ~~offense.~~

2 ~~i. e.~~ A law enforcement officer from another state
3 when the officer's duties require the officer to carry
4 the weapon and the officer is in this state for any of
5 the following reasons:

6 (1) The extradition or other lawful removal of a
7 prisoner from this state.

8 (2) Pursuit of a suspect in compliance with chapter
9 806.

10 (3) Activities in the capacity of a law enforcement
11 officer with the knowledge and consent of the chief
12 of police of the city or the sheriff of the county in
13 which the activities occur or of the commissioner of
14 public safety.

15 ~~k. f.~~ A person engaged in the business of
16 transporting prisoners under a contract with the
17 Iowa department of corrections or a county sheriff,
18 a similar agency from another state, or the federal
19 government.

20 Sec. 3. Section 724.4B, subsection 2, paragraph a,
21 Code 2009, is amended to read as follows:

22 a. A person listed under section 724.4, subsection
23 4, ~~paragraphs~~ paragraph "b" through "f", "c", or
24 ~~"j"~~ "e".

25 Sec. 4. Section 724.6, subsection 1, Code
26 Supplement 2009, is amended to read as follows:

27 1. A person ~~may be issued a permit to carry weapons~~
28 ~~when the person's employment who is employed in a~~
29 private investigation business or private security
30 business licensed under chapter 80A, ~~or a person's~~
31 ~~employment~~ as a peace officer, correctional officer,
32 security guard, bank messenger or other person
33 transporting property of a value requiring security, or
34 in police work, whose employment reasonably justifies
35 that person going armed, shall be issued a professional
36 permit to carry weapons if the person applies for
37 the permit and meets the requirements of sections
38 724.8 through 724.10. The permit shall be on a form
39 prescribed and published by the commissioner of public
40 safety, shall identify the holder, and shall state
41 the nature of the employment requiring the holder to
42 go armed. A permit so issued, other than to a peace
43 officer, shall authorize the person to whom it is
44 issued to go armed anywhere in the state, ~~only~~ while
45 engaged in the employment, and while going to and from
46 the place of the employment. A permit issued to a
47 certified peace officer shall authorize that peace
48 officer to go armed anywhere in the state at all times.
49 Permits shall expire ~~twelve months~~ five years after the
50 date when issued except that permits issued to peace

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1 officers and correctional officers are valid through
2 the officer's period of employment unless otherwise
3 canceled. When the employment is terminated, the
4 holder of the permit shall surrender it to the issuing
5 officer for cancellation.

6 Sec. 5. Section 724.7, Code 2009, is amended to
7 read as follows:

8 724.7 Nonprofessional permit to carry weapons.
9 Any person ~~who can reasonably justify going armed~~
10 ~~may not otherwise prohibited from possessing or~~
11 transporting a firearm and who meets the requirements
12 in sections 724.8 through 724.10 shall be issued a
13 nonprofessional permit to carry weapons if the person
14 applies for such permit. Such permits shall be on a
15 form prescribed and published by the commissioner of
16 public safety, which shall be readily distinguishable
17 from the professional permit, and shall identify the
18 holder thereof, and state the reason for the issuance
19 of the permit, ~~and the limits of the authority granted~~
20 ~~by such permit~~. All permits so issued shall be for a
21 definite five-year period ~~as established by the issuing~~
22 ~~officer, but in no event shall exceed a period of~~
23 ~~twelve months~~.

24 Sec. 6. Section 724.8, subsection 5, Code 2009, is
25 amended to read as follows:

26 5. ~~The issuing officer reasonably determines that~~
27 ~~the applicant does not constitute a danger to any~~
28 ~~person person is not otherwise prohibited by state or~~
29 federal law from possessing or transporting a firearm.

30 Sec. 7. Section 724.9, Code 2009, is amended to
31 read as follows:

32 724.9 Firearm training program.
33 A training program to qualify persons in the safe
34 use of firearms shall be provided by the issuing
35 officer of permits, as provided in section 724.11.
36 ~~The commissioner of public safety shall approve~~
37 ~~the training program, and the county sheriff or~~
38 the commissioner of public safety conducting the
39 training program within their respective jurisdictions
40 ~~may shall~~ contract with ~~a private organization or~~
41 ~~use the services of other agencies, or may use a~~
42 combination of the two, to provide such training a
43 private individual or a professional organization who
44 shall conduct the training consistent with training
45 standards set forth by the national rifle association.

46 Any person eligible to be issued a permit to carry
47 weapons may enroll in such course. A fee sufficient
48 to cover the cost of the program may be charged each
49 person attending. Certificates of completion, on a
50 form prescribed and published by the commissioner

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1 of public safety, shall be issued to each person who
2 successfully completes the program. ~~No~~ A person shall
3 not be issued either a professional or nonprofessional
4 permit unless the person has received a certificate of
5 completion or is a certified peace officer. ~~No peace~~
6 ~~officer or correctional officer, except a certified~~
7 ~~peace officer, shall go armed with a pistol or revolver~~
8 ~~unless the officer has received a certificate of~~
9 ~~completion, provided that this requirement shall not~~
10 ~~apply to persons who are employed in this state as~~
11 ~~peace officers on January 1, 1978 until July 1, 1978,~~
12 ~~or to peace officers of other jurisdictions exercising~~
13 ~~their legal duties within this state.~~

14 Sec. 8. Section 724.11, Code 2009, is amended to
15 read as follows:

16 724.11 Issuance of permit to carry weapons.
17 ~~Applications for permits~~ An application for a
18 permit to carry weapons, if made, shall be made to the
19 sheriff of the county in which the applicant resides.
20 Applications from persons who are nonresidents of
21 the state, or whose need to go armed arises out
22 of employment by the state, shall be made to the
23 commissioner of public safety. In either case,
24 the issuance of the permit shall be by ~~and at the~~
25 ~~discretion of~~ the sheriff or commissioner, who
26 shall, before issuing the permit, determine that the
27 requirements of sections ~~724.6 to 724.8~~ through 724.10
28 have been satisfied and the person is not otherwise
29 prohibited by state or federal law from possessing or
30 transporting a firearm. ~~However, the training program~~
31 ~~requirements in section 724.9 may be waived for renewal~~
32 ~~permits.~~ The issuing officer shall collect a fee
33 of ~~ten~~ fifty dollars, except from a duly appointed
34 peace officer or correctional officer, for each permit
35 issued. Renewal permits or duplicate permits shall be
36 issued for a fee of five dollars. The issuing officer
37 shall notify the commissioner of public safety of the
38 issuance of any permit at least monthly and forward to
39 the commissioner an amount equal to two dollars for
40 each permit issued and one dollar for each renewal
41 or duplicate permit issued. All such fees received
42 by the commissioner shall be paid to the treasurer
43 of state and deposited in the operating account of
44 the department of public safety to offset the cost of
45 administering this chapter. Any unspent balance as of
46 June 30 of each year shall revert to the general fund
47 as provided by section 8.33.

48 Sec. 9. **NEW SECTION.** 724.11A Reciprocity.

49 A person possessing a valid out-of-state permit to
50 carry a weapon shall be entitled to the privileges and

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1 subject to the restrictions prescribed by this chapter
 2 provided the state that issued the license recognizes
 3 weapons permits issued in Iowa and provided the person
 4 possessing such permit is not otherwise prohibited from
 5 possessing a firearm.
 6 Sec. 10. REPEAL. Section 724.5, Code 2009, is
 7 repealed.>
 8 2. Title page, by striking lines 1 through 5 and
 9 inserting <An Act relating to the carrying of weapons.>

ROBERTS of Carroll

H-8620

1 Amend the amendment, H-8559, to 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 <DIVISION ____
 6 LEGISLATIVE HEALTH CARE COVERAGE COMMISSION
 7 Sec. ____ 2009 Iowa Acts, chapter 118, section 1,
 8 is amended by adding the following new subsection:
 9 NEW SUBSECTION. 6A. The commission shall also
 10 complete an annual review of the cost of health
 11 insurance mandates currently imposed on health
 12 insurance regulated by the state and provide
 13 projections of the cost of any mandates that the
 14 commission determines may be considered by the general
 15 assembly during the upcoming legislative session. The
 16 review and projections shall be included in the annual
 17 reports provided by the commission to the general
 18 assembly pursuant to this section.
 19 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
 20 of this Act, being deemed of immediate importance,
 21 takes effect upon enactment.>
 22 ____ Title page, line 4, after <exchange> by
 23 inserting <and including effective date provisions>>
 24 2. By renumbering as necessary.

SMITH of Marshall

H-8622

1 Amend the Senate amendment, H-8568, to House File
 2 2526, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 4, line 23, by striking <16,602,271> and
 5 inserting <16,102,271>

- 6 2. Page 4, by striking lines 25 through 34.
- 7 3. By renumbering as necessary.

SCHULTE of Linn
 L. MILLER of Scott
 UPMEYER of Hancock
 ANDERSON of Page
 BAUDLER of Adair
 COWNIE of Polk
 DEYOE of Story
 DRAKE of Cass
 GRASSLEY of Butler
 HELLAND of Polk
 KAUFMANN of Cedar
 LUKAN of Dubuque
 S. OLSON of Clinton
 PETTENGILL of Benton
 ROBERTS of Carroll
 SCHULTZ of Crawford
 SORENSON of Warren
 SWEENEY of Hardin
 TYMESON of Madison
 WAGNER of Linn
 WINDSCHITL of Harrison

HEATON of Henry
 RAYHONS of Hancock
 ALONS of Sioux
 ARNOLD of Lucas
 CHAMBERS of O'Brien
 DE BOEF of Keokuk
 DOLECHECK of Ringgold
 FORRISTALL of Pottawattamie
 HAGENOW of Polk
 HUSEMAN of Cherokee
 KOESTER of Polk
 MAY of Dickinson
 PAULSEN of Linn
 RAECKER of Polk
 SANDS of Louisa
 SODERBERG of Plymouth
 STRUYK of Pottawattamie
 TJEPKES of Webster
 VAN ENGELENHOVEN of Marion
 WATTS of Dallas
 WORTHAN of Buena Vista

H-8632

- 1 Amend the Senate amendment, H-8568, to House File
- 2 2526, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 3, by striking lines 22 through 49.
- 5 2. By renumbering as necessary.

HAGENOW of Polk
 WINDSCHITL of Harrison

H-8636

- 1 Amend Senate File 2363, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, before line 1 by inserting:
- 4 <DIVISION I
- 5 TECHNICAL ADMINISTRATION>
- 6 2. Page 12, line 7, before <Act> by inserting
- 7 <division of this>
- 8 3. Page 12, before line 9 by inserting:
- 9 <DIVISION II
- 10 WAIVER OF USE TAX PENALTIES AND INTEREST
- 11 Sec. ____ Section 421.27, Code 2009, is amended by
- 12 adding the following new subsections:
- 13 NEW SUBSECTION. 1A. Waiver of penalty and interest
- 14 for failure to file sales or use tax return or deposit

15 form.

16 a. The penalty described in subsection 1, or a
17 portion thereof, if assessed against a taxpayer, and
18 any interest assessed pursuant to section 423.40, or a
19 portion thereof, may be waived by the department if all
20 of the following conditions are met:

21 (1) The taxpayer is a purchaser of tangible
22 personal property or services which are subject to the
23 sales and use taxes imposed under chapter 423.

24 (2) The purchaser is subject to the penalties and
25 interest pursuant to section 423.40 as a result of a
26 failure to file a sales or use tax return pursuant to
27 section 423.37.

28 (3) The return the purchaser failed to file was
29 required because of the failure of another taxpayer to
30 pay or collect the taxes due under chapter 423.

31 (4) The purchaser did not know of the other
32 taxpayer's failure to pay or collect the taxes due
33 under chapter 423.

34 b. A waiver granted to a purchaser under this
35 subsection does not apply to the taxpayer described in
36 subparagraph (3).

37 NEW SUBSECTION. 2A. Waiver of penalty and interest
38 for failure to timely pay the tax shown due, or the tax
39 required to be shown due, with the filing of a return or
40 deposit form.

41 a. The penalty described in subsection 2, or a
42 portion thereof, if assessed against a taxpayer, and
43 any interest assessed pursuant to section 423.40, or a
44 portion thereof, may be waived by the department if all
45 of the following conditions are met:

46 (1) The taxpayer is a purchaser of tangible
47 personal property or services which are subject to the
48 sales and use taxes imposed under chapter 423.

49 (2) The purchaser is subject to the penalties and
50 interest pursuant to section 423.40 as a result of a

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1 failure to pay the amount shown due or required to be
2 shown due on a sales or use tax return pursuant to
3 section 423.37.

4 (3) The failure to pay the amount shown due or
5 required to be shown due was the result of the failure
6 of another taxpayer to pay or collect the taxes due
7 under chapter 423.

8 (4) The purchaser did not know of the other
9 taxpayer's failure to pay or collect the taxes due
10 under chapter 423.

11 b. A waiver granted to a purchaser under this
12 subsection does not apply to the taxpayer described in
13 subparagraph (3).

14 Sec. ____ REFUNDS. Refunds of interest or
 15 penalties which arise from claims resulting from the
 16 enactment of section 421.27, subsections 1A and 2A,
 17 in this division of this Act, for the assessment of
 18 interest or penalties occurring between January 1,
 19 2009, and the effective date of this division of this
 20 Act, shall be limited to fifty thousand dollars in the
 21 aggregate and shall not be allowed unless refund claims
 22 are filed prior to October 1, 2010, notwithstanding any
 23 other provision of law. If the amount of claims totals
 24 more than fifty thousand dollars in the aggregate, the
 25 department of revenue and finance shall prorate the
 26 fifty thousand dollars among all claimants in relation
 27 to the amounts of the claimants' valid claims.

28 Sec. ____ EFFECTIVE UPON ENACTMENT AND RETROACTIVE
 29 APPLICABILITY. This division of this Act, being deemed
 30 of immediate importance, takes effect upon enactment
 31 and applies retroactively to January 1, 2009, for the
 32 assessment of interest or penalties on or after that
 33 date.>

34 4. By renumbering as necessary.

ISENHART of Dubuque

H-8643

1 Amend the Senate amendment, H-8640, to House File
 2 2531, as amended, passed, and reprinted by the House,
 3 as follows:

- 4 1. Page 1, by striking lines 3 and 4.
- 5 2. Page 1, by striking lines 23 through 38.
- 6 3. By renumbering as necessary.

RANTS of Woodbury

H-8646

1 Amend the Senate amendment, H-8640, to House File
 2 2531, as amended, passed, and reprinted by the House,
 3 as follows:

- 4 1. Page 43, by striking lines 39 through 48.
- 5 2. By renumbering as necessary.

STECKMAN of Cerro Gordo

H-8648

1 Amend the Senate amendment, H-8640, to House File
 2 2531, as amended, passed, and reprinted by the House,
 3 as follows:

- 4 1. By striking page 32, line 27, through page 33,
 5 line 39, and inserting:

6 <Sec. ____ BREAST-FEEDING IN THE WORKPLACE. It
 7 is the intent of the general assembly that the state
 8 shall not enact more stringent provisions than those
 9 provided in federal House Resolution 3590, the Patient
 10 Protection and Affordable Care Act, section 4207,
 11 amending section 7 of the Fair Labor Standards Act of
 12 1938, 29 U.S.C. § 207, relating to employers providing
 13 time and locations for employees to express breast
 14 milk. >>

TYMESON of Madison

H-8649

1 Amend the Senate amendment, H-8640, to House File
 2 2531, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 11, after line 48 by inserting:
 5 <Sec. ____ NEW SECTION. 321.482B Certain accidents
 6 resulting in death of pedestrian – penalties.
 7 Notwithstanding any other provision of law, if
 8 any accident involving the emergency landing of an
 9 airplane, hot air balloon, glider, helicopter, or
 10 flying De Lorean on a jogging trail, beach, or other
 11 recreational or public area causes the death of a
 12 pedestrian who was listening to a portable media
 13 player at the time of the accident, the operator of
 14 the aircraft involved in the accident is guilty of a
 15 simple misdemeanor. In addition to any other penalty
 16 provided by law, the operator may be subject to a fine
 17 of one thousand dollars or suspension of the person's
 18 driver's license for not more than one hundred eighty
 19 days, or both. >>
 20 2. By renumbering as necessary.

R. OLSON of Polk

H-8654

1 Amend Senate File 2389, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 17, line 13, by striking
 4 <existingcourthouse> and inserting <existing
 5 courthouse>
 6 2. Page 19, line 22, by striking <on a lake> and
 7 inserting <in a state park>

COHOON of Des Moines

H-8655

1 Amend the Senate amendment, H-8640, to House File
2 2531, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 11, line 37, after <who> by inserting <has
5 previously been convicted of a violation enumerated in
6 this section or an equivalent offense in another state
7 and, within twelve months of such conviction.>

8 2. Page 11, line 45, by striking <may> and
9 inserting <may shall>

10 3. By renumbering as necessary.

R. OLSON of Polk

H-8663

1 Amend the Senate amendment, H-8640, to House File
2 2531, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 11, line 37, after <who> by inserting <has
5 previously been convicted of a violation enumerated in
6 this section or an equivalent offense in another state
7 and, within twelve months of such conviction.>

8 2. By renumbering as necessary.

R. OLSON of Polk

H-8664

1 Amend the Senate amendment, H-8640, to House File
2 2531, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 57, after line 29 by inserting:
5 <__. Page 46, after line 5 by inserting:

6 <DIVISION ____

7 OPEN RECORDS AND PUBLIC MEETINGS

8 Sec. ____. Section 8A.341, subsection 2, Code 2009,

9 is amended to read as follows:

10 2. If money is appropriated for this purpose, by
11 November 1 of each year supply a report which contains
12 the name, gender, county, or city of residence when
13 possible, official title, salary received during
14 the previous fiscal year, base salary as computed
15 on July 1 of the current fiscal year, and traveling
16 and subsistence expense of the personnel of each
17 of the departments, boards, and commissions of the
18 state government except personnel who receive an
19 annual salary of less than one thousand dollars. The
20 number of the personnel and the total amount received
21 by them shall be shown for each department in the
22 report. All employees who have drawn salaries, fees,

23 or expense allowances from more than one department
 24 or subdivision shall be listed separately under the
 25 proper departmental heading. On the request of the
 26 director, the head of each department, board, or
 27 commission shall furnish the data covering that agency.
 28 The report shall be distributed upon request without
 29 charge in an electronic medium to each caucus of the
 30 general assembly, the legislative services agency, the
 31 chief clerk of the house of representatives, and the
 32 secretary of the senate. Copies of the report shall
 33 be made available to other persons in an electronic
 34 medium upon payment of a fee, which shall not exceed
 35 the cost of providing the copy of the report. Sections
 36 22.2 through ~~22.6~~ 22.5 apply to the report. All funds
 37 from the sale of the report shall be deposited in the
 38 printing revolving fund established in section 8A.345.
 39 Sec. ____ Section 8E.202, subsection 1, unnumbered
 40 paragraph 1, Code 2009, is amended to read as follows:
 41 The department and each agency shall provide for the
 42 widest possible dissemination of information between
 43 agencies and the public relating to the enterprise
 44 strategic plan and agency strategic plans, including
 45 but not limited to internet access. This section does
 46 not require the department or an agency to release
 47 information which is classified as a confidential
 48 record under this Code, ~~including but not limited to~~
 49 ~~section 22.7.~~
 50 Sec. ____ Section 8E.202, subsection 3, Code 2009,

Page 2

1 is amended to read as follows:
 2 3. A record which is confidential under this Code,
 3 ~~including but not limited to section 22.7,~~ shall not be
 4 released to the public under this section.
 5 Sec. ____ Section 21.1, Code 2009, is amended by
 6 striking the section and inserting in lieu thereof the
 7 following:
 8 21.1 Intent – Declaration of Policy.
 9 1. The general assembly recognizes that open
 10 government is a cornerstone to ensuring and protecting
 11 the free exchange of information from government to the
 12 people and it is therefore the intent of the general
 13 assembly to do all of the following:
 14 a. Provide access to governmental information as
 15 an essential function of government and an integral
 16 part of the routine duties of governmental officers and
 17 employees.
 18 b. Balance transparency in government with the need
 19 to protect personal privacy.
 20 c. Recognize barriers that may impede the public's
 21 access to governmental information and participation in

22 governmental functions and remove those barriers.

23 d. Ensure and facilitate the public's right to

24 access and review governmental information.

25 2. Ambiguity in the construction or application of

26 this chapter should be resolved in favor of openness.

27 Sec. ____ Section 21.4, subsections 1 and 3, Code

28 2009, are amended to read as follows:

29 1. A Except as provided in subsection 3,

30 a governmental body, ~~except township trustees,~~ shall

31 give notice of the time, date, and place of each

32 meeting including a reconvened meeting of the

33 governmental body, and ~~the~~ the tentative agenda of

34 the meeting, in a manner reasonably calculated to

35 apprise the public of that information. Reasonable

36 notice shall include advising the news media who have

37 filed a request for notice with the governmental body

38 and posting the notice on a bulletin board or other

39 prominent place which is easily accessible to the

40 public and clearly designated for that purpose at the

41 principal office of the body holding the meeting, or

42 if no such office exists, at the building in which the

43 meeting is to be held.

44 3. Subsection 1 does not apply to any of the

45 following:

46 a. A meeting reconvened within four hours of the

47 start of its recess, where an announcement of the time,

48 date, and place of the reconvened meeting is made at

49 the original meeting in open session and recorded in

50 the minutes of the meeting and there is no change in

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1 the agenda.

