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**STATE OF IOWA**

**House Journal**

**WEDNESDAY, FEBRUARY 15, 2006**

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## JOURNAL OF THE HOUSE

Thirty-eighth Calendar Day - Twenty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 15, 2006

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prayer was offered by Chaplain Duane Marburger, Chaplain for Great Oak Estates, Ottumwa. He was the guest of Representative Mary Gaskill of Wapello County.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Michael Cooley from the ISU Ambassadors. He was the guest of Representative Tom Sands of Louisa County.

The Journal of Tuesday, February 14, 2005 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 14, 2006, amended and passed the following bill in which the concurrence of the Senate was asked:

[House File 729](#), a bill for an act relating to the Iowa public employees' retirement system and the judicial retirement system.

Also: That the Senate has on February 14, 2006, adopted the following resolution in which the concurrence of the Senate was asked:

[House Concurrent Resolution 103](#), a concurrent resolution to approve and confirm the appointment of the Citizens' Aide.

Also: That the Senate has on February 14, 2006, adopted the following resolution in which the concurrence of the House is asked:

[Senate Joint Resolution 2001](#), a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation.

Also: That the Senate has on February 14, 2006, passed the following bill in which the concurrence of the House is asked:

[Senate File 2199](#), a bill for an act concerning the purchase of service under the Iowa department of public safety peace officers' retirement, accident, and disability system.

MICHAEL E. MARSHALL, Secretary

## INTRODUCTION OF BILLS

[House File 2369](#), by Baudler, a bill for an act relating to accidental disability retirement benefits for a peace officer who is exposed to noxious substances and providing effective and retroactive applicability dates.

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

[House File 2370](#), by Kressig and Foege, a bill for an act relating to the temporary custody of a child pursuant to an ex parte court order.

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

[House File 2371](#), by Reichert, a bill for an act requiring the department of education to conduct a study of educational sign language interpreter salaries and compensation.

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

[House File 2372](#), by Whitaker, a bill for an act to require bonding of home improvement contractors including providing for the recovery of bond proceeds, and making penalties applicable.

Read first time and referred to committee on **commerce, regulation and labor**.

[House File 2373](#), by Upmeyer, a bill for an act relating to regulation of food safety, providing for a transfer of administrative authority to the Iowa department of public health to administer the regulation of the hotel sanitation code, home food establishments, the Iowa food code, and the regulation of egg handlers, and providing for adoption of the 2005 edition of the United States food and drug administration food code.

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

[House File 2374](#), by Paulsen, a bill for an act exempting the sale of truck bodies and their mounting on empty truck chassis from the local option sales and services taxes.

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

[House File 2375](#), by Reichert, a bill for an act relating to the amount of early childhood development tax credits allowed during a fiscal year and including a retroactive applicability date provision.

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

[House File 2376](#), by Frevert, a bill for an act making an appropriation for improvements at general aviation airports.

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

[House File 2377](#), by Jenkins, a bill for an act creating a regents accelerated career education program and providing job program tax credits.

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

[House File 2378](#), by Swaim, a bill for an act to require proof of financial liability coverage upon registration of a motor vehicle and providing penalties.

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

[House File 2379](#), by Eichhorn, a bill for an act relating to documents presented to the county recorder for recording.

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

[House File 2380](#), by Pettengill, Davitt, Hunter, Struyk, Mertz, McCarthy, Wise, Petersen, D. Taylor, Swaim, Thomas, T. Taylor, Jochum, Lensing, Wessel-Kroeschell, Gaskill, Heddens, Lykam, Whitead, R. Olson, Foege, Reichert, Reasoner, Schueller, Whitaker, Bukta and Hutter, a bill for an act concerning disclosures of information by state employees to a member or employee of the general assembly.

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

[House File 2381](#), by Heddens and Huser, a bill for an act relating to sealing juvenile court records.

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

[House File 2382](#), by Ford, a bill for an act creating a help inner city vitality and economic growth fund and making appropriations.

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

[House File 2383](#), by Struyk, Huser, Dandekar and Mertz, a bill for an act relating to rent reimbursement claims filed for rent paid for residing in property tax exempt buildings and including an effective date.

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

[House File 2384](#), by Eichhorn, a bill for an act allowing cities to conditionally zone unincorporated areas to take effect upon annexation and including a retroactive applicability provision.

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

[House File 2385](#), by Sands, a bill for an act relating to the awarding of joint physical care of children.

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

[House File 2386](#), by Davitt, a bill for an act relating to the victim compensation fund and transportation costs.

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

[House File 2387](#), by Dandekar, Struyk and Huser, a bill for an act creating an apprenticeship program and providing for tax credits.

Read first time and referred to committee on **commerce, regulation and labor**.

[House File 2388](#), by Ford, a bill for an act requiring additional notice to insureds about external review of health care coverage decisions.

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

[House File 2389](#), by Struyk, Kurtenbach, Dix, Wise, Quirk, Huser, Dandekar and Sands, a bill for an act relating to real estate, including real estate broker and salesperson licensing and real estate disclosures.

Read first time and referred to committee on **commerce, regulation and labor**.

[House File 2390](#), by Dandekar, Struyk, Huser and Kaufmann, a bill for an act creating a veterans appreciation program to award hardship grants on behalf of veterans seriously injured in a combat zone, providing an income tax exclusion, and including an effective date and retroactive applicability provision.

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

[House File 2391](#), by Davitt, a bill for an act requiring the department of education to conduct a review of policies that limit student participation in extracurricular activities.

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

[House File 2392](#), by Dandekar, Huser and Struyk, a bill for an act relating to investment tax credits for investments in targeted small businesses.