2 b. A meeting held by a formally constituted subunit

3 of a parent governmental body ~~may conduct a meeting~~

4 ~~without notice as required by this section~~ during a

5 lawful meeting of the parent governmental body, ~~or~~

6 during a recess in that meeting of up to four hours,

7 or a meeting of that subunit immediately following

8 ~~that the meeting of the parent governmental body,~~ if

9 the meeting of ~~the that~~ subunit is publicly announced

10 in open session at the parent meeting and the subject

11 of the meeting reasonably coincides with the subjects

12 discussed or acted upon by the parent governmental

13 body.

14 Sec. ____ Section 21.5, subsection 1, paragraph j,

15 Code Supplement 2009, is amended to read as follows:

16 j. To discuss the purchase of particular real

17 estate only where premature disclosure could be

18 reasonably expected to increase the price the

19 governmental body would have to pay for that property.

20 The minutes and the ~~tape~~ audio recording of a session

21 closed under this paragraph shall be available for
 22 public examination when the transaction discussed is
 23 completed.

24 Sec. ____ Section 21.5, subsection 4, Code
 25 Supplement 2009, is amended to read as follows:

26 4. A governmental body shall keep detailed
 27 minutes of all discussion, persons present, and
 28 action occurring at a closed session, and shall also
 29 ~~tape audio~~ record all of the closed session. The
 30 detailed minutes and ~~tape audio~~ recording of a closed
 31 session shall be sealed and shall not be public records
 32 open to public inspection. However, upon order of
 33 the court in an action to enforce this chapter, the
 34 detailed minutes and ~~tape audio~~ recording shall be
 35 unsealed and examined by the court in camera. The
 36 court shall then determine what part, if any, of
 37 the minutes should be disclosed to the party seeking
 38 enforcement of this chapter for use in that enforcement
 39 proceeding. In determining whether any portion of
 40 the minutes or recording shall be disclosed to such
 41 a party for this purpose, the court shall weigh
 42 the prejudicial effects to the public interest of
 43 the disclosure of any portion of the minutes or
 44 recording in question, against its probative value as
 45 evidence in an enforcement proceeding. After such a
 46 determination, the court may permit inspection and
 47 use of all or portions of the detailed minutes and
 48 ~~tape audio~~ recording by the party seeking enforcement
 49 of this chapter. A governmental body shall keep the
 50 detailed minutes and ~~tape audio~~ recording of any closed

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1 session for a period of at least one year from the date
 2 of that meeting, except as otherwise required by law.

3 Sec. ____ Section 21.6, subsection 3, paragraph a,
 4 Code 2009, is amended to read as follows:

5 a. Shall assess each member of the governmental
 6 body who participated in its violation damages in the
 7 amount of not more than five hundred dollars ~~nor~~ and
 8 not less than one hundred dollars. However, if a
 9 member of a governmental body knowingly participated
 10 in such a violation, damages shall be in the amount of
 11 not more than two thousand five hundred dollars and not
 12 less than one thousand dollars. These damages shall
 13 be paid by the court imposing it to the state of Iowa,
 14 if the body in question is a state governmental body,
 15 or to the local government involved if the body in
 16 question is a local governmental body. A member of a
 17 governmental body found to have violated this chapter
 18 shall not be assessed such damages if that member
 19 proves that the member did any of the following:

- 20 (1) Voted against the closed session.
- 21 (2) Had good reason to believe and in good faith
- 22 believed facts which, if true, would have indicated
- 23 compliance with all the requirements of this chapter.
- 24 (3) Reasonably relied upon a decision of a
- 25 court, ~~or a formal opinion of the attorney general,~~ or
- 26 the attorney for the governmental body, given in
- 27 writing, or as memorialized in the minutes of the
- 28 meeting at which an oral opinion was given, or an
- 29 advisory opinion of the attorney general or the
- 30 attorney for the governmental body, given in writing.

31 Sec. ____ Section 21.8, subsection 1, unnumbered
 32 paragraph 1, Code 2009, is amended to read as follows:
 33 A governmental body may conduct a meeting and
 34 individual members of a governmental body may
 35 participate in meetings of a governmental body by
 36 electronic means only in circumstances where ~~such~~ a
 37 meeting in person is impossible or impractical and
 38 only if the governmental body complies with all of the
 39 following:

- 40 Sec. ____ NEW SECTION. 22.0A Intent – declaration
- 41 of policy.
- 42 1. The general assembly recognizes that open
- 43 government is a cornerstone to ensuring and protecting
- 44 the free exchange of information from government to the
- 45 people and it is therefore the intent of the general
- 46 assembly to do all of the following:
- 47 a. Provide access to governmental information as
- 48 an essential function of government and an integral
- 49 part of the routine duties of government officers and
- 50 employees.

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- 1 b. Balance transparency in government with the need
- 2 to protect personal privacy.
- 3 c. Recognize barriers that may impede the public's
- 4 access to governmental information and participation in
- 5 governmental functions and remove those barriers.
- 6 d. Ensure and facilitate the public's right to
- 7 access and review government information.
- 8 2. Ambiguity in the construction or application of
- 9 this chapter should be resolved in favor of openness.
- 10 Sec. ____ Section 22.2, subsection 1, Code 2009, is
- 11 amended to read as follows:
- 12 1. a. Every person shall have the right to examine
- 13 and copy a public record and to publish or otherwise
- 14 disseminate a public record or the information
- 15 contained in a public record.
- 16 b. Unless otherwise provided for by law, the right
- 17 to examine a public record shall include the right to
- 18 examine a public record without charge while the public

19 record is in the physical possession of the custodian
20 of the public record. ~~The~~
21 c. Unless otherwise provided for by law, the right
22 to copy a public record shall include the right to make
23 photographs or photographic copies while the public
24 record is in the possession of the custodian of the
25 public record. If a public record exists in electronic
26 form, the governmental body shall provide a copy of the
27 public record in electronic form, if reasonable. All
28 rights under this section are in addition to the right
29 to obtain a certified copy of a public record under
30 section 622.46.

31 Sec. . NEW SECTION. 22.2A Record requests –
32 time limits.

33 1. Upon receipt of an oral or written request to
34 examine or copy a public record, the lawful custodian
35 shall, if reasonable in the ordinary course of
36 business, permit such examination or copying at the
37 time of the request. If it is not reasonable in the
38 ordinary course of business to permit examination
39 or copying of the public record at the time of the
40 request, the lawful custodian shall immediately
41 notify the requester, orally or in writing, when such
42 examination or copying may take place, which shall be
43 no later than five business days from the time of the
44 request unless there is good cause for further delay.
45 If further delay is necessary because of good cause in
46 responding to a request to examine or copy a record the
47 lawful custodian knows is a public record, the lawful
48 custodian shall provide the requester with a written
49 statement detailing the reason or reasons for the delay
50 and the date by which the request will be satisfied.

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1 2. If the lawful custodian is in doubt as to
2 whether the record requested is a public record or
3 whether the requester should be permitted to examine
4 or copy an optional public record specified in
5 section 22.7, the lawful custodian shall make that
6 determination within ten business days from the date of
7 the request unless further delay is necessary because
8 of good cause, which is communicated in writing to the
9 requester. Examination or copying of the government
10 record shall be allowed within five business days from
11 the date the lawful custodian makes the decision in
12 such circumstances to permit examination or copying of
13 the record unless there is good cause for further delay
14 in fulfilling the request as provided in subsection 1.

15 3. If the lawful custodian denies a request to
16 examine or copy a public record, the custodian must
17 provide the requester at the time of the denial a

18 written statement denying the request and detailing the
19 specific reason or reasons for the denial.

20 4. If the lawful custodian does not fulfill a
21 request to examine or copy a public record within the
22 times prescribed in this section, the request shall be
23 deemed denied and the requester shall be entitled to
24 file a lawsuit against the lawful custodian pursuant
25 to section 22.10.

26 Sec. ____ Section 22.3, Code 2009, is amended to
27 read as follows:

28 22.3 Supervision – fees.

29 1. The examination and copying of public records
30 shall be done under the supervision of the lawful
31 custodian of the records or the custodian's authorized
32 designee. The lawful custodian shall not require the
33 physical presence of a person requesting or receiving
34 a copy of a public record and shall fulfill requests
35 for a copy of a public record received in writing, by
36 telephone, or by electronic means. Fulfillment of a
37 request for a copy of a public record may be contingent
38 upon receipt of payment of expenses to be incurred
39 in fulfilling the request and such estimated expenses
40 shall be communicated to the requester upon receipt of
41 the request who shall be responsible for payment of
42 such expenses once the requester authorizes the copy
43 of the public record. The lawful custodian may adopt
44 and enforce reasonable rules regarding the examination
45 and copying of the records and the protection of
46 the records against damage or disorganization. The
47 lawful custodian shall provide a suitable place for
48 the examination and copying of the records, but if it
49 is impracticable to do the examination and copying of
50 the records in the office of the lawful custodian,

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1 the person desiring to examine or copy shall pay
2 any necessary expenses of providing a place for the
3 examination and copying.

4 2. All expenses of the examination and copying
5 shall be paid by the person desiring to examine or
6 copy. The lawful custodian may charge a reasonable
7 fee for the services of the lawful custodian or the
8 custodian's authorized designee in supervising the
9 examination and copying of the records or in reviewing
10 the records for confidential information prior to
11 release. If the lawful custodian is an executive
12 branch agency, the lawful custodian shall provide
13 such services at no charge to a requestor for up to
14 three hours per month. If copy equipment is available
15 at the office of the lawful custodian of any public
16 records, the lawful custodian shall provide any person

17 a reasonable number of copies of any public record in
18 the custody of the office upon the payment of a fee.
19 The fee for the copying service as determined by the
20 lawful custodian shall not exceed the actual cost of
21 providing the service. Actual costs shall include only
22 those expenses directly attributable to supervising
23 the examination of and making and providing copies of
24 public records. Actual costs shall not include charges
25 for ordinary expenses or costs such as employment
26 benefits, depreciation, maintenance, electricity, or
27 insurance associated with the administration of the
28 office of the lawful custodian.

29 Sec. ____ Section 22.7, subsection 7, Code
30 Supplement 2009, is amended to read as follows:

31 7. Appraisals or appraisal information concerning
32 the ~~sale or~~ purchase of real or personal property for
33 public purposes, prior to ~~public announcement of a~~
34 ~~project the execution of any contract for such sale~~
35 ~~or purchase or the submission of the appraisal to the~~
36 ~~property owner or other interest holders as provided~~
37 in section 6B.45.

38 Sec. ____ Section 22.7, subsection 8, Code
39 Supplement 2009, is amended to read as follows:

40 8. ~~Iowa department of economic development~~
41 ~~information~~ Information on an industrial or commercial
42 development prospect with which the Iowa department
43 of economic development or a city is currently
44 negotiating, prior to submission by the department or
45 the city of a proposal for financial assistance or
46 other incentives for the prospect for approval by the
47 director of the department or by the governing body of
48 the city.

49 Sec. ____ Section 22.7, subsection 10, Code
50 Supplement 2009, is amended by striking the subsection.

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1 Sec. ____ Section 22.7, subsection 11, Code
2 Supplement 2009, is amended to read as follows:

3 11. a. Personal information in confidential
4 personnel records of public government bodies ~~including~~
5 ~~but not limited to cities, boards of supervisors and~~
6 ~~school districts~~ relating to identified or identifiable
7 individuals who are officials, officers, or employees
8 of the government bodies. However, the following
9 information relating to such individuals contained in
10 personnel records shall be public records:

11 (1) The name and compensation of the individual
12 including any written agreement establishing
13 compensation or any other terms of employment
14 excluding any information otherwise excludable from
15 public information pursuant to this section or any

16 other applicable provision of law. For purposes
 17 of this paragraph, "compensation" means payment of
 18 or agreement to pay, any money, thing of value, or
 19 financial benefit conferred in return for labor or
 20 services rendered by an officer, employee, or other
 21 person plus the value of benefits including but not
 22 limited to casualty, disability, life, or health
 23 insurance, other health or wellness benefits, vacation,
 24 holiday, and sick leave, severance payments, retirement
 25 benefits, and deferred compensation.

26 (2) The date the individual was employed by the
 27 government body.

28 (3) The positions the individual holds or has held
 29 with the government body.

30 (4) The educational institutions attended by the
 31 individual, including any diplomas and degrees earned,
 32 and the names of the individual's previous employers,
 33 positions previously held, and dates of previous
 34 employment.

35 (5) Any final disciplinary action taken against the
 36 individual that resulted in the individual's discharge.

37 b. Personal information in confidential personnel
 38 records of government bodies relating to student
 39 employees shall only be released pursuant to 20 U.S.C.
 40 § 1232g.

41 Sec. ____. Section 22.7, subsections 40, 43, and 48,
 42 Code Supplement 2009, are amended to read as follows:

43 40. The portion of a record request that contains
 44 an internet protocol number ~~which identifies the~~
 45 ~~computer from which a person requests a record, whether~~
 46 ~~the person using such computer makes the request~~
 47 ~~through the lowAccess network or directly to a lawful~~
 48 ~~custodian. However, such record may be released with~~
 49 ~~the express written consent of the person requesting~~
 50 ~~the record.~~

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1 43. Information obtained by the commissioner of
 2 insurance pursuant to section 502.607, subsection 2.

3 48. Sex offender registry records under chapter
 4 692A, except shall only be released as provided in
 5 section 692A.121.

6 Sec. ____. Section 22.7, subsection 52, paragraphs
 7 a and c, Code Supplement 2009, are amended to read as
 8 follows:

9 a. The following records relating to a charitable
 10 ~~donation made to a foundation acting solely for the~~
 11 ~~support of an institution governed by the state board~~
 12 ~~of regents, to a foundation acting solely for the~~
 13 ~~support of an institution governed by chapter 260C,~~
 14 ~~to a private foundation as defined in section 509 of~~

15 ~~the Internal Revenue Code organized for the support~~
 16 ~~of a government body, or to an endow Iowa qualified~~
 17 ~~community foundation, as defined in section 15E.303,~~
 18 ~~organized for the support of a government body:~~

19 (1) Portions of records that disclose a donor's
 20 or prospective donor's personal, financial, estate
 21 planning, or gift planning matters.

22 (2) Records received from a donor or prospective
 23 donor regarding such donor's prospective gift or
 24 pledge.

25 (3) Records containing information about a donor or
 26 a prospective donor in regard to the appropriateness
 27 of the solicitation and dollar amount of the gift or
 28 pledge.

29 (4) Portions of records that identify a
 30 prospective donor and that provide information on the
 31 appropriateness of the solicitation, the form of the
 32 gift or dollar amount requested by the solicitor, and
 33 the name of the solicitor.

34 (5) Portions of records disclosing the identity of
 35 a donor or prospective donor, including the specific
 36 form of gift or pledge that could identify a donor
 37 or prospective donor, directly or indirectly, when
 38 such donor has requested anonymity in connection with
 39 the gift or pledge. This subparagraph does not apply
 40 to a gift or pledge from a publicly held business
 41 corporation.

42 c. Except as provided in paragraphs "a" and "b",
 43 portions of records relating to the receipt, holding,
 44 and disbursement of gifts made for the benefit of
 45 regents institutions and made through foundations
 46 established for support of regents institutions,
 47 including but not limited to written fund-raising
 48 policies and documents evidencing fund-raising
 49 practices, shall be subject to this chapter. Unless
 50 otherwise provided, the lawful custodian of all records

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1 subject to this paragraph is the regents institution to
 2 be benefited by such gifts.

3 Sec. ____. Section 22.7, subsection 55, Code
 4 Supplement 2009, is amended to read as follows:

5 55. An intelligence assessment and intelligence
 6 data under chapter 692, ~~except shall only be~~
 7 released as provided in section 692.8A.

8 Sec. ____. Section 22.7, Code Supplement 2009, is
 9 amended by adding the following new subsection:

10 NEW SUBSECTION. 65. Drafts, memoranda, or
 11 notes. Drafts, memoranda, or notes in preliminary
 12 form. However, such a record considered or used in
 13 the final formulation, recommendation, adoption, or

14 execution of any official policy or action by a public
 15 official authorized to make such decisions for the
 16 governmental body shall be available for examination
 17 and copying at the time the record is distributed to a
 18 majority of the government body for consideration or is
 19 adopted or executed as the official policy or official
 20 action of a government body.

21 Sec. ____ NEW SECTION. 22.7A Social security
 22 numbers in public records.

23 1. To the greatest extent feasible, a government
 24 body shall not disclose a person's social security
 25 number unless the disclosure is authorized by law.

26 2. A government body shall make reasonable efforts
 27 to exclude social security numbers from public records,
 28 as follows:

29 a. Exclude social security numbers on licenses,
 30 permits, and other documents that may be readily
 31 observed by the public.

32 b. Give individuals the option not to submit a
 33 social security number to the government body unless
 34 submission of the social security number is essential
 35 to the provision of services by the government body or
 36 is required by law.

37 c. Make any other efforts to prevent social
 38 security numbers from being included in public records
 39 and to protect such numbers from disclosure.

40 3. If a public record contains a social security
 41 number, the government body shall, to the extent
 42 practicable, make reasonable efforts to redact the
 43 social security number prior to releasing the record
 44 if such redaction does not materially affect the value
 45 of the public record and is permitted by law. The
 46 redaction of a social security number from a public
 47 record shall not delay public access to the public
 48 record except for the time required to perform the
 49 actual redaction. As used in this subsection, "redact"
 50 means to render the social security number unreadable

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1 or truncated so that no more than the last four digits
 2 of the social security number may be accessed as part
 3 of the record.

4 4. A government body that solicits information
 5 containing a person's social security number or that
 6 is the lawful custodian of public records containing
 7 social security numbers shall, if subject to chapter
 8 17A, adopt rules or, if a political subdivision or
 9 other public body, adopt guidelines to administer
 10 the use and disclosure of social security numbers
 11 consistent with this section.

12 Sec. ____ Section 22.10, subsection 3, paragraph b,

13 Code 2009, is amended to read as follows:

14 b. Shall assess the persons who participated in
 15 its violation damages in the amount of not more than
 16 five hundred dollars ~~nor~~ and not less than one hundred
 17 dollars. However, if a member of a government body
 18 knowingly participated in such a violation, damages
 19 shall be in the amount of not more than two thousand
 20 five hundred dollars and not less than one thousand
 21 dollars. These damages shall be paid by the court
 22 imposing them to the state of Iowa if the body in
 23 question is a state government body, or to the local
 24 government involved if the body in question is a local
 25 government body. A person found to have violated this
 26 chapter shall not be assessed such damages if that
 27 person proves that the person ~~either voted~~ did any of
 28 the following:

29 (1) Voted against the action violating this
 30 chapter, refused to participate in the action violating
 31 this chapter, or engaged in reasonable efforts under
 32 the circumstances to resist or prevent the action in
 33 violation of this chapter; ~~had,~~

34 (2) Had good reason to believe and in good faith
 35 believed facts which, if true, would have indicated
 36 compliance with the requirements of this chapter; ~~or~~
 37 ~~reasonably,~~

38 (3) Reasonably relied upon a decision of a court
 39 ~~or an, a formal~~ opinion of the attorney general, or
 40 the attorney for the ~~governmental~~ government body,
 41 given in writing, or as memorialized in the minutes
 42 of the meeting at which an oral opinion was given, or
 43 an advisory opinion of the attorney general or the
 44 attorney for the government body, given in writing.

45 Sec. ____. Section 22.10, subsection 5, Code 2009,
 46 is amended by striking the subsection.

47 Sec. ____. Section 22.13, Code 2009, is amended to
 48 read as follows:

49 22.13 Settlements – ~~governmental~~ government bodies.

50 1. A written summary of the terms of settlement,

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1 including amounts of payments made to or through
 2 a claimant, or other disposition of any claim for
 3 damages made against a ~~governmental~~ government body
 4 or against an employee, officer, or agent of a
 5 ~~governmental~~ government body, by an insurer pursuant
 6 to a contract of liability insurance issued to the
 7 ~~governmental~~ government body, shall be filed with the
 8 ~~governmental~~ government body and shall be a public
 9 record.

10 2. A final binding settlement agreement between any
 11 government body of this state or unit or official of

12 such a government body that resolves a legal dispute
 13 between such a government body and another person or
 14 entity shall be filed with the government body. For
 15 each such settlement agreement, the government body
 16 shall prepare and file, together with the settlement
 17 agreement, a brief summary indicating the identity of
 18 the parties involved, the factual and legal nature of
 19 the dispute, and the terms of the settlement. The
 20 settlement agreement and summary shall be available for
 21 public inspection.

22 Sec. ____ Section 22.14, subsection 3, Code 2009,
 23 is amended to read as follows:

24 3. If a fiduciary or other third party with custody
 25 of public investment transactions records fails to
 26 produce public records within a reasonable period of
 27 time as requested by the ~~public government~~ body, the
 28 ~~public government~~ body shall make no new investments
 29 with or through the fiduciary or other third party
 30 and shall not renew existing investments upon their
 31 maturity with or through the fiduciary or other third
 32 party. The fiduciary or other third party shall
 33 be liable for the penalties imposed under ~~section~~
 34 ~~22-6 statute, common law, or contract~~ due to the acts
 35 or omissions of the fiduciary or other third party ~~and~~
 36 ~~any other remedies available under statute, common law,~~
 37 ~~or contract.~~

38 Sec. ____ NEW SECTION. 22.15 Judicial branch –
 39 rules.

40 This chapter does not apply to government records
 41 owned, created, possessed, or under the control of
 42 the judicial branch related to the performance by the
 43 courts of their judicial functions. The supreme court
 44 shall prescribe rules governing access to such records
 45 consistent with the purposes of this chapter.

46 Sec. ____ NEW SECTION. 23.1 Open meetings, public
 47 records, and privacy advisory committee.

48 1. Committee established. An open meetings, public
 49 records, and privacy advisory committee is established
 50 to serve as a resource for public access to government

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1 information in light of the policy of this state to
 2 provide as much public access to government information
 3 and proceedings as is consistent with the public
 4 interest and the need to protect individuals against
 5 undue invasions of personal privacy.

6 2. Membership.

7 a. The advisory committee shall consist of
 8 seventeen members including twelve voting members and
 9 five nonvoting members.

10 (1) The voting members shall be the following:

- 11 (a) One member representing municipal interests
12 recommended by the Iowa league of cities, appointed by
13 the governor.
- 14 (b) One member representing county or regional
15 interests recommended by the Iowa state association of
16 counties, appointed by the governor.
- 17 (c) One member representing educational interests
18 jointly recommended by the Iowa association of school
19 boards, the Iowa association of community college
20 trustees, and the state board of regents, appointed by
21 the governor.
- 22 (d) One member representing freedom of information
23 advocacy group interests recommended by the Iowa
24 freedom of information council, appointed by the
25 governor.
- 26 (e) One member representing newspaper interests
27 recommended by the Iowa newspaper association,
28 appointed by the governor.
- 29 (f) One member representing broadcasting interests
30 recommended by the Iowa broadcasters association,
31 appointed by the governor.
- 32 (g) Three public members, appointed by the
33 governor.
- 34 (h) The attorney general or the attorney general's
35 designee.
- 36 (i) The citizens' aide or the citizens' aide's
37 designee.
- 38 (j) The director of the department of cultural
39 affairs or the director's designee.
- 40 (2) The nonvoting members of the advisory committee
41 shall be a representative from the department of
42 administrative services with expertise in electronic
43 records, two state representatives, one appointed
44 by the speaker of the house of representatives and
45 one appointed by the minority leader of the house of
46 representatives, and two state senators, one appointed
47 by the majority leader of the senate and one appointed
48 by the minority leader of the senate.
- 49 b. A majority of the advisory committee members
50 shall constitute a quorum.

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- 1 3. Duties. The advisory committee shall:
- 2 a. Serve as the central coordinator of information
3 about the public's right to access government
4 information and proceedings. The advisory committee
5 shall provide basic information about the requirements
6 of chapters 21 and 22 and other relevant freedom of
7 information laws and shall also provide information
8 about best practices for state and local governments to
9 comply with and to enforce such laws.

- 10 b. Serve as a resource to support the establishment
11 and maintenance of a central publicly accessible
12 internet site that provides specific guidance to
13 members of the public about utilizing the relevant law
14 to be better informed and active participants in open
15 government.
- 16 c. Make training opportunities available to lawful
17 custodians, government bodies, governmental bodies, and
18 other persons subject to the requirements of chapters
19 21 and 22 and require all newly employed persons who
20 have responsibilities in relation to chapters 21 and
21 22 to receive training upon initial employment and
22 to require all employees to receive annual training
23 thereafter approved by the advisory committee.
- 24 d. Make recommendations to the governor and the
25 general assembly by proposing legislation relating
26 to issues involving public access to meetings of a
27 governmental body and to records of a government body
28 including but not limited to the following issues:
- 29 (1) The categorization of government records.
 - 30 (2) Public employment applications.
 - 31 (3) Information unduly invading personal privacy
32 including personal information on mailing lists and
33 opt-in provisions relating to such lists.
 - 34 (4) Serial meetings of less than a majority of a
35 governmental body.
 - 36 (5) Definitions of what constitutes a governmental
37 body for purposes of chapter 21 and what constitutes a
38 government body for purposes of chapter 22.
- 39 e. Aid the general assembly in evaluating the
40 impact of legislation affecting public access to
41 government information.
- 42 f. Conduct public hearings, conferences, workshops,
43 and other meetings as necessary to address problems
44 and suggest solutions concerning access to government
45 information and proceedings.
- 46 g. Review the collection, maintenance, and use of
47 government records by lawful custodians to ensure that
48 confidential records and information are handled to
49 adequately protect personal privacy interests.
- 50 4. Meetings. The advisory committee shall elect

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- 1 a chairperson and vice chairperson. The committee
2 shall meet at least three times per year but may meet
3 as often as necessary. At least one of the meetings
4 shall be held during the regular legislative session.
5 Meetings may be called by the chairperson or at the
6 request of four members. The advisory committee is
7 subject to the open meetings requirements of chapter
8 21.

9 5. Expenses or compensation.

10 a. A member of the general assembly shall be paid,
11 in accordance with section 2.10, per diem and necessary
12 travel and actual expenses incurred in attending
13 meetings of the advisory committee.

14 b. Public members appointed by the governor shall
15 receive reimbursement for actual and necessary expenses
16 incurred while serving in their official capacity.

17 6. Funding. The advisory committee may seek
18 grants, appropriations, and outside funding to fund the
19 costs of public hearings, conferences, workshops, and
20 other activities of the committee. Contributions to
21 support the work of the committee shall not be accepted
22 from a political party with a pecuniary or other vested
23 interest in the outcome of the issues considered by the
24 committee.

25 7. Staffing. The legislative services agency shall
26 provide staffing and administrative support for the
27 advisory committee. In addition, the committee may
28 contract for administrative, professional, and clerical
29 services subject to the availability of funding.

30 8. Report. The advisory committee shall conduct
31 an evaluation of the effectiveness of the enforcement
32 provisions in chapters 21 and 22, including an
33 evaluation of the manner in which complaints are
34 handled by the citizens' aide, the appropriate county
35 attorney, and the attorney general, and shall submit a
36 report of its findings and recommendations including
37 a recommendation relating to the need to establish
38 a separate enforcement agency, if necessary, to the
39 governor and the general assembly no later than January
40 9, 2012.

41 Sec. ____. Section 455K.4, subsection 4, Code 2009,
42 is amended to read as follows:

43 4. Information that is disclosed under subsection
44 2, paragraph "b", is confidential and is not subject
45 to disclosure under chapter 22. ~~A governmental
46 entity, governmental employee, or governmental
47 official who discloses information in violation of
48 this subsection is subject to the penalty provided in
49 section 22.6.~~

50 Sec. ____. Section 22.6, Code 2009, is repealed.

Page 16

1 Sec. ____. APPOINTMENTS TO OPEN MEETINGS, PUBLIC
2 RECORDS, AND PRIVACY ADVISORY COMMITTEE. The
3 recommending entities for appointments to the open
4 meetings, public records, and privacy advisory
5 committee established in section 23.1, as enacted
6 by this division of this Act, shall consult with one
7 another prior to submitting final recommendations to

8 the governor to avoid violations of sections 69.16 and
9 69.16A. >>

LENSING of Johnson
MASCHER of Johnson
KOESTER of Polk
STRUYK of Pottawattamie
PETTENGILL of Benton

H-8669

1 Amend the amendment, H-8643, to the Senate
2 amendment, H-8640, to House File 2531, as amended,
3 passed, and reprinted by the House, as follows:

4 1. Page 1, by striking lines 4 and 5 and inserting:

5 <__. Page 1, after line 2 by inserting:

6 <__. Page 3, line 20, by striking

7 <Notwithstanding> and inserting:

8 1. Notwithstanding>

9 __. Page 3, line 27, by striking <2,494,057,875>

10 and inserting <2,499,157,875>

11 __. Page 3, after line 27 by inserting:

12 <2. There is appropriated from the Iowa

13 comprehensive petroleum underground storage tank fund

14 for state foundation aid for the fiscal year beginning

15 July 1, 2010, and ending June 30, 2011, the following

16 amount, or so much thereof as is necessary to be used

17 for the purposes designated:

18 In lieu of an equal amount appropriated for state

19 foundation aid under section 257.16, subsection

20 1, as limited by subsection 1 of this section,

21 notwithstanding section 455G.3, subsection 1:

22 \$ 5,100,000>

23 __. Page 3, line 28, by striking <1.> and

24 inserting <3. a.>

25 __. Page 4, line 1, by striking <2.> and inserting

26 <b.>

27 __. Page 4, by striking line 2 and inserting

28 <subsection 1, after the allocation made in paragraph

29 "a" is>>>>

30 2. By renumbering as necessary.

WENTHE of Fayette

RESOLUTIONS ADOPTED

Resolutions adopted during the Eighty-third General Assembly,
2010 Session, not otherwise printed in the House Journal.

House Resolution 103

By Zirkelbach

1 A resolution honoring Iowa's military veterans.
2 *Whereas*, for over 160 years Iowans have stepped
3 forward at their country's call; and
4 *Whereas*, from Pea Ridge to the Argonne, from the
5 Sunda Straits to the Yalu, from Pleiku to the desolate
6 mountains of Afghanistan, all over the world Iowans
7 serving in the military have shed their blood and given
8 their lives; and
9 *Whereas*, in times of peace Iowa soldiers and sailors
10 fought natural disasters and rescued the victims of
11 those disasters, without regard to personal hardship
12 and danger; and
13 *Whereas*, when they return home these veterans bring
14 with them a can-do spirit and a sense of public service
15 that has made Iowa a great place to live, to work, and
16 to raise a family; *Now Therefore*,
17 *Be It Resolved By The House Of Representatives*, That
18 on behalf of all Iowans the House of Representatives
19 honors and commemorates the service and sacrifice of
20 Iowa's soldiers, airmen and airwomen, sailors, marines,
21 and coast guard members and thanks them for their
22 service to America.

HR 103 filed January 20, 2010; adopted January 21, 2010.

House Resolution 104

By Sweeney, Windschitl, Alons, Gayman, Isenhart,
Arnold, Whitead, Bukta, Kearns, Ficken,
Van Engelenhoven, Watts and Chambers

1 A resolution to honor the Blue Star Mothers of America,
2 Inc.
3 *Whereas*, the Blue Star Mothers of America, Inc., was
4 founded as a patriotic service organization on February
5 2, 1942, to unite mothers who had sons or daughters in
6 the United States armed forces; and
7 *Whereas*, the nonpartisan, nonsectarian, and
8 nondiscriminatory nonprofit organization was chartered
9 by the Congress of the United States in 1960; and
10 *Whereas*, persons eligible for membership in the
11 organization include mothers and stepmothers who have
12 sons or daughters who are currently serving in the
13 United States military or who are honorably discharged
14 veterans; and

15 *Whereas*, the work of the Blue Star Mothers of
16 America, Inc., includes providing support for
17 active duty service personnel and their families,
18 promoting patriotism, and assisting various veterans
19 organizations such as the American Gold Star
20 Mothers; and
21 *Whereas*, the work of the Blue Star Mothers of
22 America, Inc., is increasingly important with more
23 than 450,000 members of the United States Army Reserve
24 components having been called to active service around
25 the world since 2001; and
26 *Whereas*, the dedication, sacrifice, and hard work
27 of the devoted members of the Blue Star Mothers of
28 America, Inc., merit recognition; and

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1 *Whereas*, the Blue Star Service flag is the official
2 banner authorized by the United States Department
3 of Defense for display by families who have members
4 serving in the United States armed forces during a
5 period of war or armed conflict the nation may be
6 engaged in for the duration of such hostilities; and
7 *Whereas*, the Blue Star Service flag was designed and
8 patented by World War I Army Captain Robert L. Queisser
9 of the 5th Ohio Infantry, who had two sons serving
10 on the front lines and the flag quickly became an
11 unofficial symbol of a child in service; *Now Therefore*,
12 *Be It Resolved By The House Of Representatives*, That
13 the House of Representatives recognizes and celebrates
14 the history and contributions of Blue Star Mothers of
15 America, Inc., and honor their sacrifice and dedication
16 to our nation.

HR 104 filed January 21, 2010; adopted January 21, 2010.

House Resolution 106

By Reichert, Murphy and Kressig

1 A resolution to recognize the Iowa Small Business
2 Development Centers and honor 2009 award winners
3 Sarah Gall, Gina Blean, and Kelly Heysinger.
4 *Whereas*, since 1981, the Iowa Small Business
5 Development Centers have provided expert and
6 confidential business counseling services and training
7 workshops to entrepreneurs in all 99 Iowa counties; and
8 *Whereas*, the Iowa Small Business Development Centers
9 provide a wide variety of services to foster the growth
10 of Iowa business, including one-to-one professional
11 business counseling; learning opportunities –
12 workshops, courses and classes, internet-based
13 learning, telephone and e-based contact, and print

14 and electronic materials; resources, connections –
 15 financing sources, state and federal programs,
 16 associations, databases, local and regional programs,
 17 host institutions, and communities; and specialty
 18 programs and assistance – business succession,
 19 market research, strategic planning, introduction to
 20 international business, and community building; and
 21 *Whereas*, the Iowa Small Business Development Centers
 22 have announced the 2009 award winners for its two
 23 special entrepreneur of the year awards; and
 24 *Whereas*, Sarah Gall, owner of The Runner's Flat, is
 25 the 2009 Deb Dalziel Woman Entrepreneur Achievement
 26 Award winner, an award which honors an Iowa woman
 27 entrepreneur who has significantly changed or improved
 28 her life and the lives of others; and

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1 *Whereas*, Gina Blean and Kelly Heysinger, owners of
 2 Unified Therapy Services, Inc. have been selected to
 3 receive the 2009 Neal Smith Entrepreneur of the Year
 4 Award, an award named in honor of the long-serving
 5 Iowa congressman, given to an Iowa entrepreneur who
 6 has been in business a minimum of three years and has
 7 been significantly assisted by an Iowa Small Business
 8 Development Center; *Now Therefore*,
 9 *Be It Resolved By The House Of Representatives*,
 10 That the House of Representatives honors award winners
 11 Sarah Gall, Gina Blean, and Kelly Heysinger, and
 12 congratulates them on their success, and recognizes
 13 and expresses its thanks to the Iowa Small Business
 14 Development Centers for their ongoing work in making
 15 Iowa a better place to live and work.

HR 106 filed February 1, 2010; adopted February 3, 2010.

House Resolution 108

By Heddens, Schulte, Whitead, Palmer, Kearns, Ficken,
 Reasoner, Lensing, Kressig, Frevert, Gayman, Kuhn,
 Kelley, Jacoby, H. Miller, Steckman, Koester,
 Murphy, T. Olson, Reichert, Marek, Hanson, Gaskill,
 Bell, Oldson, Winckler, Smith, Drake, Isenhardt,
 Wenthe, Burt, R. Olson and Bukta

1 A resolution to commemorate the 90th anniversary of the
 2 League of Women Voters and to recognize February 14,
 3 2010, as League of Women Voters Making Democracy
 4 Work Day.
 5 *Whereas*, the League of Women Voters is the
 6 organization where hands-on work to safeguard democracy
 7 leads to civic improvement; and
 8 *Whereas*, the League of Women Voters is a nonpartisan

9 political organization that has fought since 1920 to
 10 improve our system of government and impact public
 11 policy through citizen education and advocacy; and
 12 *Whereas*, league members are constantly striving to
 13 serve their communities to make strong, safe, fair, and
 14 vibrant places to live; and
 15 *Whereas*, the League of Women Voters believes
 16 in representative government and in the individual
 17 liberties established in the Constitution of the United
 18 States; and
 19 *Whereas*, the League of Women Voters has always
 20 worked to promote the values and processes of
 21 representative government; and
 22 *Whereas*, the League of Women Voters collaborates
 23 with other organizations to achieve mutual goals,

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1 increase civic participation, create lasting change in
 2 the community, and make democracy work; and
 3 *Whereas*, the League of Women Voters for 90 years has
 4 held the public trust by respectfully bringing elected
 5 leaders and the public together through nonpartisan,
 6 civil means and through thoughtfully advancing
 7 solutions; and
 8 *Whereas*, the citizens of Iowa have benefited
 9 tremendously from the countless volunteer hours donated
 10 by league members over its 90-year history of enhancing
 11 our democracy; *Now Therefore*,
 12 *Be It Resolved By The House Of Representatives*,
 13 That the House of Representatives honors the League
 14 of Women Voters on its 90th anniversary, recognizes
 15 February 14th, 2010, as "League of Women Voters Making
 16 Democracy Work Day", and urges all Iowans to pay great
 17 tribute and respect to the League of Women Voters for
 18 all it does to make our communities healthy, vibrant,
 19 and strong.

HR 108 filed February 2, 2010; adopted February 16, 2010.

House Resolution 109

By Murphy, Bukta, Whitead, Frevert, Gaskill, Hanson,
 Gayman, Cohoon, Bell, Lykam, Berry, Swaim, Kressig,
 Mertz, Jacoby, Heddens, Kerns, D. Olson, Smith,
 Ficken, Burt, Williams, Hunter, Lensing, Kelley,
 Winckler, Zirkelbach, Steckman, Taylor and

Reasoner

1 A resolution to honor state, county, and city road
 2 workers for their diligent work in clearing snow and
 3 ice from Iowa's vital road network.
 4 *Whereas*, Iowa's geography gives us a variety of

5 weather conditions from extreme heat and cold to
 6 tornadoes and snowfall, with winds that blow strong and
 7 steady across the state; and state, county, and city
 8 road workers meet every challenge; and
 9 *Whereas*, the winter of 2009-2010 is one of
 10 the coldest and snowiest in the state's history,
 11 threatening the lives of Iowa citizens and the commerce
 12 of the state; and
 13 *Whereas*, Iowa's intricate system of road networks,
 14 developed over decades, quickly becomes treacherous in
 15 winter weather; and
 16 *Whereas*, Iowa's state, county, and city road workers
 17 provide our first line of defense in keeping these
 18 vital roadways open; and
 19 *Whereas*, without regard to blizzard conditions
 20 and bitter cold, road maintenance crews routinely
 21 work around the clock to clear the commercial and
 22 residential road networks and make them safe for
 23 vehicular travel and commercial transportation; *Now*

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1 *Therefore*,
 2 *Be It Resolved By The House Of Representatives*,
 3 That, on behalf of all Iowans, the House of
 4 Representatives thanks those state, county, and city
 5 road workers who have spent thousands of hours in
 6 bitter cold and treacherous snow making Iowa's roadways
 7 safe.

HR 109 filed February 8, 2010; adopted March 3, 2010.

House Resolution 110

By Abdul-Samad, Ford, H. Miller, Berry, Thede and
 Burt

1 A resolution designating February 2010 as Black History
 2 Month.
 3 *Whereas*, Black History Month in the United States
 4 dates back to 1926, based upon the efforts of Dr.
 5 Carter G. Woodson, a Harvard-educated scholar descended
 6 from slave parents; and
 7 *Whereas*, Black History Month is traditionally
 8 observed in February of each year; and
 9 *Whereas*, Black History Month is designated to
 10 recognize and pay tribute to many African-Americans
 11 long neglected by society and the history books; and
 12 *Whereas*, Black History Month aims to bridge the gap
 13 created by American history's failure to accurately
 14 acknowledge, portray, and record the contributions of
 15 Blacks in society; and
 16 *Whereas*, Black History Month acknowledges the

17 achievements of Blacks in the military, the arts,
 18 civil rights, education, entertainment, history, law,
 19 literature, medicine, music, politics, science, sports,
 20 and other areas; and
 21 *Whereas*, the African-American population in Iowa has
 22 grown from 1.4 percent of the state population in 1980
 23 to 2.5 percent in 2006, and is projected to grow to 3.5
 24 percent by 2030; and
 25 *Whereas*, African-Americans in Iowa are increasingly
 26 assuming leadership roles in law, medicine, sports,
 27 government, education, the arts, and other areas; and

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1 *Whereas*, the six African-American sponsors
 2 of this resolution are currently serving in the
 3 House of Representatives, the largest number of
 4 African-Americans ever serving in the House; *Now*
 5 *Therefore*,
 6 *Be It Resolved By The House Of Representatives*,
 7 That the House of Representatives designates February
 8 2010 as Black History Month and encourages schools,
 9 community leaders, religious leaders, and all
 10 Iowans to take this opportunity to embrace the rich
 11 history of African-Americans in Iowa, from George
 12 Washington Carver to James B. Morris to Simon Estes
 13 to Luther and Willie Glanton, and to rediscover the
 14 contributions African-Americans continue to make to
 15 Iowa's educational, economic, and cultural well-being.

HR 110 filed February 15, 2010; adopted February 15, 2010.

House Resolution 111

By H. Miller, Roberts, Anderson, Bailey,
 Bell, Heddens and Upmeyer

1 A resolution to honor the historical, political,
 2 cultural, social, and economic relationship among
 3 Canada, the United States, and Iowa and recognizing
 4 February 17, 2010, as Canada Day at the Statehouse.
 5 *Whereas*, Canada and the United States share not
 6 only a 5,500-mile border, which is the world's longest
 7 secure border, but also a common history, heritage,
 8 and destiny based on shared ideals and democratic
 9 principles; and
 10 *Whereas*, relations between Canada and the United
 11 States span more than two centuries, and the two
 12 countries have developed one of the most successful
 13 international relationships in the modern world; and
 14 *Whereas*, for over 100 years Canada and the United
 15 States have stood together as allies and defense
 16 partners, fighting tyranny and terrorism in a

17 partnership that remains resolute even today; and
18 *Whereas*, the United States is Canada's largest
19 export market, with the United States importing \$343
20 billion in goods from Canada while exporting \$262
21 billion in goods to Canada; and
22 *Whereas*, the relationship between Canada and Iowa is
23 equally strong, combining a complex and growing network
24 of social, economic, and even familial ties; and
25 *Whereas*, it is estimated that 78,000 jobs in Iowa
26 are supported by Canada-United States trade; and
27 *Whereas*, Canada is Iowa's top export market, with

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1 Iowa exports to Canada valued at \$3.5 billion and Iowa
2 imports from Canada valued at \$4.2 billion; and
3 *Whereas*, Iowa exports to Canada include steel
4 products, oilseed cake and meal, organic chemicals,
5 air conditioning and refrigeration units, and
6 tractors, while Iowa imports include natural gas, oils,
7 fertilizers, live animals, and steel products; *Now*
8 *Therefore*,
9 *Be It Resolved By The House Of Representatives*, That
10 the House of Representatives honors the relationship
11 between the peoples and the governments of Canada,
12 the United States, and Iowa, allies in war, friends
13 and neighbors in peace, and partners in economic
14 prosperity; and
15 *Be It Further Resolved*, That in honor of our strong
16 and growing relationship, the House of Representatives
17 recognizes February 17, 2010, as Canada Day at the Iowa
18 Statehouse.

HR 111 filed February 17, 2010; adopted February 17, 2010.

House Resolution 113

By Winckler and L. Miller

1 A resolution designating March 2010 as Iowa Women's
2 History Month.
3 *Whereas*, Iowa women of every race, class, and
4 ethnic background have made historic contributions
5 to the growth and strength of our state and nation
6 in countless recorded and unrecorded ways, including
7 through the struggle for women's rights; and
8 *Whereas*, Iowa women have played and continue to
9 play a critical economic, cultural, and social role
10 by constituting a significant portion of the labor
11 force working inside and outside the home despite being
12 underpaid; and
13 *Whereas*, Iowa women were particularly important in
14 the establishment of early charitable, philanthropic,

15 and cultural institutions in our state and nation; and
16 *Whereas*, Iowa women and men ratified the amendment
17 to the Iowa Constitution, declaring that "All men and
18 women are, by nature, free and equal, and have certain
19 inalienable rights"; and
20 *Whereas*, Iowa women have been leaders in the
21 abolitionist movement, the emancipation movement, the
22 industrial labor movement, the civil rights movement,
23 the peace movement, and the women's suffrage movement,
24 which created a more fair and just society for all
25 people; and
26 *Whereas*, despite these contributions, and those
27 of women throughout the world, the role of women has
28 been consistently overlooked and undervalued, in

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1 the literature, teaching, and study of history; *Now*
2 *Therefore*,
3 *Be It Resolved By the House Of Representatives*, That
4 the House of Representatives designates the month of
5 March 2010 as Iowa Women's History Month and invites
6 the citizens of Iowa to continue to uncover, recognize,
7 and honor the roles women have played throughout
8 history.

HR 113 filed February 17, 2010; adopted March 11, 2010.

House Resolution 115

By Steckman

1 A resolution to recognize Iowa employer support for the
2 Guard and Reserve, their 150 Iowa volunteers, and
3 the programs they provide.
4 *Whereas*, it is essential to gain and maintain
5 employer support for Iowa National Guard and Military
6 Reserve service by recognizing outstanding support
7 by employers, increasing awareness of the law, and
8 resolving conflicts through mediation; and
9 *Whereas*, the Employer Support for the Guard and
10 Reserve (ESGR) was founded in 1972 as an agency of the
11 United States Department of Defense and is funded by
12 the Department; and
13 *Whereas*, ESGR is an invaluable resource for
14 employers and the National Guard and Military Reserve
15 members that work for them; and
16 *Whereas*, employers and members of ESGR are provided
17 assistance by Iowa volunteers across the state,
18 under the authority of the federal Uniformed Services
19 Employment and Reemployment Rights Act (USERRA); and
20 *Whereas*, volunteers assist employers and members of
21 ESGR to become familiar with the resources and services

22 that ESGR provides and encourage them to take advantage
 23 of this information and assistance should the need ever
 24 arise; and
 25 *Whereas*, ESGR's employer outreach volunteers provide
 26 information, education, and services for employers
 27 through programs across the state called Lunch and
 28 Learns, Boss Lifts, and the Speakers Bureau; and

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1 *Whereas*, ESGR also has an awards program designed to
 2 acknowledge the efforts employers put forth to support
 3 their military employees; and
 4 *Whereas*, ESGR's military outreach volunteers
 5 provide National Guard and Military Reserve members
 6 with important information about their rights and
 7 responsibilities under USERRA, and ESGR programs and
 8 services; and
 9 *Whereas*, ESGR-trained volunteer ombudsmen provide
 10 information, confidential counseling, and neutral
 11 mediation relating to compliance with the USERRA
 12 requirements; and
 13 *Whereas*, Iowa Employer Support for the Guard and
 14 Reserve honors our courageous guardsmen and reservists
 15 and their employers, whose continued support is vital
 16 to the success of our armed forces and to the strength
 17 of America; *Now Therefore*,
 18 *Be It Resolved By The House Of Representatives*,
 19 That the House of Representatives urges all Iowans to
 20 learn more about Iowa Employer Support for the Guard
 21 and Reserve and the resources and services that it
 22 provides, and to take advantage of this information and
 23 assistance should the need ever arise.

HR 115 filed February 23, 2010; adopted March 3, 2010.

House Resolution 116
 By Raecker

1 A resolution honoring the Urbandale Major League
 2 All-Star Team for a successful tournament season
 3 and for its participation in the 2009 Little League
 4 World Series.
 5 *Whereas*, the Urbandale Little League selected
 6 players from its major league, forming the Urbandale
 7 Major League All-Star Team to compete in the 2009
 8 Little League World Series; and
 9 *Whereas*, beginning practice in June 2009 the team
 10 showed a strong defense, good pitching, solid offense,
 11 and mental toughness; and
 12 *Whereas*, in July district competition the team went
 13 8-0; and

14 *Whereas*, in state tournament competition, hosted by
 15 Urbandale, the team went 6-0, and all players became
 16 repeat state champions; and
 17 *Whereas*, in August the team headed to regional play
 18 in Indianapolis and another tournament victory; and
 19 *Whereas*, the team then headed to South Williamsport,
 20 Pennsylvania, where the team competed in the 63rd
 21 edition of the Little League World Series, where eight
 22 teams from the United States and eight from throughout
 23 the world competed for the 2009 championship; and
 24 *Whereas*, throughout the weeks of practice, travel,
 25 and tournament play, the Urbandale Major League
 26 All-Star Team consistently demonstrated strength of
 27 character and good sportsmanship and embodied the
 28 concept of pursuing victory with honor; *Now Therefore*,

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1 *Be It Resolved By The House Of Representatives*, That
 2 the House of Representatives honors the Urbandale Major
 3 League All-Star Team for a successful tournament season
 4 and recognizes the team members, Ross Kramer, Trae
 5 Cropp, Trey Creighton, Jaran Sabus, Spencer Sturges,
 6 Brody Egger, Robert Vanderlinden, Cole Scieszinski,
 7 Zach Rague, Michael Staub, Jake Quirk, and Jake
 8 Grau, along with manager Scott Grau, and coach Chris
 9 Sabus, for their contributions to the team's success.

HR 116 filed February 24, 2010; adopted March 3, 2010.

House Resolution 117

By Mascher

1 A resolution urging Congress to require nutritional
 2 quality and options for school meals.
 3 *Whereas*, the Richard B. Russell National School
 4 Lunch Act and the Child Nutrition Act of 1966 were
 5 enacted to safeguard the health and well-being of the
 6 nation's children; and
 7 *Whereas*, a disproportionate rise in indicators of
 8 poor health among children is linked to diet; and
 9 *Whereas*, a significant percentage of low-income
 10 children are considered at risk for obesity and
 11 diet-related degenerative diseases; and
 12 *Whereas*, the American Academy of Pediatrics,
 13 the American Cancer Society, the American Dietetic
 14 Association, the American Diabetes Association, the
 15 American Heart Association, the Institute of Medicine,
 16 the United States Department of Agriculture (USDA), and
 17 the National Institutes of Health recommend high fiber
 18 foods, including fruits, vegetables, whole grains,
 19 and legumes, all of which contain fiber and essential

20 nutrients, vitamins, and minerals, are low in fat and
21 calories, and contain no cholesterol; *Now Therefore,*
22 *Be It Resolved By The House Of Representatives,*
23 That the House of Representatives respectfully urges
24 the Congress of the United States to require healthful
25 options for students participating in meal service
26 programs authorized under the Richard B. Russell
27 National School Lunch Act and the Child Nutrition Act
28 of 1966; and

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1 *Be It Further Resolved,* That the House of
2 Representatives respectfully urges the Congress of the
3 United States to require the USDA to make available
4 a greater variety of fresh and frozen produce,
5 legumes, whole grains, nuts, and seeds throughout
6 the commodities program that serves schools and
7 children; and
8 *Be It Further Resolved,* That the appropriate state
9 agencies and the Chief of the Bureau of Nutrition,
10 Health and Transportation Services are encouraged to
11 develop nutritionally sound school meal menus; and
12 *Be It Further Resolved,* That the Chief Clerk of
13 the House of Representatives transmit a copy of this
14 resolution to the Speaker of the United States House of
15 Representatives, the members of Iowa's congressional
16 delegation, and the United States Secretary of
17 Agriculture.

HR 117 filed March 1, 2010; adopted March 26, 2010.

House Resolution 120

By Bell

1 A resolution supporting the Republic of China on Taiwan
2 as a part of the global community.
3 *Whereas,* the Republic of China (Taiwan) has achieved
4 economic and social stability and in the last two
5 decades has been lauded as a beacon of democracy for
6 Asia, has dramatically improved its record on human
7 rights, and has taken great steps forward to enter the
8 world arena as a trusted partner; and
9 *Whereas,* Taiwan's absence from international
10 organizations dealing with climate change has impeded
11 Taiwan's ability to respond to natural disasters like
12 Typhoon Morakot, which struck Taiwan in the summer
13 of 2009, an unusually destructive typhoon season in
14 the Pacific that was possibly exacerbated by climate
15 change, and in turn, the global initiative to tackle
16 climate change has been impaired by the lack of
17 participation of Taiwan, the world's 17th largest

18 economy; and

19 *Whereas*, the Taiwan government is grateful for
20 the assistance and condolences of the international
21 community in the wake of Typhoon Morakot in 2009, as
22 dozens of international organizations and nations
23 stepped up to help, including the United States, which
24 supplied military equipment for rescue and recovery
25 operations, the European Union, Japan, and the Chinese
26 mainland; and

27 *Whereas*, aviation safety has become a major global
28 concern since 2001, and Taiwan is a key air transport

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1 hub in the Asia-Pacific region, with over 1.35 million
2 flights passing through the Taipei Flight Information
3 Region, and with the world's 15th-largest airport by
4 cargo volume, Taoyuan International Airport; and

5 *Whereas*, the Taiwan government has undertaken a
6 policy of "flexible diplomacy" in its international
7 relations and a pragmatic approach to China, having
8 completed a number of cross-strait liberalization
9 measures, including regular, direct passenger
10 flights between mainland China and Taiwan and other
11 goodwill measures, resulting in reciprocal gestures
12 and rapprochement between Taipei and Beijing; *Now*
13 *Therefore*,

14 *Be It Resolved By The House Of Representatives*,
15 That the House of Representatives affirms its support
16 for the participation of Taiwan in the United Nations
17 Framework Convention on Climate Change (UNFCCC) and the
18 International Civil Aviation Organization (ICAO) to
19 increase Taiwan's international space and contribution
20 to the global community; and

21 *Be It Further Resolved*, That the Chief Clerk of the
22 House of Representatives is hereby directed to send a
23 copy of this Resolution to Hillary Clinton, Secretary
24 of State of the United States; Executive Secretary
25 Yvo de Boer of the UNFCCC; Secretary General Raymond
26 Benjamin of the ICAO; and the Taipei Economic and
27 Cultural Office in Chicago, Illinois.

HR 120 filed March 3, 2010; adopted March 23, 2010.

House Resolution 121

By H. Miller, Mertz, Bailey, Tjepkes, Isenhardt,
Worthan, Gaskill, Palmer and Berry

1 A resolution honoring the Iowa Central Community
2 College wrestling squad on winning its fifth
3 consecutive team championship.

4 *Whereas*, the National Junior College Athletic

5 Association (NJCAA) 2010 national wrestling tournament
 6 was held at Veterans Memorial Auditorium in Des Moines,
 7 Iowa, on February 26 and 27, 2010; and
 8 *Whereas*, the national tournament is hosted by all of
 9 the Iowa colleges with wrestling programs, including
 10 Ellsworth Community College, Iowa Central Community
 11 College, North Iowa Area Community College, and Iowa
 12 Lakes Community College; and
 13 *Whereas*, the Iowa Central Community College
 14 wrestling team, the Tritons, entered the tournament
 15 with a record of 13 wins and no losses, competing for
 16 their fifth consecutive team championship; and
 17 *Whereas*, the Tritons, coached by Luke Moffitt, made
 18 wrestling history, becoming the first NJCAA squad to
 19 ever capture five straight national titles; and
 20 *Whereas*, in the tournament the Tritons amassed 116
 21 points over the course of the weekend; and
 22 *Whereas*, top-ranked team member Joe Colon and No. 2
 23 Bradley Banks both received individual gold medals, and
 24 Colon was also named the tournament's Most Outstanding
 25 Wrestler; *Now Therefore*,
 26 *Be It Resolved By The House Of Representatives*, That
 27 the House of Representatives congratulates the men of

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1 the Iowa Central Community College wrestling squad, and
 2 their coach Luke Moffitt, on winning the squad's fifth
 3 consecutive team championship and making wrestling
 4 history.

HR 121 filed March 8, 2010; adopted March 11, 2010.

House Resolution 122
 By Jacoby, Mascher, Lensing,
 Willems and Zirkelbach

1 A resolution to celebrate the highlights for the 2009
 2 football season of the University of Iowa football
 3 team.
 4 *Whereas*, the 2009 University of Iowa football team
 5 will be remembered as one of the most entertaining,
 6 talented, and successful teams in Hawkeye history; and
 7 *Whereas*, the 11 wins equals the program's 2002
 8 record for victories in a season; and
 9 *Whereas*, the regular season win total of 10 was
 10 achieved for only the fourth time; and
 11 *Whereas*, for the first time ever, the Hawkeyes won
 12 the first nine games of a season; and
 13 *Whereas*, Iowa played in a January bowl game for the
 14 sixth time in eight years; and
 15 *Whereas*, Iowa won a Bowl Championship Series-caliber

16 bowl game for the first time since 1959 in beating
 17 Georgia Tech in the 2010 FedEx Orange Bowl 24-14; and
 18 *Whereas*, the Hawkeyes finished the 2009 season
 19 with an 11-2 overall record and a 6-2 Big Ten mark,
 20 finishing in a second place tie; and
 21 *Whereas*, the Hawkeyes have won at least nine games
 22 for the fifth time in the last eight years and for the
 23 seventh time in school history have won 10 games or
 24 more; and
 25 *Whereas*, the Hawkeyes were ranked seventh in both
 26 major polls at the conclusion of the season, the
 27 highest final ranking for the program since 1960; and

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1 *Whereas*, defensive end Adrian Clayborn was named
 2 Most Valuable Player of the FedEx Orange Bowl; and
 3 *Whereas*, Coach Kirk Ferentz was named Big Ten Coach
 4 of the Year for the third time; and
 5 *Whereas*, offensive tackle Bryan Bulaga was picked as
 6 the Big Ten's Offensive Lineman of the Year; and
 7 *Whereas*, All-Big Ten first teamers included Bryan
 8 Bulaga (OL), Dace Richardson (OL), Tony Moeaki (TE),
 9 Adrian Clayborn (DE), Pat Angerer (LB), Tyler Sash
 10 (DB), and Amari Spivey (DB), and five additional
 11 Hawkeyes were named to the league's second unit; and
 12 *Whereas*, Bryan Bulaga and Pat Angerer were named
 13 first-team all-Americans, Tyler Sash was a second team
 14 choice, and Adrian Clayborn made the third team; and
 15 *Whereas*, the Iowa Hawkeyes have earned 70 wins
 16 since the start of the 2002 season, which places them
 17 at a tie for the 16th highest total in Division I
 18 football; and
 19 *Whereas*, Iowa's football record in the 2000 decade
 20 was 80-45 (.640), a record that ranks as the best
 21 decade in Iowa football history, based on total
 22 wins; *Now Therefore*,
 23 *Be It Resolved By The House Of Representatives*,
 24 That the House of Representatives congratulates the
 25 University of Iowa football team for a stellar season
 26 and looks forward to a great season in 2010.

HR 122 filed March 9, 2010; adopted March 10, 2010.

House Resolution 123

By Rayhons, Frevert, Heaton, Kuhn, Quirk,
 Steckman and Upmeyer

1 A resolution supporting and recognizing the goals and
 2 ideals of "RV Centennial Celebration Month" to
 3 commemorate 100 years of enjoyment of recreation
 4 vehicles in the United States.

5 *Whereas*, 1910 marks the first year of mass-produced,
6 manufactured, motorized campers and camping
7 trailers; and
8 *Whereas*, one in 12 households in the United States
9 owns a recreation vehicle (RV), and over 30 million
10 RV enthusiasts take part in this affordable and
11 environmentally friendly form of vacationing; and
12 *Whereas*, RV vacations allow families in the
13 United States to build stronger relationships,
14 explore the great outdoors, and take part in healthy
15 activities; and
16 *Whereas*, this is a true Iowa homegrown industry –
17 in 1958 Mr. John K. Hanson began manufacturing
18 travel-trailers in Forest City, Iowa, naming the
19 company Winnebago Industries; and
20 *Whereas*, thanks to the tireless efforts of Mr.
21 Hanson and the Winnebago Industries team, the name
22 "Winnebago" is synonymous with RV travel and has
23 brought prosperity to thousands of Iowans over the
24 decade; and
25 *Whereas*, traveling in an RV offers the freedom,
26 comfort, and flexibility to see all parts of the United
27 States, from historic landmarks and national parks to

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1 local campgrounds and sporting events; and
2 *Whereas*, the centennial anniversary of the
3 introduction of the RV into the marketplace in the
4 United States will be celebrated June 7, 2010, at the
5 RV/MH Hall of Fame in Elkhart, Indiana; *Now Therefore*,
6 *Be It Resolved By The House Of Representatives*, That
7 the House of Representatives supports and recognizes
8 the goals and ideals of "RV Centennial Celebration
9 Month" to commemorate 100 years of enjoyment of
10 recreation vehicles in the United States, and
11 recognizes the contributions made by Iowa's own John K.
12 Hanson and Winnebago Industries' employees to develop
13 the RV industry.

HR 123 filed March 11, 2010; adopted March 16, 2010.

House Resolution 124

By Wessel-Kroeschell, D. Olson, Deyoe and Heddens

1 A resolution congratulating the Iowa State University
2 football team for its victory at the Insight Bowl.
3 *Whereas*, In 2009, the Iowa State football team, the
4 Cyclones, was in its first season under head coach Paul
5 Rhoads, an Iowa native; and
6 *Whereas*, Coach Rhoads told the members of his team
7 before the season that they would win a bowl game; and

8 *Whereas*, the Iowa State Cyclones posted their first
9 winning season since 2005; and
10 *Whereas*, the Cyclones were invited to play in their
11 first bowl game since 2005, appearing in the Insight
12 Bowl in Tempe, Arizona; and
13 *Whereas*, the Cyclones beat the Minnesota Golden
14 Gophers of the Big Ten, 14-13, on December 31 in the
15 Insight Bowl; and
16 *Whereas*, the Big 12 media picked the Cyclones
17 to finish last in the North Division before the
18 season; and
19 *Whereas*, the Cyclones beat the Nebraska Cornhuskers,
20 9-7 for its first win in Lincoln, Nebraska, in 32
21 years; and
22 *Whereas*, the team was led by captains Reggie
23 Stephens, Austen Arnaud, James Smith, Derec Schmidgall,
24 and Nate Frere; and
25 *Whereas*, middle linebacker Jesse Smith was the
26 national defensive player of the week after the
27 Nebraska win, making 12 tackles and the game-clinching
28 interception against the Cornhuskers, finishing his

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1 career with 305 tackles after leading the Big 12 with
2 135 stops in 2009; and
3 *Whereas*, video of Coach Rhoads' postgame speech with
4 his team after the Nebraska win has been viewed nearly
5 250,000 times on YouTube; and
6 *Whereas*, Coach Rhoads coached the Cyclones to seven
7 wins in his first season, the most victories by a
8 first-year head coach since 1907; and
9 *Whereas*, Coach Rhoads is the first head football
10 coach to lead the Cyclones to a winning season in his
11 first year since 1931; and
12 *Whereas*, the Cyclones beat Kent State for its first
13 road victory since 2005, with the win at Nebraska being
14 its first road conference win since 2005; and
15 *Whereas*, the Cyclones held three conference
16 opponents to 10 points or less for the first time since
17 1965; and
18 *Whereas*, the Cyclones were one of the most improved
19 teams nationally among NCAA Bowl Championship Series
20 schools; and
21 *Whereas*, the Cyclones were 68th nationally in the
22 red zone in 2008, and in 2009, ranked second-best
23 among 120 football bowl subdivision teams in that
24 category; and
25 *Whereas*, the Cyclone defenders were ninth nationally
26 in forced turnovers; and
27 *Whereas*, the defense's anchor, linebacker Jesse
28 Smith, earned first-team all-conference honors, strong

29 safety David Sims was named by the league's coaches as
30 the Big 12 Defensive Newcomer of the Year, and punter

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1 Mike Brandtner and running back Alexander Robinson
2 earned honorable mention all-Big 12 honors; and
3 *Whereas*, the Cyclone punt return defense ranked
4 fourth nationally; and
5 *Whereas*, running back Alexander Robinson became the
6 Cyclone's first 1,000-yard rusher since 2004; and
7 *Whereas*, quarterback Austen Arnaud drove the
8 Cyclones to success despite injuries that forced him
9 and Alexander Robinson to miss parts of several games
10 this season, while offensive lineman Reggie Stephens,
11 first-team all-conference honoree, led a rejuvenated
12 front in the trenches, and offensive lineman Kelechi
13 Osemele was a second-team all-conference selection; *Now*
14 *Therefore*
15 *Be It Resolved By The House Of Representatives*,
16 That the House of Representatives honors the 2009 Iowa
17 State University football team and their coach, Paul
18 Rhoads, for their dedication to excellence, for their
19 strength of spirit, and for their unwavering effort,
20 which culminated with a win at the Insight Bowl.

HR 124 filed March 11, 2010; adopted March 24, 2010.

House Resolution 126

By Smith, Kaufmann and Raecker

1 A resolution recognizing the Uncommon Public Service
2 Award.
3 *Whereas*, Herbert Hoover was both a visionary and
4 dedicated public servant and through his tireless
5 efforts millions of lives were saved in the years after
6 World War I; and
7 *Whereas*, to honor that spirit of public service the
8 Herbert Hoover Presidential Library Association has
9 created the Uncommon Public Service Award; and
10 *Whereas*, the association will annually present the
11 Uncommon Public Service Award to Iowa legislators
12 who exemplify Hoover's humanitarian efforts and have
13 gone above and beyond the call of duty to demonstrate
14 uncommon service and commitment to the people of
15 Iowa; and
16 *Whereas*, recipients of the award will become
17 honorary members of the Herbert Hoover Presidential
18 Library Association for one year and a plaque for each
19 recipient will be hung on the "Wall of Uncommon Iowans"
20 which will be on permanent display in the Herbert
21 Hoover Presidential Library Museum; *Now Therefore*,

22 *Be It Resolved By The House Of Representatives, That*
23 the House of Representatives recognizes the Herbert
24 Hoover Presidential Library Association and thanks its
25 members for the creation of the Uncommon Public Service
26 Award.

HR 126 filed March 18, 2010; adopted March 24, 2010.

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Resolutions filed—134, 239, 292, 903, 1154

Resolutions offered—134, 808

Subcommittee assignments—42, 80, 81, 130, 140, 153, 164, 197, 233, 251, 305, 322, 517, 619, 689, 690, 714, 743

BURT, KERRY—Representative **Black Hawk** County

Amendment filed—715

Bills introduced—124, 137, 148, 195, 243, 314, 315

Committee appointments—15

Resolutions filed—239, 292, 312, 513, 903, 1154

Resolution offered—513

Subcommittee assignments—165, 178, 252, 267, 268, 323, 773, 803, 1219

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Failed:

House Joint Resolution 6—298

Requested:

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CHAMBERS, ROYD E.—Representative Clay-**O'Brien**-Osceola-Sioux Counties

Amendments filed—86, 312, 327, 339, 518, 566, 600, 690, 691, 716, 740, 776, 891, 1002, 1066, 1067, 1124, 1144, 1184, 1185, 1295, 1323

Amendments offered—97, 480, 559, 660, 808, 919

Amendment withdrawn—655

Bills introduced—73, 74, 122, 135, 137, 138, 149, 150, 159, 172, 206, 207, 208, 210, 223, 225, 241, 243, 246, 258, 260, 283, 295, 296, 299, 315, 340

Committee appointments—14, 15, 16, 526

Leave of absence—894

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Resolutions filed—134, 903, 1154

Resolutions offered—134, 808

Subcommittee assignments—116, 129, 130, 164, 165, 197, 251, 288, 306, 322, 332, 565, 714, 803

CHIEF CLERK OF THE HOUSE, Mark Brandsgard

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Enrolled bills—127, 304, 648, 688, 773, 803, 846, 950, 959, 987, 1065, 1120, 1151, 1559

CHIEF JUSTICE OF THE SUPREME COURT, The Honorable Marsha K. Ternus
(See SUPREME COURT OF IOWA)COHOON, DENNIS M.—Representative **Des Moines** County

Amendments filed—313, 961, 1067, 1405, 1469, 1472, 1475

Amendments offered—1179, 1405, 1469, 1475

Amendments withdrawn—1179, 1469

Bills introduced—148, 260, 314, 315

Committee appointments—13, 14, 15, 16

Leaves of absence—627, 655

Resolutions filed—292, 903

Subcommittee assignments—64, 82, 109, 116, 130, 140, 165, 179, 233, 252, 267, 268, 287, 305, 306, 332, 333, 565, 599, 689, 714, 803, 804

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Amendments filed—848, 890

Appointed—13

Bills introduced—115, 136, 149, 224, 241, 330, 341, 342, 587, 602, 603, 647

Recommendations—119, 144, 202, 277, 290, 334, 488-489, 815-816, 825-826, 847, 889

Subcommittee assignments—116, 117, 129, 164, 165, 197, 250, 251, 252, 266, 267, 268, 331, 332, 333, 619, 738, 739, 804, 821

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(See PRESIDENT OF THE UNITED STATES, CONGRESS AND/OR FEDERAL AGENCIES)

COWNIE, PETER—Representative **Polk** County

Amendments filed—76, 183, 566, 650, 777, 824, 929, 1066, 1075, 1184, 1185, 1295, 1323
 Amendments offered—188, 726, 980
 Amendment withdrawn—1206
 Bills introduced—122, 135, 138, 159, 195, 206, 208, 223, 283, 315, 340
 Committee appointments—4, 13, 14, 15
 Leave of absence—728
 Resolutions filed—903, 1154
 Subcommittee assignments—116, 165, 233, 252, 332, 619

CREDENTIALS, COMMITTEE ON—

Report—2-3
 Report adopted—4

DE BOEF, BETTY R.—Representative Iowa-**Keokuk**-Poweshiek-Tama Counties

Amendments filed—566, 805, 1002, 1066, 1067, 1154, 1184, 1295, 1323
 Amendment offered—1345
 Amendment withdrawn—591
 Bills introduced—122, 135, 137, 138, 149, 150, 160, 194, 207, 208, 210, 223, 225, 227, 242, 243, 246, 274, 283, 295, 300, 314, 340, 493, 494
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DEYOE, DAVE—Representative Hamilton-**Story** Counties, Assistant Minority Leader
 Amendments filed—890, 1184, 1295, 1323
 Amendment withdrawn—1272
 Bills introduced—122, 135, 137, 138, 159, 194, 207, 208, 210, 223, 241, 243, 246, 258, 274, 295
 Committee appointments—13, 14, 15
 Resolutions filed—903, 948, 1154
 Resolution offered—1202
 Subcommittee assignments—82, 108, 153, 178, 333

DOLECHECK, CECIL—Representative Adams-Montgomery-**Ringgold**-Taylor-Union Counties
 Amendments filed—68, 69, 86, 103, 518, 690, 691, 716, 1002, 1137, 1141, 1143, 1184, 1295, 1323
 Amendments offered—101, 103, 1137, 1141
 Bills introduced—122, 135, 138, 159, 194, 195, 207, 208, 210, 223, 225, 227, 241, 258, 283, 295, 315, 340
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 Resolutions filed—903, 1154
 Subcommittee assignments—166, 233, 267, 305, 332, 565, 689, 804

DRAKE, JACK—Representative Cass-**Pottawattamie**-Shelby Counties
 Amendments filed—777, 891, 997, 1066, 1067, 1184, 1295, 1323
 Bills introduced—122, 135, 136, 138, 159, 160, 194, 207, 208, 210, 223, 241, 258, 300, 315, 340
 Committee appointments—13, 14, 15
 Leaves of absence—87, 422
 Resolutions filed—239, 903, 1154
 Subcommittee assignments—42, 65, 130, 154, 689

ECONOMIC GROWTH, COMMITTEE ON—
 Appointed—14
 Bills introduced—122, 196, 261, 262, 281, 296, 316, 317, 522, 536, 569, 601, 602
 Recommendations—86, 169, 236, 271-272, 277, 334-335, 489
 Subcommittee assignments—165, 178, 197, 250, 323, 332

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 Amendment filed—203
 Appointed—14, 1575
 Bills introduced—40, 41, 260, 342, 523, 524, 569-570, 603, 615
 Recommendations—46-47, 202, 254-255, 309, 335, 488-489, 774, 816
 Subcommittee assignments—42, 116, 139, 140, 164, 179, 197, 233, 252, 267, 268, 287, 288, 305, 306, 332, 333, 565, 689, 714

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Amendment offered—758
Appointed—14
Bills introduced—283, 343, 523, 535, 569, 615, 626
Recommendations—255, 272, 290-291, 324-325, 335-336
Subcommittee assignments—153, 154, 178, 333

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Appointed—16
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Recommendations—132-133, 1066
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Alons—517
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(See PRESIDENT OF THE UNITED STATES, CONGRESS and/or FEDERAL
AGENCIES)

FICKEN, GENE—Representative Black Hawk-**Buchanan**-Fayette Counties
Bills introduced—137, 148, 206, 207, 260, 315, 615
Committee appointments—14, 15, 16, 524, 1575
Resolutions filed—134, 238, 292, 903, 1154

Subcommittee assignments—81, 109, 129, 130, 139, 146, 197, 233, 251, 252, 267, 288, 333, 689, 714

FINAL ADJOURNMENT—1559

FORD, WAYNE W.—Representative **Polk** County

Amendments filed—68, 86, 293, 518, 824, 1124, 1185, 1472

Amendments offered—655, 1294

Amendments withdrawn—96, 97, 100, 655, 1137

Bills introduced—185, 194, 195, 227, 242, 261, 281, 284, 295, 300, 315, 328, 654

Bills referred to committee (as acting Speaker)—1000

Committee appointments—14, 15

Presided at sessions of the House—993, 996

Resolutions filed—238, 513, 650, 903

Resolution offered—513

Subcommittee assignments—164, 233, 250, 251, 287, 306, 332, 599, 803

FORRISTALL, GREG—Representative Mills-**Pottawattamie** Counties

Amendments filed—313, 327, 690, 1143, 1184, 1208, 1295, 1323

Amendments offered—513, 697, 1143, 1208

Bills introduced—74, 122, 135, 138, 159, 194, 207, 208, 210, 223, 241, 258, 300, 314, 340

Committee appointments—14, 16

Resolutions filed—903, 1154

Subcommittee assignments—64, 116, 141, 233, 268, 306, 565, 618, 689, 743, 887, 947, 1000

FREVERT, MARCELLA R.—Representative Emmet-Kossuth-**Palo Alto** Counties

Amendments filed—929, 997, 1472

Amendments offered—229, 997

Bills introduced—6, 70, 124, 138, 149, 160, 172, 296, 300, 314, 315, 522

Bills placed on unfinished business calendar (as acting Speaker)—947

Committee appointments—13, 14, 15, 16

Petitions filed—27, 223, 314, 519, 807, 1478

Presented to the House Ned O'Sullivan, a Fianna Fail member of the Irish Parliament—990

Presented to the House Justine Wagner, Miss Shamrock—990

Presided at session of the House—938

Resolutions filed—238, 292, 903, 948, 1154

Resolution offered—964

Subcommittee assignments—64, 65, 109, 129, 154, 197, 234, 253, 306, 333, 599, 619, 738, 947

GASKILL, MARY—Representative **Wapello** County

Amendments filed—621, 741, 1001, 1066, 1185, 1472

Amendment offered—1078

Amendment withdrawn—1077

Bills introduced—38, 70, 114, 148, 246, 284, 296, 300, 314, 315

Committee appointments—4, 14, 15, 16

Requested to be added as a sponsor of HR 108—517

Resolutions filed—239, 292, 848, 903, 1154

Subcommittee assignments—65, 152, 153, 178, 250, 253, 306, 322, 619

GAYMAN, ELESHA L.—Representative **Scott** County, Assistant Majority Leader

- Amendments filed—565, 691, 715, 741, 891
- Amendments offered—1097, 1100
- Amendments withdrawn—1097, 1100
- Bills introduced—7, 70, 112, 125, 148, 206, 241, 260, 299, 314, 317, 329
- Committee appointments—4, 13, 14, 16
- Leave of absence—1222
- Presided at session of the House—1026
- Resolutions filed—134, 238, 292, 903, 1066, 1154
- Resolutions offered—134, 808
- Subcommittee assignments—130, 164, 197, 305, 714, 1122

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Resolutions relating to:

- House Concurrent Resolution 101—a joint convention on Tuesday, January 12, 2010, at 10:00 a.m. for Governor Chester J. Culver to give his state of the budget message—4, adopted & msgd. 5 – S.J. – 27, adopted 28, msgd. 29 – H.J. – 26.
- House Concurrent Resolution 102—a joint convention on Wednesday, January 13, 2010, at 10:00 a.m. for Chief Justice Ternus to give her state of the judicial branch message—adopted & msgd. 5 – S.J. – 27, adopted 28, msgd. 29 – H.J. – 26.
- House Concurrent Resolution 103—amend joint rules of Senate and House relating to timetable changes—47, 76, substituted SCR 101, 76.
- House Concurrent Resolution 104—amend joint rules of Senate and House relating to compensation payable by the General Assembly—156, adopted 186, msgd. 192 – S.J. – 205.
- House Concurrent Resolution 106—provide for joint convention on Tuesday, February 16, 2010, at 10:00 a.m. for Brigadier General Timothy Orr to give his state of the Iowa National Guard message—338, adopted & msgd. 512 – S.J. – adopted & msgd. 402 – H.J. – 520.
- House Concurrent Resolution 108—approve and confirm the appointment of the Citizens' Aide—1184, adopted 1357, msgd. 1359 – S.J. – 1021, 1022, 1033, adopted 1042, msgd. 1044 – H.J. – 1381.
- House Concurrent Resolution 109—provide for adjournment sine die—1557, adopted & msgd. 1558 – S.J. – adopted & msgd. 1063 – H.J. – 1559.
- House Resolution 102—amend permanent rules of the House relating to deadline for requesting drafting of bills by members and requirements for consideration of amendments—47, adopted 48.
- House Resolution 105—amend permanent rules of the House relating to admittance to the floor of the house, issuance of certificates of recognition or condolence and requirements for consideration of amendments—157, 183, adopted 189.
- House Resolution 126—recognizing Uncommon Public Service Award—1066, adopted 1187.
- House Resolution 128—amend House Code of Ethics—1123, adopted 1231.
- House Resolution 132—amend permanent rules of the House relating to voting by members—1220, adopted 1357.

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Appointed—14, 1322, 1575

GOVERNOR CULVER, CHESTER J.—

Addressed joint convention—30-38

Bills signed by—115, 127, 322, 618, 713, 814-815, 821, 846, 887, 928-929, 950, 959-960, 987, 1065, 1120-1122, 1152-1153, 1182, 1219, 1378, 1560-1567

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House Concurrent Resolution 101—a joint convention on Tuesday, January 12, 2010, at 10:00 a.m. for Governor Chester J. Culver to deliver his state of the budget message—4, adopted & msgd. 5 – S.J. – 27, adopted 28, msgd. 29 – H.J. – 26.

Veto message after session—1568-1569

GRASSLEY, PAT—Representative Bremer-**Butler** Counties

Amendments filed—566, 848, 929, 1184, 1185, 1274, 1276, 1295, 1323

Amendments offered—1274, 1276

Bills introduced—122, 135, 138, 159, 194, 206, 207, 208, 223, 241, 243, 258, 295, 299, 300, 314, 340

Committee appointments—15, 16

Presented to the House his grandfather, the Honorable Charles Grassley, United State Senator—375

Resolutions filed—903, 1154

Subcommittee assignments—164, 232, 250, 287, 599, 689, 714

HAGENOW, CHRIS—Representative **Polk** County

Amendments filed—566, 650, 848, 890, 1002, 1066, 1067, 1184, 1185, 1295, 1324, 1371, 1372

Amendments offered—591, 895

Amendments withdrawn—899, 902

Bills introduced—74, 87, 114, 122, 135, 138, 150, 194, 225, 243, 246, 258, 295, 298, 299, 314, 340

Committee appointments—14, 15, 16, 50, 958

Report—1158-1159

Resolutions filed—903, 1154

Resolution offered—903

Subcommittee assignments—64, 81, 153, 165, 232, 618, 743, 888, 1219

HANSON, CURT—Representative **Jefferson**-Van Buren-Wapello Counties

Amendments filed—327, 650, 777, 979

Amendment offered—668

Bills introduced—39, 70, 125, 126, 137, 148, 174, 207, 241, 300, 314, 315, 615

Committee appointments—14, 15, 16, 49, 958

Report—1158-1159

Requested to be withdrawn as a sponsor of H-8299 to SF 2243—814
Requested to be withdrawn as a sponsor of H-8300 to HF 2481—887
Resolutions filed—239, 292, 903, 1154
Subcommittee assignments—64, 81, 109, 153, 165, 178, 220, 232, 267, 288, 333, 649, 690
Took oath of office—25

HEATON, DAVID E.—Representative **Henry**-Lee Counties

Amendments filed—86, 222, 229, 293, 313, 585, 651, 741, 1015, 1023, 1124, 1184, 1217, 1295, 1323, 1373
Amendments offered—105, 229, 506, 585, 1015, 1023, 1372
Amendments withdrawn—104, 668
Bills introduced—122, 135, 138, 194, 195, 206, 208, 209, 210, 223, 258, 283, 285, 295, 314, 340
Committee appointments—13, 14
Resolutions filed—903, 948, 1154
Resolution offered—964
Subcommittee assignments—115, 140, 141, 164, 178, 219, 232, 252, 266, 275, 331, 1122

HEDDENS, LISA K.—Representative Boone-**Story** Counties

Amendments filed—327, 339, 1004, 1014, 1015, 1133, 1145, 1369, 1370, 1373, 1472
Amendments offered—506, 1004, 1014, 1145, 1369, 1370, 1373
Bills introduced—148, 173, 194, 299
Committee appointments—13, 14, 15
Leave of absence—1268
Presented to the House Huang Ping, Consul General of the People's Republic of China to Chicago—718
Resolutions filed—238, 292, 584, 903, 948, 1123, 1154
Resolutions offered—540, 584, 1202
Subcommittee assignments—81, 140, 164, 219, 232, 275, 517

HELLAND, ERIK—Representative **Polk** County, Assistant Minority Leader (as of 3/23/10)

Amendments filed—690, 741, 848, 1067, 1123, 1124, 1184, 1185, 1295, 1324
Amendments offered—1094, 1173
Amendments withdrawn—1084, 1173
Bills introduced—74, 87, 114, 122, 135, 138, 145, 174, 194, 241, 243, 246, 247, 295, 315, 340
Committee appointments—13, 14, 15, 16, 49
Leaves of absence—422, 457, 493
Resolutions filed—903, 1154
Subcommittee assignments—80, 82, 129, 164, 165, 232, 251, 252, 268, 275, 619, 738, 739, 821, 947

HORBACH, LANCE J.—Representative Grundy-**Tama** Counties

Amendments filed—157, 313, 327, 339, 566, 691, 776, 805, 806, 1155, 1184, 1209, 1477
Amendments offered—507, 1209, 1540
Amendments withdrawn—162, 722
Bills introduced—122, 123, 135, 138, 194, 206, 241, 243, 246, 283, 314, 340
Committee appointments—14, 15

Leaves of absence—87, 567, 601, 695, 953, 992, 1222, 1325, 1379
 Received the 2010 Uncommon Public Service Award—1187
 Resolutions filed—903, 1154
 Subcommittee assignments—251, 275, 619

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 House File 2197, H-8376—976
 House File 2200, H-8378—939
 House File 2229, H-8409—1173
 House File 2284, H-8380, as amended—1337
 House File 2294, H-8413—1346
 House File 2432, H-8560—1348
 House File 2438, H-8436, as amended—1130
 House File 2456, H-8251, as amended—844
 House File 2459, H-8464, as amended—1228
 House File 2473, H-8445—1175
 House File 2478, H-8386—941
 House File 2496, H-8561—1350
 House File 2522, H-8540—1288
 House File 2525, H-8539, as amended—1345
 House File 2526, H-8568, as amended—1375
 House File 2531, H-8640, as amended—1548
 Senate File 2088, H-8276—756
 Senate File 2200, H-8444—1170
 Senate File 2274, H-8457—1171
 Senate File 2345, H-8411—1166
 Senate File 2367, H-8633—1327
 Senate File 2376, H-8621—1333
 Senate File 2378, H-8534—1285

HOUSE INSISTS—

House File 2456—955

HUMAN RESOURCES, COMMITTEE ON—

Amendments filed—144, 239, 741, 777
 Amendments offered—829, 862
 Appointed—14, 814
 Bills introduced—160, 194, 196, 204-205, 257, 284, 294, 340, 341, 342, 523, 535, 536, 586
 Recommendations—144, 169-170, 202, 236-237, 277-278, 291, 336, 740, 775, 822, 847
 Subcommittee assignments—64, 81, 116, 129, 140, 141, 165, 166, 178, 219, 232, 233, 252, 253, 266, 267, 268, 331, 332, 649, 739

HUNTER, BRUCE L.—Representative **Polk** County

Amendments filed—600, 650, 805, 929, 961, 1001, 1070, 1185, 1472

Amendments offered—762, 829, 879, 1070, 1103, 1107, 1108

Bills introduced—27, 39, 70, 137, 148, 172, 260, 300

Committee appointments—4, 13, 14, 15

Presided at session of the House—950

Report—2-3

Resolutions filed—292, 903, 1154

Subcommittee assignments—64, 81, 129, 140, 141, 165, 166, 178, 219, 232, 233, 252, 266, 267, 268, 331, 620

HUSEMAN, DANIEL A.—Representative **Cherokee**-Plymouth-Woodbury Counties

Amendments filed—1002, 1184, 1295, 1324

Bills introduced—122, 135, 138, 150, 159, 160, 194, 207, 208, 210, 223, 225, 241, 243, 246, 258, 283, 295, 296, 300, 314, 340, 828

Committee appointments—13, 15, 16

Resolutions filed—312, 903, 1154

Subcommittee assignments—82, 109, 178, 267, 288

HUSER, GERI D.—Representative **Polk** County

Amendments filed—621, 650, 651, 690, 715, 766, 848, 997, 1001, 1116, 1139, 1220, 1221

Amendments offered—213, 678, 698, 701, 734, 735, 736, 766, 974, 997, 1116, 1139, 1256

Amendments withdrawn—734, 735, 868, 1116, 1231, 1256

Bills introduced—113, 196, 208, 241, 248, 298

Committee appointments—14, 15, 218

Leaves of absence—429, 899, 1069

Resolutions filed—312, 903, 1154

Subcommittee assignments—65, 80, 140, 178, 233, 251, 287, 333, 689, 743, 803, 987

IOWA NATIONAL GUARD—

Condition of the Iowa National Guard message—527-534

Joint Convention—525-534

Resolutions relating to:

House Concurrent Resolution 106—provide for joint convention on Tuesday, February 16, 2010, at 10:00 a.m. for Brigadier General Timothy Orr to give his state of the Iowa National Guard message—338, adopted & msgd. 512 – S.J. – adopted & msgd. 402 – H.J. – 520.

House Resolution 115—recognize Iowa employer support for the Guard and Reserve—690, adopted 808.

ISENHART, CHARLES—Representative **Dubuque** County

Amendments filed—327, 428, 518, 600, 621, 805, 824, 961, 1022, 1378, 1386, 1472

Amendments offered—428, 924, 925, 1091, 1543

Amendments withdrawn—545, 597, 1022, 1180

Bills introduced—7, 49, 70, 122, 123, 125, 148, 195, 206, 261, 273, 295, 299, 300, 317, 626

Committee appointments—15, 16

Presented a check for \$5,000 to the American Red Cross Lincoln Way Chapter Executive Director Kirk Brocker for relief effort in Haiti—158

Resolutions filed—134, 239, 848, 903, 1154

Resolution offered—134

Subcommittee assignments—42, 65, 81, 130, 140, 141, 153, 178, 219, 233, 251, 252, 305, 599, 618, 619, 713, 743, 815, 947, 987, 1000

JACOBY, DAVE J.—Representative **Johnson** County, Assistant Majority Leader

Amendments filed—313, 1133, 1205

Bills introduced—123, 124, 260, 315

Committee appointments—13, 14, 15, 814

Presented to the House Kirk Ferentz, coach of the University of Iowa football team—903

Resolutions filed—238, 292, 312, 805, 890, 1154

Resolution offered—903

Subcommittee assignments—82, 116, 117, 129, 165, 178, 232, 250, 251, 268, 619, 714, 739, 821

JOINT CONVENTIONS—

Condition of the Iowa National Guard Message—525-534

Condition of the Judicial Department Message—50-60

Condition of the State and Budget Message—29-38

Resolutions relating to:

House Concurrent Resolution 101—a joint convention on Tuesday, January 12, 2010, at 10:00 a.m. for Governor Chester J. Culver to give his state of the budget message—4, adopted & msgd. 5 – S.J. – 27, adopted 28, msgd. 29 – H.J. – 26.

House Concurrent Resolution 102—a joint convention on Wednesday, January 13, 2010, at 10:00 a.m. for Chief Justice Ternus to give her state of the judicial branch message—adopted & msgd. 5 – S.J. – 27, adopted 28, msgd. 29 – H.J. – 26.

House Concurrent Resolution 106—provide for joint convention on Tuesday, February 16, 2010, at 10:00 a.m. for Brigadier General Timothy Orr to give his state of the Iowa National Guard message—338, adopted & msgd. 512 – S.J. – adopted & msgd. 402 – H.J. – 520.

JOINT RULES—

Resolutions relating to:

House Concurrent Resolution 103—amend joint rules of Senate and House relating to timetable changes—47, 76, substituted SCR 101, 76.

House Concurrent Resolution 104—amend joint rules of Senate and House relating to compensation payable by the General Assembly—156, adopted 186, msgd. 192 – S.J. – 205.

JUDICIARY, COMMITTEE ON—

Amendments filed—600, 650, 806, 848

Amendments offered—641, 642, 829, 868, 907, 934, 944

Appointed—14

Bills introduced—224, 225, 241, 257, 258, 262, 315, 316, 329, 523, 524, 535, 536, 586, 587, 588, 602, 603, 615

Recommendations—170, 202-203, 237, 278-279, 309-310, 325, 336-337, 650, 740, 804, 816, 826, 847

Subcommittee assignments—80, 81, 82, 115, 140, 178, 232, 250, 251, 252, 275, 322, 333, 599, 619, 620, 624, 713, 714, 738, 739, 803, 815

- KAUFMANN, JEFF—Representative **Cedar-Johnson-Muscatine** Counties, Assistant Minority Leader
Amendments filed—312, 313, 339, 741, 929, 1184, 1278, 1295, 1324, 1469, 1472
Amendments offered—475, 1278, 1469
Amendment withdrawn—1472
Bills introduced—87, 113, 114, 122, 135, 136, 138, 160, 194, 206, 207, 210, 227, 242, 243, 260, 274, 283, 296, 299, 314, 328, 340
Committee appointments—13, 14, 15, 16
Leave of absence—493
Presented to the House the Honorable Lance Horbach, winner of the 2010 Uncommon Public Service Award—1187
Resolutions filed—903, 1066, 1154
Resolution offered—903
Subcommittee assignments—42, 140, 178, 219, 232, 233, 234, 251, 253, 305, 306, 322, 331, 333, 565, 599, 619, 689, 713, 714
- KEARNS, JERRY A.—Representative **Lee** County
Amendments filed—566, 824, 1472
Amendment offered—628
Bills introduced—70, 137, 148, 206, 260, 314, 315
Committee appointments—14, 15, 16, 524
Resolutions filed—134, 238, 292, 312, 903, 1154
Subcommittee assignments—130, 153, 165, 178, 287, 619, 714, 803
- KELLEY, DORIS—Representative **Black Hawk** County
Amendments filed—313, 766, 776, 997, 1133, 1138, 1472
Bills introduced—124, 136, 159, 173, 208, 210, 223, 296, 315
Committee appointments—13, 14, 16, 219
Resolutions filed—238, 292, 903
Subcommittee assignments—116, 129, 153, 164, 165, 178, 232, 233, 250, 266, 268, 332, 333, 517, 624, 649, 738, 815
- KOESTER, KEVIN—Representative **Polk** County
Amendments filed—68, 86, 313, 1002, 1184, 1185, 1295, 1324, 1477, 1545
Amendment offered—106
Bills introduced—74, 87, 122, 125, 135, 138, 149, 159, 194, 207, 208, 210, 223, 227, 258, 283, 295, 315, 340
Committee appointments—14, 15, 16
Leave of absence—762
Resolutions filed—239, 903, 1154
Subcommittee assignments—42, 64, 65, 139, 140, 141, 153, 219, 268, 332, 649, 738
- KRESSIG, BOB M.—Representative **Black Hawk** County
Amendments filed—256, 565, 961, 1133
Amendments offered—301, 672
Bills introduced—124, 148, 300, 315
Committee appointments—13, 14, 15
Presided at sessions of the House—480, 934
Resolutions filed—222, 238, 292, 312, 903, 1154, 1220
Resolution offered—244
Subcommittee assignments—63, 80, 116, 129, 153, 165, 197, 219, 251, 268, 599, 619, 690, 803

KUHN, MARK A.—Representative Cerro Gordo-**Floyd**-Howard-Mitchell Counties

Amendments filed—621, 716, 848, 979, 1066, 1472
 Amendments offered—874, 1081
 Amendment withdrawn—1082
 Bills introduced—70, 148, 258, 284, 315, 331
 Committee appointments—15, 29
 Explanation of vote—304
 Leaves of absence—294, 652
 Presided at sessions of the House—766, 772
 Resolutions filed—238, 903, 948, 1154
 Resolution offered—964
 Subcommittee assignments—63, 64, 153, 164, 219, 250, 251, 252, 267, 305, 517, 599,
 619, 621, 690, 714

LABOR, COMMITTEE ON—

Amendment filed—776
 Amendment offered—877
 Appointed—15
 Bills introduced—316, 317, 487, 602
 Recommendations—119, 147, 279, 292, 490, 775, 822
 Subcommittee assignments—165, 287, 619, 620, 803

LEAVE OF ABSENCE—87, 149, 184, 211, 227, 282, 294, 422, 429, 456, 493, 547, 567,
 597, 601, 626, 627, 652, 655, 665, 669, 682, 695, 697, 717, 719, 728, 748, 762, 765,
 778, 807, 829, 852, 876, 894, 899, 931, 953, 965, 992, 1003, 1069, 1070, 1112, 1125,
 1157, 1186, 1222, 1268, 1271, 1318, 1325, 1339, 1359, 1379, 1388, 1478

LEGISLATIVE EMPLOYEES—

(See OFFICERS AND EMPLOYEES)

LENSING, VICKI S.—Representative **Johnson** County

Amendments filed—949, 1123, 1133, 1477, 1545
 Amendments offered—1077, 1545
 Amendment withdrawn—1547
 Bills introduced—70, 115, 124, 148, 207, 260, 284, 300, 314
 Committee appointments—4, 14, 15
 Resolutions filed—238, 292, 805, 890, 1154
 Resolution offered—903
 Subcommittee assignments—42, 63, 64, 81, 139, 140, 141, 153, 154, 178, 219, 233,
 234, 251, 252, 253, 305, 306, 322, 333, 565, 599, 619, 689, 738, 739, 815, 821

LOBBYISTS—

(See ETHICS, COMMITTEE ON)

LOCAL GOVERNMENT, COMMITTEE ON—

Amendments filed—171, 776, 823, 827
 Amendments offered—213, 874
 Amendment withdrawn—1271
 Appointed—15
 Bills introduced—275, 296, 341
 Recommendations—170, 255, 292, 310, 714, 775, 822, 827

Subcommittee assignments—63, 64, 65, 116, 164, 178, 179, 250, 251, 252, 287, 305, 599, 689, 773

LUKAN, STEVEN F.—Representative Delaware-**Dubuque** Counties, Assistant Minority Leader

Amendments filed—566, 1066, 1067, 1184, 1295, 1324

Amendment offered—595

Bills introduced—27, 87, 122, 135, 138, 195, 227, 243, 295, 315, 340

Committee appointments—13, 14, 15

Leave of absence—87

Resolutions filed—903, 1154

Subcommittee assignments—80, 116, 165, 232, 331, 739, 804

LYKAM, JIM—Representative **Scott** County

Amendments filed—566, 597, 1472

Amendments offered—595, 597

Bills introduced—7, 74, 192, 207, 242, 314, 315

Committee appointments—4, 15, 16, 958

Report—1158-1159

Resolutions filed—292, 312, 903, 1066, 1154

Subcommittee assignments—63, 80, 108, 109, 129, 152, 165, 232, 266, 267, 268, 322, 323, 1122

MAJORITY LEADER, Kevin M. McCarthy—Representative Polk County

(See MCCARTHY, KEVIN M.—Representative Polk County, Majority Leader)

MAREK, LARRY K.—Representative Jefferson-Johnson-**Washington** Counties

Amendments filed—327, 979, 1066, 1067, 1472

Bills introduced—207, 241, 283, 296, 315

Committee appointments—13, 14, 15, 16

Report—2-3

Resolutions filed—239, 903, 1154

Subcommittee assignments—80, 109, 146, 153, 178, 197, 219, 305, 332, 649

MASCHER, MARY—Representative **Johnson** County

Amendments filed—313, 339, 456, 650, 691, 777, 997, 1001, 1067, 1133, 1146, 1185, 1221, 1402, 1472, 1477

Amendments offered—343, 375, 494, 505, 1146, 1239, 1240, 1402

Amendment withdrawn—1082

Bills introduced—6, 73, 74, 112, 124, 137, 148, 194, 195, 196, 206, 226, 247, 260, 314, 329

Committee appointments—14, 15, 16, 49

Resolutions filed—776, 805, 890, 1154

Resolutions offered—903, 1357

Subcommittee assignments—42, 63, 64, 116, 129, 139, 140, 141, 153, 165, 166, 178, 219, 232, 233, 253, 266, 267, 268, 305, 306, 331, 332, 649, 713, 738, 821

MAY, MIKE—Representative Clay-**Dickinson** Counties

Amendments filed—68, 69, 86, 650, 651, 690, 691, 716, 806, 824, 987, 1066, 1067, 1184, 1185, 1295, 1324

Amendment offered—88

Amendment withdrawn—710

Bills introduced—49, 72, 73, 74, 114, 122, 123, 135, 138, 159, 195, 206, 207, 208, 210, 223, 226, 258, 283, 296, 315, 330, 340
 Committee appointments—4, 14, 15, 16
 Presented a check for \$5,000 to the American Red Cross Lincoln Way Chapter Executive Director Kirk Brocker for relief effort in Haiti—158
 Presided at session of the House—1125
 Resolutions filed—903, 1154
 Subcommittee assignments—81, 109, 116, 129, 140, 165, 178, 179, 197, 266, 267, 268, 287, 288, 305, 306, 323, 333, 714

MCCARTHY, KEVIN M.—Representative **Polk** County, Majority Leader

Amendment withdrawn—1213
 Bills introduced—802, 966
 Committee appointments—13
 Presented to the Honorable Royd Chambers, state representative, a United States flag in honor of his military service in Iraq—6
 Presided at session of the House—96
 Received a plaque in appreciation of his service and dedication to the House—1338
 Remarks by—8-9, 1552-1554
 Resolutions filed—4, 5, 338, 903
 Resolutions offered—4, 5, 512
 Special presentation to House Pages—1270

MERTZ, DOLORES M.—Representative Humboldt-**Kossuth**-Pocahontas-Webster Counties

Amendments filed—313, 327, 929, 979, 1002, 1066, 1067, 1154, 1472
 Amendments offered—934, 936, 1227
 Bills introduced—73, 122, 159, 193, 194, 207, 208, 209, 210, 223, 226, 241, 242, 247, 283, 296, 300, 314, 315, 340
 Bills referred to committee (as acting Speaker)—928
 Committee appointments—13, 14, 15
 Performed a traditional Irish Jig before the House—990
 Petition filed—778
 Presided at sessions of the House—622, 907
 Requested to be added as a sponsor of HJR 2001—63
 Resolutions filed—292, 312, 848, 903, 1154
 Resolution offered—931
 Subcommittee assignments—80, 108, 109, 115, 129, 140, 220, 233, 250, 252, 275, 288, 333, 713, 714, 803, 815

MESSAGES—

(See also COMMUNICATIONS)

From Senate—26, 71, 72, 121, 135, 231, 240-241, 259, 282, 519-522, 563-564, 567-568, 603-604, 612-615, 622, 647-648, 652-654, 686-687, 692-693, 695-696, 712, 732, 742, 746, 748, 790-791, 813, 845-846, 849-850, 852-853, 873, 879, 893-894, 904, 930-931, 932-933, 959, 962-964, 965-966, 986, 991-992, 1000, 1003, 1004, 1025, 1150-1151, 1165, 1176, 1181-1182, 1187, 1203, 1219, 1222-1223, 1268, 1271, 1325-1326, 1339, 1379-1380, 1380-1381, 1387-1388, 1474-1475, 1477, 1558-1559
 From Governor—115, 127, 322, 618, 713, 814-815, 821, 846, 887, 928-929, 950, 959-960, 987, 1065, 1120-1122, 1152-1153, 1182, 1219, 1378, 1561-1574
 Immediate messages—5, 79, 108, 152, 163, 176, 192, 218, 231, 245, 246, 249, 266, 287, 304, 322, 512, 517, 546, 552, 554, 559, 563, 599, 612, 635, 647, 674, 682, 687,

706, 709, 712, 725, 730, 738, 773, 785, 790, 798, 802, 812, 834, 838, 845, 867, 874, 887, 919, 923, 927, 947, 955, 958, 976, 977, 986, 999, 1025, 1065, 1097, 1115, 1120, 1131, 1151, 1171, 1177, 1182, 1191, 1224, 1238, 1267, 1300, 1301, 1322, 1353, 1358, 1359, 1362, 1377, 1385, 1404, 1476, 1549, 1552, 1558

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Senate messages considered—74-75, 139, 231, 262, 318, 537-539, 570-571, 588-590, 617, 622-624, 627, 647, 654, 685-686, 693-694, 694-695, 717-718, 742-743, 745, 747, 748-749, 778, 791, 813, 849, 893, 932, 950, 964, 966, 989, 990, 1004, 1069, 1156, 1187, 1219, 1234-1235, 1382, 1388

Veto message after session—1568-1569

MILEAGE, COMMITTEE ON—

Report—60

MILLER, HELEN—Representative **Webster** County

Amendments filed—1185, 1472

Bills introduced—70, 124, 296, 314, 315

Bills rereferred to committee (as acting Speaker)—219

Committee appointments—13, 14, 16

Committee revisions (as acting Speaker)—218-219

Leaves of absence—282, 626, 717, 1070

Presented to the House Martin Loken, Consul General of the Canadian Consulate in Minneapolis—585

Presented Ned O'Sullivan, a Fianna Fail member of the Irish Parliament and his wife, a gift—990

Presided at sessions of the House—149, 209

Resolutions filed—239, 312, 513, 584, 848, 903, 1154

Resolutions offered—513, 584, 931

Subcommittee assignments—154, 323

MILLER, LINDA J.—Representative **Scott** County

Amendments filed—339, 650, 690, 805, 806, 818, 1016, 1066, 1067, 1184, 1217, 1295, 1323, 1373

Amendments offered—1016, 1217, 1373

Amendments withdrawn—456, 831, 1373

Bills introduced—114, 122, 135, 138, 159, 194, 207, 208, 210, 223, 225, 241, 258, 314, 340

Committee appointments—14, 16

Leaves of absence—87, 601, 1222

Resolutions filed—600, 903, 1066, 1154

Resolution offered—934

Subcommittee assignments—64, 81, 140, 141, 165, 197, 219, 232, 267, 268, 331, 332

MINORITY LEADER, Kraig Paulsen—Representative **Linn** County

(See PAULSEN, KRAIG—Representative **Linn** County, Minority Leader)

MOTIONS TO RECONSIDER—

Filed:

House File 2522—1322

Senate File 2367—1377

Senate File 2376—1377

Senate File 2377—1000

Senate File 2378—1322

Unanimous Consent:

Senate File 2381, H-8514—1189

Withdrawn:

House File 2522—1551

Senate File 2367—1551

Senate File 2376—1551

Senate File 2377—1552

Senate File 2378—1552

MURPHY, PATRICK J.—Representative **Dubuque** County, Speaker of the House
(See SPEAKER OF THE HOUSE, Patrick J. Murphy, Representative Dubuque
County)

NATURAL RESOURCES, COMMITTEE ON—

Appointed—15

Bills introduced—204, 569, 601, 602, 616

Recommendations—170, 292, 490, 817

Subcommittee assignments—108, 109, 129, 146, 178, 179, 220, 266, 267, 287, 288,
565

OBJECTIONS—

Raised—97, 878, 1212, 1243

OFFICERS AND EMPLOYEES—

Employees of the House—61-63

House employees classification, grades and steps—61-63

Pages (groups I & II)—62-63

Resignations—1-2, 63

Resolutions relating to:

House Concurrent Resolution 104—amend joint rules of Senate and House relating
to compensation payable by the General Assembly—156, adopted 186, msgd. 192 –
S.J. – 205.

Special presentation to House Pages—1270

Took oath of office—25

OLDSON, JO—Representative **Polk** County

Amendments filed—890, 929, 955, 1191, 1536

Amendments offered—955, 956, 1191, 1320, 1536

Bill introduced—148

Committee appointments—13, 14

Resolutions filed—239, 903

Subcommittee assignments—165, 275, 619, 738, 804

OLSON, DONOVAN—Representative **Boone**-Dallas Counties

Amendments filed—716, 741, 824, 890, 987, 1133, 1220, 1221

Amendments offered—760, 1272

Amendment withdrawn—1271

Bills introduced—6, 148, 174, 193, 314

Committee appointments—13, 14, 15, 16, 1575

Resolutions filed—292, 312, 776, 903, 948

Resolution offered—1202

Subcommittee assignments—129, 153, 164, 178, 197, 251, 268, 305, 331, 599, 618, 689, 947

OLSON, RICK—Representative **Polk** County

Amendments filed—565, 741, 824, 1054, 1066, 1155, 1184, 1185, 1193, 1213, 1386, 1477

Amendments offered—840, 907, 1193, 1231

Amendments withdrawn—1192, 1194, 1544, 1545

Bills introduced—209, 242, 314

Committee appointments—14, 15, 958

Presented to the House the Sergeant-at-Arms, Maynard Boatwright, who was recently inducted into the East High School Hall of Fame for his many athletic accomplishments—148

Report—1158-1159

Resolutions filed—239, 903

Subcommittee assignments—81, 140, 165, 232, 233, 251, 252, 267, 275, 713, 773, 1122

OLSON, STEVEN N.—Representative **Clinton-Scott** Counties

Amendments filed—313, 339, 818, 848, 1001, 1066, 1067, 1184, 1185, 1264, 1295, 1324

Amendments offered—1115, 1264

Bills introduced—73, 122, 135, 137, 138, 194, 208, 210, 223, 241, 246, 258, 300, 314, 340, 828

Committee appointments—13, 14, 15, 1322

Leaves of absence—829, 932, 992

Resolutions filed—903, 1154

Subcommittee assignments—219, 268, 305, 306

OLSON, TYLER—Representative **Linn** County

Amendments filed—144, 255, 313, 621, 690, 741, 929, 1124, 1312, 1472

Amendments offered—150, 431, 702, 783, 1130

Bills introduced—124, 137, 148, 149, 159, 225, 315, 320, 828

Committee appointments—13, 14, 15, 16, 51

Resolutions filed—239, 312, 903, 1154

Subcommittee assignments—80, 115, 116, 117, 164, 165, 178, 232, 233, 251, 252, 253, 266, 267, 275, 305, 332, 618, 620, 649, 714, 739, 887, 888, 1000

PAGES—

Appointment of—62-63

Special presentation to—1270

PALMER, ERIC J.—Representative **Mahaska-Poweshiek** Counties

Amendments filed—327, 806, 1185, 1189, 1213, 1472

Amendments offered—810, 833, 1189

Bills introduced—148, 242, 248, 300, 315

Bills passed on file (as acting Speaker)—618

Committee appointments—14, 15, 16, 1575

Presided at sessions of the House—612, 1151

Resolutions filed—238, 312, 848, 903, 1154

Resolution offered—1229

Subcommittee assignments—80, 82, 108, 116, 129, 178, 233, 250, 268, 288, 322, 565, 624, 739

PAULSEN, KRAIG—Representative **Linn** County, Minority Leader

Amendments filed—456, 1184, 1220, 1221, 1245, 1295, 1324

Amendment offered—456

Amendment withdrawn—1223

Bills introduced—87, 122, 135, 138, 206, 242, 243, 246, 295, 315, 340, 802

Committee appointments—13

Presented to the Honorable Royd Chambers, state representative, a United States flag in honor of his military service in Iraq—6

Received a plaque in appreciation of his service and dedication to the House—1338

Remarks by—9-10, 1549-1551

Resolutions filed—4, 5, 338, 903, 1154

Special presentation to House Pages—1270

PERMANENT RULES—

Resolution relating to:

House Resolution 102—amend permanent rules of the House relating to deadline for requesting drafting of bills by members and requirements for consideration of amendments—47, adopted 48.

PERSONNEL COMMITTEE

(See ADMINISTRATION AND RULES, COMMITTEE ON)

PETERSEN, JANET—Representative **Polk** County

Amendments filed—313, 339, 715, 1067, 1220, 1221, 1312, 1472

Amendments offered—854, 1304, 1312

Amendments withdrawn—476, 1304

Bills introduced—38, 148, 226, 227, 300

Committee appointments—13, 14, 16

Leave of absence—876

Resolution filed—903

Subcommittee assignments—116, 129, 164, 197, 251, 252, 266, 267, 268, 331, 332, 333, 619, 649, 739, 743, 804

PETITIONS—

(See also INDIVIDUAL HEADINGS)

Filed—26, 48, 223, 314, 519, 778, 807, 1478

PETTENGILL, DAWN E.—Representative **Benton**-Iowa Counties

Amendments filed—313, 339, 680, 690, 691, 716, 766, 777, 824, 848, 890, 891, 929, 951, 987, 997, 1124, 1184, 1185, 1205, 1221, 1295, 1313, 1324, 1386, 1477

Amendments offered—476, 766, 786, 855, 998, 1205, 1311, 1313, 1546

Amendment withdrawn—1295

Bills introduced—74, 122, 135, 137, 138, 145, 159, 160, 207, 208, 210, 223, 224, 227, 246, 260, 274, 296, 314, 330, 340

Committee appointments—13, 15, 16, 1322

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1387, 1478

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House File 2030, H-8004—Representative Mascher—95

House File 2456, H-8328, as amended—Representative Abdul-Samad—842

House File 2473, H-8284—Representative Palmer—800

House File 2525, H-8427—Representative De Boef—978

House File 2526, H-8455—Representative Raecker—1022

House File 2531, H-8554—Representative Oldson—1212

House File 2531, H-8556, as amended—Representative Raecker—1215

House File 2531, H-8576—Representative Oldson—1216

House File 2531, H-8550—Representative Oldson—1243

House File 2531, H-8609—Representative Oldson—1255

House File 2531, H-8583—Representative Oldson—1262

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Senate File 2243, H-8299—Representative Lensing—786

Senate File 2356, H-8623—Representative Smith—1296

Senate File 2357, H-8374—Representative R. Olson—895

Senate File 2367, H-8467—Representative Alons—1081

Senate File 2376, H-8526—Representative Mascher—1138

Senate File 2376, H-8530—Representative Rants—1145

Senate File 2380, H-8462—Representative Shomshor—1094

Senate File 2389, H-8660—Representative Huser—1471

Withdrawn:

Senate File 2389, H-8660—Representative Huser—1471

PRESIDENT OF THE UNITED STATES, CONGRESS AND/OR FEDERAL AGENCIES—

Resolutions relating to:

House Concurrent Resolution 107—placement of statue in United State Capitol honoring Henry A. Wallace—744.

House Resolution 101—urging ratification of Comprehensive Nuclear Test Ban Treaty—25.

House Resolution 114—encourage members of Iowa's congressional delegation support Project 2020—650.

House Resolution 117—urge Congress require nutritional quality and options for school meals—776, adopted 1357.

House Resolution 120—support Republic of China on Taiwan as part of globe community—818, adopted 1157.

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Amendments filed—827, 1386

Amendments offered—894, 1389

Appointed—15

Bills introduced—248, 258, 275, 524, 536, 616
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 Subcommittee assignments—63, 64, 80, 81, 153, 164, 165, 197, 219, 232, 233, 252, 267, 268, 305, 322, 323, 517, 619, 690, 773, 803, 1122, 1219

QUIRK, BRIAN J.—Representative **Chickasaw**-Howard-Winneshiek Counties
 Amendments filed—600, 621, 690, 740, 741, 776, 988, 1001, 1066, 1067, 1124, 1312
 Amendments offered—724, 730, 779, 794, 1163, 1235, 1236, 1312
 Amendments withdrawn—724, 1173, 1235
 Bills introduced—87, 125, 126, 136, 137, 208, 224, 226, 241, 259, 296, 315
 Committee appointments—13, 15, 16
 Resolutions filed—903, 948
 Subcommittee assignments—42, 64, 65, 80, 81, 116, 117, 129, 140, 141, 146, 152, 153, 164, 165, 197, 232, 250, 252, 266, 267, 268, 306, 331, 332, 333, 517, 624, 738, 743, 803, 804, 815

QUORUM CALLS—422, 512, 655, 695, 719, 829, 894, 990, 1070, 1271, 1335, 1358, 1383, 1388

RAECKER, J. SCOTT—Representative **Polk** County
 Amendments filed—86, 183, 312, 327, 492, 566, 600, 650, 651, 665, 690, 691, 716, 741, 770, 776, 818, 824, 1068, 1075, 1076, 1185, 1295, 1324
 Amendments offered—662, 665, 767, 768, 770, 838, 1075
 Amendment withdrawn—476
 Bills introduced—113, 122, 135, 138, 194, 195, 208, 223, 247, 258, 283, 315
 Committee appointments—13, 14, 15, 16
 Leaves of absence—422, 493, 597, 601, 719, 1222, 1325, 1379
 Resolutions filed—715, 903, 960, 1066, 1154
 Resolutions offered—807, 1187
 Subcommittee assignments—116, 139, 233, 268

RANTS, CHRISTOPHER C.—Representative **Woodbury** County
 Amendments filed—68, 69, 76, 312, 313, 600, 663, 667, 741, 824, 891, 1144, 1147, 1184, 1295, 1386
 Amendments offered—91, 94, 460, 477, 663, 1147, 1194, 1539
 Amendments withdrawn—667, 1144, 1536
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 Committee appointments—13, 15, 16
 Leaves of absence—149, 184, 282, 493, 547, 627, 682, 695, 829, 992, 1112
 Resolution filed—903
 Subcommittee assignments—63, 233, 266, 804

RAYHONS, HENRY V.—Representative **Hancock**-Winnebago-Worth Counties
 Amendments filed—1155, 1185, 1295, 1323
 Bills introduced—122, 135, 138, 160, 194, 206, 210, 225, 242, 258, 283, 300, 315, 340, 828
 Committee appointments—13, 15
 Explanation of vote—1377
 Leave of absence—422
 Resolutions filed—903, 948, 1154
 Resolution offered—964

Subcommittee assignments—109, 233, 275, 690

REASONER, MICHAEL J.—Representative Clarke-Decatur-**Union** Counties

Amendments filed—313, 891, 1472

Bills introduced—38, 126, 194, 241, 315

Committee appointments—13, 16

Presided at sessions of the House—145, 273, 676, 742

Resolutions filed—238, 292, 312, 903, 1154

Subcommittee assignments—116, 129, 164, 165, 219, 251, 266, 618, 619, 738, 743, 887

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Amendment filed—805

Appointed—15

Bills introduced—260, 487, 536, 588, 602, 616, 617

Recommendations—238, 310-311, 491, 804

Subcommittee assignments—178, 232, 233, 714, 804

REICHERT, NATHAN K.—Representative **Muscatine** County

Amendments filed—741, 805, 961, 978, 1082, 1203, 1342, 1472

Amendments offered—758, 792, 978, 1203, 1342

Bills introduced—74, 87, 148, 185, 192, 193, 194, 241, 315

Committee appointments—13, 14, 15

Resolutions filed—222, 239, 903, 1154

Resolution offered—244

Subcommittee assignments—64, 80, 117, 129, 153, 164, 165, 250, 251, 305, 331, 333, 619, 690, 738, 821, 1219

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House Concurrent Resolution 104—186

House Concurrent Resolution 106—512

House Concurrent Resolution 108—1357

House Concurrent Resolution 109—1558

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House Resolution 102—78

House Resolution 103—134

House Resolution 104—135

House Resolution 105—189

House Resolution 106—244

House Resolution 108—540

House Resolution 109—808

House Resolution 110—513

House Resolution 111—584

House Resolution 113—934

House Resolution 115—808

House Resolution 116—808

House Resolution 117—1357

House Resolution 120—1157

House Resolution 121—931
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Filed:

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House Concurrent Resolution 104—156
House Concurrent Resolution 105—312
House Concurrent Resolution 106—338
House Concurrent Resolution 107—744
House Concurrent Resolution 108—1184
House Resolution 101—25
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House Resolution 109—292
House Resolution 112—599
House Resolution 113—600
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House Resolution 115—690
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House Concurrent Resolution 102—5
House Concurrent Resolution 109—1557
House Resolution 103—134
House Resolution 104—134
House Resolution 110—513
House Resolution 111—584

Laid over under Rule 25:

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House Concurrent Resolution 106—338
House Concurrent Resolution 107—744
House Resolution 101—25
House Resolution 103—133
House Resolution 106—222
House Resolution 107—238
House Resolution 108—239
House Resolution 109—292
House Resolution 112—599
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House Resolution 114—650
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House Resolution 116—715
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House Resolution 119—805
House Resolution 120—818
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House Resolution 122—890
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House Resolution 124—948
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House Resolution 127—1066
House Resolution 129—1123
House Resolution 130—1154
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Placed on calendar:

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House Concurrent Resolution 104—156
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House Resolution 102—47
House Resolution 105—157
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House Resolution 132—1220

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House Concurrent Resolution 102—5
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Senate Concurrent Resolution 101—76

Amendments filed—715, 1002, 1066, 1067, 1123, 1185, 1295, 1323, 1324, 1386
 Amendments offered—1295, 1396
 Amendments withdrawn—1295, 1301, 1395
 Bills introduced—122, 135, 137, 138, 159, 192, 194, 207, 208, 210, 223, 225, 227, 241,
 243, 283, 300, 315, 340
 Committee appointments—13, 15, 16
 Leaves of absence—211, 422, 1157, 1339
 Presented to the House the Honorable Gene Manternach, former member of the
 House—995
 Presided at session of the House—1165
 Report—2-3
 Resolutions filed—584, 903, 1154
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 Subcommittee assignments—152, 153, 803

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 House File 2531, H-8609—1255
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 House File 2473, H-8284—801
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House File 2531, H-8550—1244

House File 2531, H-8609—1256

House File 2531, H-8583—1264

Senate File 2356, H-8623—1297

Senate File 2357, H-8374—896

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Pursuant to Rule 42 (certification of engrossment):

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Pursuant to Rule 50A (use of Nondegradable Polystyrene Cups):

Representative Rants—820

Pursuant to Rule 77 (call of the House):

House Joint Resolution 6—297

RUNNING-MARQUARDT, KIRSTEN—Representative Linn County

Amendments filed—716, 721, 818, 1067, 1185, 1193, 1217, 1472

Amendments offered—1112, 1217

Amendment withdrawn—1193

Bills introduced—87, 124, 148, 175, 193, 207, 208, 260, 314, 315

Committee appointments—15, 28

Resolution filed—903

Subcommittee assignments—64, 65, 108, 146, 178, 220, 232, 287, 689, 714, 738, 743, 803, 804

Took oath of office—25

SANDS, THOMAS R.—Representative Des Moines-Louisa-Muscatine Counties

Amendments filed—327, 1002, 1067, 1154, 1184, 1185, 1221, 1295, 1324

Amendments offered—477, 1084, 1211, 1228

Amendments withdrawn—1083, 1227, 1236

Bills introduced—122, 135, 137, 138, 145, 159, 194, 207, 208, 210, 223, 224, 227, 243, 314, 340, 828
 Committee appointments—13, 15, 16
 Leaves of absence—227, 1268, 1325
 Resolutions filed—903, 1154
 Subcommittee assignments—129, 153, 165, 232, 267, 268, 275, 305, 619, 743, 804, 887

SCHUELLER, TOM J.—Representative Clinton-Dubuque-**Jackson** Counties

Amendments filed—806, 890, 1001, 1066, 1067, 1184, 1185, 1214
 Amendments offered—1117, 1206, 1214
 Bills deferred, retained on calendar (as acting Speaker)—599
 Bills introduced—7, 87, 148, 194, 207, 227, 315, 494, 588, 615
 Committee appointments—14, 15, 51, 814
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 Resolutions filed—903, 1154
 Ruling made (as acting Speaker)—597
 Subcommittee assignments—64, 179, 689, 804, 815

SCHULTE, RENEE—Representative **Linn** County, Assistant Minority Leader (as of 3/23/10)

Amendments filed—313, 339, 690, 691, 716, 805, 987, 1020, 1021, 1066, 1067, 1124, 1185, 1221, 1295, 1323
 Amendments offered—507, 508, 763, 1020, 1021, 1090, 1308
 Amendments withdrawn—1084, 1372
 Bills introduced—122, 123, 125, 135, 137, 138, 159, 194, 208, 210, 223, 241, 258, 283, 315, 340
 Committee appointments—14, 15, 28, 525
 Explanation of vote—1477
 Leaves of absence—665, 697, 1318, 1325, 1388
 Resolutions filed—238, 903, 1154
 Subcommittee assignments—81, 116, 130, 140, 165, 178, 232, 234, 250, 252, 331, 332, 599, 619, 620, 624, 738, 739, 803, 815

SCHULTZ, JASON—Representative **Crawford-Ida-Monona-Woodbury** Counties

Amendments filed—86, 1002, 1066, 1067, 1185, 1188, 1295, 1324
 Amendments offered—99, 1188, 1257
 Bills introduced—70, 71, 74, 87, 122, 135, 136, 137, 138, 150, 194, 225, 227, 242, 243, 246, 248, 258, 259, 273, 274, 275, 283, 295, 296, 315, 828
 Resolutions filed—903, 1154
 Subcommittee assignments—109, 251, 333, 619, 738, 803

SHOMSHOR, PAUL C., JR.—Representative **Pottawattamie** County

Amendments filed—1001, 1123, 1133
 Amendments offered—1083, 1298
 Bills introduced—195, 242
 Committee appointments—13, 16, 218
 Resolution filed—903
 Subcommittee assignments—266, 268, 305, 618, 619, 743, 887

SMITH, MARK D.—Representative **Marshall** County

Amendments filed—327, 776, 961, 1001, 1017, 1185, 1294, 1315, 1318, 1323, 1472

Amendments offered—1017, 1022, 1290, 1294, 1315, 1318
Amendments withdrawn—1294, 1372
Bills introduced—70, 113, 148, 315
Committee appointments—14
Leave of absence—779
Presented to the House the Honorable Paul Scherrman, former member of the House—243
Resolutions filed—239, 292, 903, 1066, 1154
Resolution offered—1187
Subcommittee assignments—64, 81, 82, 140, 165, 178, 232, 251, 268, 275, 331, 332, 599, 619, 624, 739

SODERBERG, CHUCK—Representative **Plymouth**-Sioux Counties

Amendments filed—651, 690, 741, 818, 929, 983, 1002, 1066, 1067, 1154, 1184, 1185, 1221, 1264, 1295, 1324, 1541
Amendments offered—702, 981, 983, 1241, 1264, 1302, 1310, 1541
Bills introduced—87, 122, 135, 137, 138, 150, 159, 194, 207, 208, 210, 223, 225, 227, 241, 243, 258, 283, 295, 314, 340
Committee appointments—13, 14
Explanation of vote—565
Leave of absence—493
Presented to the House Amy Hulst, Queen of the 2010 Orange City Tulip Festival—952
Resolutions filed—903, 1154
Subcommittee assignments—129, 141, 164, 166, 219, 250, 267, 268, 323, 331, 333

SORENSEN, KENT—Representative **Warren** County

Amendments filed—805, 824, 1002, 1123, 1185, 1295, 1324
Bills introduced—74, 122, 135, 138, 159, 193, 207, 208, 223, 225, 226, 227, 243, 246, 260, 274, 283, 295, 315, 340
Committee appointments—13, 14, 15, 29
Leave of absence—457
Presided at session of the House—1271
Resolutions filed—903, 1154
Subcommittee assignments—116, 117, 129, 164, 165, 178, 179, 250, 251, 266, 332, 738

SPEAKER OF THE HOUSE—Patrick J. Murphy—Representative **Dubuque** County

Bills deferred, retained on calendar—329, 485, 512, 584, 585, 662, 697, 899, 902, 954, 1165, 1202, 1474
Bills introduced—6, 195, 207
Bills passed on file—266, 688, 1269
Bills placed on calendar—564, 713
Bills referred and rereferred to committees—41, 126, 139, 163, 197, 266, 517, 564, 887
Bills signed by—127, 304, 648, 688, 773, 803, 846, 950, 959, 987, 1065, 1120, 1151, 1559
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- Presented to the Honorable Royd Chambers, state representative, a United States flag in honor of his military service in Iraq—6
- Presented to the House the Honorable Bob Osterhaus, former member of the House—609
- Presented to the House the Honorable Chester Culver, governor of Iowa and the Honorable Sally Pederson, former lieutenant governor of the state—904
- Presided at sessions of the House—1, 5, 6, 17, 26, 28, 38, 48, 49, 50, 70, 87, 94, 96, 107, 112, 113, 121, 134, 135, 148, 158, 162, 172, 184, 192, 206, 223, 257, 259, 264, 281, 294, 314, 315, 328, 329, 340, 422, 485, 493, 512, 519, 524, 534, 567, 601, 626, 652, 655, 673, 692, 694, 695, 697, 717, 718, 719, 735, 738, 745, 747, 778, 779, 790, 791, 828, 849, 851, 882, 892, 894, 899, 903, 930, 931, 934, 952, 954, 958, 962, 965, 989, 1003, 1069, 1070, 1083, 1125, 1132, 1143, 1156, 1157, 1186, 1191, 1204, 1222, 1238, 1268, 1271, 1317, 1325, 1335, 1358, 1379, 1380, 1382, 1385, 1387, 1388, 1469, 1474, 1477, 1478
- Received a plaque in appreciation of his service and dedication to the House—1338
- Remarks by—10-12, 1554-1557
- Resolutions filed—222, 239, 292, 903, 1154
- Resolution offered—244
- Rulings made—95, 786, 800, 842, 896, 1082, 1094, 1138, 1145, 1243, 1255, 1263
- Special presentation to House Pages—1270

SPEAKER PRO TEMPORE,—Polly Bukta—Representative **Clinton** County
(See **BUKTA, POLLY**—Representative **Clinton** County, Speaker Pro Tempore)

SPECIAL COMMITTEES—
(See **COMMITTEES, SPECIAL**)

SPECIAL PRESENTATION—

- Representatives Murphy, McCarthy and Paulsen presented to the Honorable Royd Chambers, state representative, a United States flag in honor of his military service in Iraq—6
- Representative R. Olson presented to the House the Sergeant-at-Arms, Maynard Boatwright, who was recently inducted into the East High School Hall of Fame for his athletic accomplishments—148
- Representatives Isenhart and May presented a \$5,000 check to American Red Cross Lincoln Way Chapter Executive Director Kirk Brocker for relief effort in Haiti—158
- Representative Smith presented to the House the Honorable Paul Scherrman, former member of the House—243
- Representative Grassley presented to the House his grandfather, the Honorable Charles Grassley, United States Senator—375
- Representative H. Miller presented to the House Martin Loken, Consul General of the Canadian Consulate in Minneapolis—585
- Representative Murphy presented to the House the Honorable Bob Osterhaus, former member of the House—609
- Representative Heddens presented to the House Huang Ping, Consul General of the People's Republic of China to Chicago—718
- Representative Van Engelenhoven presented to the House Heidi Schulte, Queen of the 2010 Pella Tulip Festival and her court—819
- Representative Wessel-Kroeschell presented to the House the Honorable Bill Bernau, former member of the House—820

- Representative Jacoby presented to the House Kirk Ferentz, coach of the University of Iowa football team—903
- Representative Murphy presented to the House the Honorable Chester J. Culver, governor of Iowa and the Honorable Sally Pederson, former lieutenant governor of Iowa—904
- Representative Soderberg presented to the House Amy Hulst, Queen of the 2010 Orange City Tulip Festival—952
- Representative Baudler presented to the House Anne Langguth, Miss Iowa 2010—964
- Representative Upmeyer presented to the House the Honorable Dan Boddicker, former member of the House and the Honorable Polly Granzow, former member of the House—965
- Representative Frevert presented to the House Ned O'Sullivan, Fianna Fail member of the Irish Parliament—990
- Representative Frevert presented to the House Justine Wagner, Miss Shamrock—990
- Representative Roberts presented to the House the Honorable Gene Manternach, former member of the House—995
- Representative Dolecheck presented to the House the Honorable Jim Meyer, former member of the House—1157
- Representative Kaufmann presented to the House the Honorable Lance Horbach, winner of the 2010 Uncommon Public Service Award—1187
- Representatives Murphy, McCarthy and Paulsen made a special presentation to the House Pages—1270
- Special presentation to retiring members—1338
- Representative Bukta presented to Representatives Murphy, McCarthy and Paulsen a plaque in appreciation of their service and dedication to the House—1338

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House Resolution 108—Representative Gaskill—517

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Senate File 2243, H-8299—Representative Hanson—814

ST. PATRICK'S DAY OBSERVATION—990

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Amendments filed—203, 272, 824

Amendments offered—229, 343, 1112

Amendment withdrawn—1179

Appointed—15, 814

Bills introduced—524, 535, 587, 603, 615, 616

Recommendations—203, 272, 311, 337-338, 491-492, 715, 805, 822-823

Subcommittee assignments—42, 63, 64, 65, 81, 109, 116, 130, 139, 140, 141, 153, 154, 165, 219, 233, 234, 252, 253, 305, 322, 331, 333, 565, 599, 619, 689, 713, 738, 743, 803, 804, 815, 821

STATE OF THE STATE AND BUDGET MESSAGE—

Delivered by Governor Chester J. Culver—30-37

Resolution relating to the condition of the State Message and Budget Message, House Concurrent Resolution 101, a joint convention on Tuesday, January 12, 2010, at 10:00 a.m. for Governor Chester J. Culver to give his state of the budget message—4, adopted & msgd. 5 – S.J. – 27, adopted 28, msgd. 29 – H.J. – 26.

STECKMAN, SHARON S.—Representative **Cerro Gordo** County, Assistant Majority Leader

Amendments filed—313, 1386, 1472
 Amendments offered—862, 1472
 Amendments withdrawn—1474, 1545
 Bills introduced—39, 49, 70, 148, 207, 260, 300, 314, 315, 654
 Committee appointments—14, 15, 16
 Presided at session of the House—825
 Resolutions filed—239, 292, 312, 690, 903, 948, 1154
 Resolutions offered—808, 964
 Subcommittee assignments—108, 109, 116, 140, 164, 178, 219, 233, 253, 287, 288, 332, 333, 565, 618, 649, 739, 743, 887, 947, 1000

STRUYK, DOUG—Representative **Pottawattamie** County

Amendments filed—144, 312, 313, 327, 651, 766, 818, 824, 1001, 1066, 1185, 1295, 1324, 1477
 Amendments offered—484, 1116
 Amendments withdrawn—506, 711, 1117
 Bills introduced—74, 87, 122, 135, 138, 194, 227, 243, 246, 283, 295, 296, 315, 340
 Committee appointments—13, 14, 15, 16
 Leaves of absence—597, 953
 Presided at session of the House—1224
 Resolutions filed—312, 903, 1154
 Subcommittee assignments—42, 64, 65, 80, 81, 129, 141, 153, 252, 253, 599, 743, 803, 815, 887, 1000

STUDY BILL COMMITTEE ASSIGNMENTS—

Administration & Rules—22, 1153
 Agriculture—117, 222, 235, 254, 270, 289
 Appropriations—235, 649, 774, 929, 1122, 1153
 Commerce—44, 118, 131, 143, 156, 168, 205, 253, 270, 271
 Economic Growth—22, 68, 132, 200, 201, 234, 308, 334
 Education—23, 24, 68, 84, 142, 167, 199, 201
 Environmental Protection—131, 183, 200, 271, 307, 620
 Ethics—22
 Human Resources—23, 43, 84, 111, 155, 167, 168, 169, 205, 235, 254, 288
 Judiciary—83, 84, 111, 119, 131, 142, 180, 181, 182, 183, 201, 269, 288, 289, 307-308, 333
 Labor—118, 131, 235, 270, 271, 334
 Local Government—67, 68, 168, 180, 270
 Natural Resources—168, 270
 Public Safety—46, 68, 117, 143, 307, 324
 Rebuild Iowa and Disaster Recovery—23, 68, 111, 117, 132, 143, 201, 289
 State Government—45, 84, 117, 142, 199, 201, 235, 254, 307
 Transportation—142, 155, 156, 222, 269, 289
 Veteran's Affairs—45, 46, 84, 118, 169, 221, 307, 324, 334

Ways and Means—182, 288, 323, 739, 888, 929, 948, 1122

STUDY BILL SUBCOMMITTEE ASSIGNMENTS—

Assigned—42-43, 65-67, 82-83, 109-111, 117, 130-131, 141-142, 146-147, 154-155, 166-167, 179-180, 198-199, 220-221, 234, 253, 269, 276, 306-307, 323, 333, 487-488, 620, 625, 690, 743, 947, 951, 1153

Reassigned—82, 109, 130, 141, 146, 166, 179, 234

SUBCOMMITTEE ASSIGNMENTS—

Assigned—42, 63-65, 80-82, 109, 115-117, 129-130, 139-141, 146, 153-154, 164-166, 178-179, 197, 219-220, 232-234, 250-253, 266-268, 275, 287-288, 305-306, 322-323, 331-333, 517, 565, 599, 618-620, 624, 649, 689, 713-714, 738-739, 743, 773, 803-804, 815, 821, 887-888, 947, 987, 1000, 1122, 1219

Reassigned—42, 63, 64, 65, 80, 108, 109, 129, 152, 153, 154, 178, 253, 266, 322, 713, 803, 815

SUPREME COURT OF IOWA—

(Chief Justice Marsha K. Ternus)

Delivered the Condition of the Judicial Department's Message—51-60

Resolutions relating to:

House Concurrent Resolution 102—a joint convention on Wednesday, January 13, 2010, at 10:00 a.m. for Chief Justice Ternus to give her state of the judicial branch message—adopted & msgd. 5 – S.J. – 27, adopted 28, msgd. 29 – H.J. – 26.

SWAIM, KURT—Representative Appanoose-**Davis**-Wayne Counties

Amendments filed—313, 327, 796, 1185, 1205, 1220, 1323, 1402, 1472

Amendments offered—868, 944, 1205, 1344, 1402

Amendments withdrawn—285, 1192

Bills introduced—7, 70, 148, 241, 260, 261, 274, 283, 296, 300, 314, 615

Committee appointments—13, 14, 51, 1575

Presided at session of the House—820

Resolutions filed—292, 312, 903, 1154

Subcommittee assignments—232, 599, 619, 713, 738, 739, 803, 815

SWEENEY, ANNETTE—Representative Franklin-**Hardin**-Marshall Counties

Amendments filed—339, 566, 600, 710, 824, 1066, 1067, 1185, 1221, 1295, 1324

Amendments offered—100, 424, 571, 1089

Amendments withdrawn—1083, 1084, 1344, 1345

Bills introduced—73, 122, 135, 138, 159, 160, 194, 206, 207, 208, 210, 223, 258, 274, 283, 299, 300, 314, 340, 828

Committee appointments—4, 13, 14, 15, 16

Leaves of absence—627, 655

Resolutions filed—134, 312, 903, 1154

Resolution offered—134

Subcommittee assignments—108, 109, 130, 146, 164, 179, 233, 267, 287, 288, 332, 619

TAYLOR, TODD E.—Representative **Linn** County

Amendments filed—1001, 1054, 1220, 1221, 1238, 1472

Amendments offered—1026, 1054, 1244

Amendments withdrawn—1054, 1238

Bills introduced—6, 70, 124, 148, 331
 Committee appointments—4, 13, 15
 Resolutions filed—292, 903
 Subcommittee assignments—64, 141, 153, 219, 232, 252, 253, 306, 322, 331, 333, 565, 599, 803, 815

THEDE, PHYLLIS—Representative **Scott** County

Amendments filed—339, 492, 929, 987, 1472
 Amendment offered—1336
 Amendments withdrawn—554, 555, 1335
 Bills introduced—7, 148, 207, 260, 296, 314, 315
 Committee appointments—14, 15, 50
 Resolutions filed—513, 903, 1066, 1154
 Resolution offered—513
 Subcommittee assignments—109, 179, 252, 267, 268, 287, 323, 332, 565, 739

THOMAS, ROGER—Representative **Clayton**-Delaware-Fayette Counties

Amendments filed—239, 255, 327, 776, 929, 1472
 Amendments offered—264, 908, 982
 Amendment withdrawn—264
 Bills introduced—242, 315, 615
 Committee appointments—14, 15, 16
 Resolutions filed—903, 1154
 Subcommittee assignments—232, 323, 743, 887

TJEPKES, DAVID A.—Representative Calhoun-Greene-**Webster** Counties

Amendments filed—327, 650, 1185, 1188, 1295, 1324
 Amendment offered—1188
 Bills introduced—39, 122, 135, 138, 145, 194, 208, 210, 223, 241, 301, 314, 340
 Committee appointments—15, 16, 958
 Leave of absence—1070
 Report—1158-1159
 Resolutions filed—848, 903, 1154
 Resolution offered—931
 Subcommittee assignments—63, 64, 65, 80, 81, 140, 146, 153, 164, 197, 219, 232, 233, 252, 287, 332, 333, 517, 599, 619, 624, 649, 815

TRANSPORTATION, COMMITTEE ON—

Amendments filed—280, 818
 Appointed—16
 Bills introduced—316, 523, 535, 569, 586, 616
 Recommendations—279-280, 311, 326, 740, 817, 823
 Subcommittee assignments—80, 81, 140, 146, 152, 153, 165, 178, 197, 232, 266, 267, 332, 333, 517, 624, 649, 815

TYMESON, JODI S.—Representative Dallas-**Madison**-Warren Counties, Assistant Minority Leader

Amendments filed—157, 313, 327, 339, 518, 566, 690, 691, 716, 741, 805, 848, 949, 1002, 1066, 1067, 1138, 1185, 1221, 1278, 1295, 1324, 1386, 1469, 1472
 Amendments offered—429, 899, 956, 1135, 1138, 1545
 Amendments withdrawn—162, 553

Bills introduced—73, 74, 87, 122, 123, 124, 126, 135, 138, 139, 159, 193, 208, 210, 242, 243, 246, 283, 315, 330, 340
Committee appointments—14, 15, 16
Presided at session of the House—1102
Resolutions filed—903, 1154
Resolution offered—808
Subcommittee assignments—140, 164, 267, 268, 565

UNANIMOUS CONSENT—4, 5, 134, 513, 539, 584, 669, 791, 903, 1191, 1353, 1357, 1358, 1359, 1360, 1361, 1376, 1381, 1404, 1475, 1557

UNFINISHED BUSINESS CALENDAR—

Bills placed on—947

UPMEYER, LINDA L.—Representative Cerro Gordo-Franklin-**Hancock** Counties

Amendments filed—562, 691, 716, 1066, 1067, 1068, 1124, 1154, 1185, 1214, 1221, 1294, 1295, 1323
Amendments offered—508, 1214
Amendment withdrawn—1316
Bills introduced—87, 122, 135, 137, 138, 159, 173, 194, 206, 207, 208, 209, 210, 223, 242, 243, 248, 258, 282, 283, 295, 330, 340
Committee appointments—13, 14, 15
Leaves of absence—601, 894
Presented to the House the Honorable Dan Boddicker, former member of the House and the Honorable Polly Granzow, former member of the House—965
Resolutions filed—584, 903, 948, 1154
Resolutions offered—584, 964
Subcommittee assignments—108, 178, 649

VAN ENGELENHOVEN, JIM—Representative Jasper-**Marion** Counties

Amendments filed—312, 566, 1185, 1295, 1324
Amendment offered—510
Bills introduced—27, 122, 135, 138, 194, 241, 242, 283, 315, 340
Committee appointments—15, 16
Leaves of absence—87, 1359
Presented to the House Heidi Schulte, Queen of the 2010 Pella Tulip Festival and her court—819
Resolutions filed—134, 903, 1154
Subcommittee assignments—130, 165, 251

VETERANS—

Resolutions relating to:

House Resolution 103—honor Iowa's military veterans—133, 134 adopted.

House Resolution 112—supporting assignments of the USS Iowa as museum at the former Mare Island Naval Shipyard—599.

House Resolution 115—recognize Iowa employer support for the Guard and Reserve—690, adopted 808.

VETERANS AFFAIRS, COMMITTEE ON—

Amendment filed—827
Amendment offered—921
Appointed—16

Bills introduced—136, 159, 173, 184, 197, 204, 281, 317, 341, 342, 343, 494, 536, 569, 616
 Recommendations—120, 144, 171, 183, 203, 238, 280, 312, 326-327, 338, 817, 827
 Subcommittee assignments—81, 129, 130, 164, 165, 197, 251, 252, 322, 619, 713, 714

VOTES—

Non-record—429, 506, 507, 665, 761, 766, 844, 1077, 1117, 1138, 1145, 1164, 1173, 1194, 1212, 1403, 1545
 Record—89, 91-92, 98-99, 99-100, 101, 104, 105-106, 106-107, 189, 297-298, 423, 427-428, 459-460, 474-475, 475-476, 483-484, 486, 509-510, 511, 515-516, 590-591, 594-595, 666-667, 667-668, 727, 767, 768, 769-770, 771, 801, 842-843, 843-844, 857-858, 896, 900-901, 902, 905-906, 980-981, 982, 984, 1016-1017, 1019, 1020-1021, 1021-1022, 1023-1024, 1076, 1084-1085, 1089-1090, 1090-1091, 1095, 1134-1135, 1136, 1137-1138, 1141, 1142-1143, 1143-1144, 1146-1147, 1148-1149, 1201-1202, 1204-1205, 1205-1206, 1208-1209, 1210, 1213, 1216, 1218, 1240-1241, 1243-1244, 1255-1256, 1263-1264, 1266, 1274-1275, 1276-1277, 1278, 1279, 1296-1297, 1303-1304, 1309, 1310-1311, 1311-1312, 1314-1315, 1316, 1317, 1333, 1371-1372, 1374-1375, 1401-1402, 1471-1472, 1473-1474, 1539-1540, 1540-1541, 1542-1543, 1544, 1546-1547
 Quorum call—422, 512, 655, 695, 719, 829, 894, 990, 1070, 1271, 1335, 1358, 1383, 1388

WAGNER, NICK—Representative **Linn** County

Amendments filed—691, 741, 848, 891, 1067, 1185, 1295, 1324
 Amendment offered—1277
 Bills introduced—72, 87, 122, 124, 135, 136, 138, 210
 Committee appointments—4, 13, 15, 16
 Resolutions filed—903, 1154
 Subcommittee assignments—64, 117, 129, 146, 153, 164, 165, 178, 250, 251, 268, 305, 618, 619, 689

WATTS, RALPH C.—Representative **Boone-Dallas** Counties

Amendments filed—293, 313, 339, 553, 566, 776, 1001, 1002, 1184, 1185, 1295, 1324
 Amendments offered—457, 800, 1077, 1209
 Amendments withdrawn—428, 475, 477, 1076
 Bills introduced—87, 122, 135, 138, 160, 194, 206, 207, 208, 210, 223, 225, 226, 241, 246, 258, 283, 296, 295, 315, 340
 Committee appointments—13, 14, 15, 16
 Leaves of absence—1222, 1359
 Resolutions filed—134, 312, 903, 1154
 Subcommittee assignments—154, 620, 714

WAYS AND MEANS, COMMITTEE ON—

Amendment filed—650
 Amendment offered—854
 Appointed—16, 218, 814
 Bills introduced—892, 903, 958, 989, 999, 1186
 Recommendations—650, 890, 960, 1001, 1183-1184, 1323
 Subcommittee assignments—197, 618, 619, 743, 815, 887, 888, 947, 987, 1000

WENDT, ROGER F.—Representative **Woodbury** County

Amendments filed—68, 86, 312, 327, 339, 600

Amendments offered—93, 96
Bills introduced—6, 114, 123, 148, 160, 207, 315
Committee appointments—14, 15, 16, 1575
Leaves of absence—601, 627, 652, 695, 717, 748, 779, 807, 829, 852, 894, 932, 953,
965, 992, 1003, 1069, 1125, 1157, 1186, 1222, 1379, 1388, 1478
Resolution filed—903
Subcommittee assignments—42, 116, 139, 140, 179, 219, 232, 233, 252, 267, 268,
305, 306, 332, 565

WENTHE, ANDREW J.—Representative Black Hawk-Bremer-**Fayette** Counties

Amendments filed—327, 1384, 1472, 1536, 1547
Amendments offered—1383, 1384, 1547
Bills introduced—137, 299, 315
Committee appointments—13, 14, 16, 28
Presided at sessions of the House—95, 99
Report—28
Resolutions filed—239, 903, 1154
Ruling made (as acting Speaker)—104
Subcommittee assignments—81, 129, 140, 152, 153, 164, 165, 166, 197, 219, 267,
306, 323, 619, 689, 738, 739, 804, 1122

WESSELL-KROESCHELL, BETH—Representative **Story** County

Amendments filed—566, 1133, 1324, 1472
Amendments offered—641, 642, 1133, 1355
Bills introduced—70, 148, 173, 174, 300, 314
Committee appointments—13, 14, 525
Presented to the House the Honorable Bill Bernau, former member of the House—
820
Presided at session of the House—1004
Resolutions filed—903, 948, 1123, 1154
Resolutions offered—75, 76, 77, 185, 186, 1202, 1354, 1356, 1357
Ruling made (as acting Speaker)—1022
Subcommittee assignments—81, 82, 178, 219, 619, 713

WHITEAD, WESLEY E.—Representative **Woodbury** County

Amendments filed—650, 818, 1472
Amendment offered—669
Bills introduced—70, 73, 114, 123, 160, 206, 207, 300, 314, 315
Committee appointments—14, 15, 16
Presided at session of the House—973
Resolutions filed—134, 238, 292, 312, 903, 1154
Ruling made (as acting Speaker)—979
Subcommittee assignments—63, 64, 80, 109, 116, 130, 153, 164, 179, 233, 251, 266,
322, 619, 714, 773

WILLEMS, NATHAN—Representative Johnson-**Linn** Counties

Amendments filed—600, 715, 824, 1001, 1154, 1185
Amendments offered—732, 733
Bills introduced—27, 87, 124, 137, 150, 248, 283, 314, 328
Committee appointments—14, 15, 16
Leave of absence—627
Resolutions filed—25, 292, 890

Resolution offered—903

Subcommittee assignments—81, 116, 130, 140, 153, 165, 178, 197, 251, 252, 275, 287, 305, 322, 331, 599, 618, 619, 620, 713, 738, 803, 887, 888, 1000

WINCKLER, CINDY L.—Representative **Scott** County

Amendments filed—312, 339, 949, 1472

Amendment offered—429

Bills introduced—6, 7, 115, 148, 300, 314, 315

Committee appointments—13, 14, 15

Presided at sessions of the House—204, 1288

Report—2-3

Resolutions filed—239, 292, 312, 600, 903, 1066, 1154

Resolution offered—934

Ruling made (as acting Speaker)—1296

Subcommittee assignments—42, 64, 166, 233, 332, 689

WINDSCHITL, MATT—Representative **Harrison**-Monona-Pottawattamie Counties, Assistant Minority Leader

Amendments filed—157, 320, 327, 650, 715, 806, 890, 904, 961, 1002, 1066, 1185, 1221, 1295, 1324, 1371

Amendments offered—320, 659, 897, 904, 1245

Amendments withdrawn—162, 668, 1245, 1395

Bills introduced—74, 87, 122, 135, 137, 138, 149, 150, 159, 173, 194, 206, 207, 208, 210, 223, 225, 227, 243, 246, 248, 258, 259, 261, 274, 283, 295, 314, 340, 828

Committee appointments—13, 15, 16

Leave of absence—567

Resolutions filed—134, 312, 903, 1154

Resolution offered—134

Subcommittee assignments—64, 164, 197, 252, 266, 619, 713, 743, 773, 804

WORTHAN, GARY—Representative **Buena Vista**-Sac Counties

Amendments filed—1185, 1295, 1324

Bills introduced—73, 122, 135, 138, 192, 194, 206, 210, 225, 241, 283, 300, 301, 315, 340

Committee appointments—13, 15, 16

Leave of absence—652

Resolutions filed—848, 903, 1154

Resolution offered—931

Subcommittee assignments—80, 266, 267

ZIRKELBACH, RAY S.—Representative Dubuque-**Jones** Counties

Amendments filed—313, 621, 661, 715, 741, 805, 823, 824, 848, 1064, 1066, 1067, 1318

Amendments offered—320, 661, 884

Amendment withdrawn—1064

Bills deferred, retained on calendar (as acting Speaker)—630, 1218

Bills introduced—28, 38, 39, 40, 49, 70, 73, 148, 184, 185, 192, 195, 206, 207, 210, 225, 241, 282, 314, 315

Bills passed on file (as acting Speaker)—648

Bills placed on calendar (as acting Speaker)—564

Bills referred to committee (as acting Speaker)—648

Bills rereferred to committee (as acting Speaker)—564, 648

Committee appointments—13, 16, 526

Presided at sessions of the House—71, 224, 240, 244, 282, 298, 539, 627, 663, 669,
681, 808, 819, 852, 873, 953, 980, 1133, 1142, 1202, 1205

Resolutions filed—133, 292, 599, 890, 1154

Resolutions offered—134, 808, 903

Rulings made (as acting Speaker)—820, 857, 1212, 1214, 1216

Subcommittee assignments—116, 129, 164, 165, 250, 266, 306, 322, 689, 714, 804