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

[House File 2393](#), by administrative rules review committee, a bill for an act requiring the department of human services to maintain compliance with privacy laws applicable to mental health, mental retardation, developmental disabilities, and brain injury services data.

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

[House File 2394](#), by administrative rules review committee, a bill for an act relating to the procedures for filing administrative rules.

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

[House File 2395](#), by committee on education, a bill for an act directing the state board of regents to conduct a study of the admissions requirements common to the state universities.

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

[House File 2396](#), by committee on education, a bill for an act relating to the Iowa early intervention block grant program by requiring school districts to report certain reading assessment results to parents and extending the program's repeal date.

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

[House File 2397](#), by committee on public safety, a bill for an act relating to an assault upon an employee of a jail or correctional institution, and providing a penalty.

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

[House File 2398](#), by committee on public safety, a bill for an act relating to criminal penalties for a driver convicted of failure to stop and render aid at the scene of a motor vehicle accident.

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

#### SPECIAL PRESENTATION

Upmeyer of Hancock introduced to the House, the Honorable Steve Sukup, former state representative from Franklin County.

The House rose and expressed its welcome.

On motion by Gipp of Winneshiek, the House was recessed at 8:55 a.m., until 3:15 p.m.

#### AFTERNOON SESSION

The House reconvened at 3:26 p.m., Speaker pro tempore Carroll in the chair.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kressig of Black Hawk on request of Murphy of Dubuque.

## INTRODUCTION OF BILLS

[House Joint Resolution 2003](#), by Anderson, a joint resolution proposing an amendment to the Constitution of the State of Iowa reducing the maximum membership of the Senate and the House of Representatives.

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

[House File 2399](#), by Frevert, a bill for an act establishing a fish Iowa! program for middle and high school students.

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

[House File 2400](#), by Heddens, Murphy, Bukta, Whitaker, Oldson, Davitt, Gaskill, Foege, Berry, Thomas, Mertz, Shoultz, Petersen, R. Olson, Hunter, Pettengill, Wendt and Kressig, a bill for an act establishing a program for providing home visits for all families in the state with a newborn child.

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

[House File 2401](#), by Wendt, Oldson, Berry, Reichert, Frevert, Shoultz, Hunter, Cohoon, Lykam, T. Taylor, Davitt, Smith, Kuhn, Wise, Quirk, Reasoner, Wessel-Kroeschell, Winckler, Jochum, Lensing, Heddens, Schueller, Bell and Gaskill, a bill for an act appropriating and allocating funds for purposes of the student achievement and teacher quality program, and providing effective and retroactive applicability dates.

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

[House File 2402](#), by Fallon, a bill for an act relating to economic development programs and making appropriations.

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



[House File 2403](#), by Tymeson, a bill for an act requiring approval before allowing certain entities to exercise eminent domain authority.

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

[House File 2404](#), by De Boef and Carroll, a bill for an act relating to wine, including the allowable alcohol content of wine and inspection of certain wine permittees.

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

[House File 2405](#), by Sands, a bill for an act relating to the taxation of gain from the sale of farmland to the state department of transportation and including a retroactive applicability date provision.

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

[House File 2406](#), by May, a bill for an act relating to jurisdiction of the natural resource commission over certain lakebeds and riverbeds.

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

[House File 2407](#), by Reichert, Schueller, Miller and May, a bill for an act providing for a sales, services, and use tax refund and income tax deduction for activities related to a cultural and entertainment district and including a retroactive applicability date provision.

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

[House File 2408](#), by Anderson, a bill for an act relating to contract letting procedures for city and county hospitals.

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

[House File 2409](#), by Ford, a bill for an act relating to the locally imposed hotel and motel tax by increasing the rate allowed and requiring local governments to comply with the Iowa targeted small business procurement Act in spending revenues from the tax.

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

[House File 2410](#), by Smith, D. Olson, Kressig, Murphy, Berry, Foege, Gaskill, Shomshor, Bukta, Whitead, Whitaker, Wendt, Hunter, Shoultz, Winckler, Lensing, Wessel-Kroeschell, Heddens, Schueller, Reasoner, Frevert, Jochum, Reichert, Jacoby, Oldson, Pettengill and Swaim, a bill for an act relating to health and human services-related initiatives for children and adults, and providing appropriations and a penalty.

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

[House File 2411](#), by Hutter, a bill for an act relating to creation of a medical review panel and the admissibility of the panel's opinion in a medical malpractice action.

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

[House File 2412](#), by Anderson, a bill for an act relating to the definition of resident for purposes of the state individual income tax and including a retroactive applicability date provision.

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

[House File 2413](#), by Wise, a bill for an act establishing a lean manufacturing institute and making an appropriation.

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

[House File 2414](#), by committee on judiciary, a bill for an act relating to adoption petitions and proceedings including the information required to be included in an adoption petition.

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

[House File 2415](#), by committee on judiciary, a bill for an act restricting sales of Iowa prison industries products to Iowans.

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

## SENATE MESSAGES CONSIDERED

[Senate Joint Resolution 2001](#), By Gronstal, Iverson, Kibbie, and Lamberti, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize

Read first time and referred to committee on **administration and rules**.

[Senate File 2199](#), by committee on state government, a bill for an act concerning the purchase of service under the Iowa department of public safety peace officers' retirement, accident, and disability system.

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

The House Stood at ease at 3:31 p.m., until the fall of the gavel.

The House resumed session at 4:59 p.m., Speaker Rants in the chair.

CONSIDERATION OF BILLS  
Regular Calendar

[House File 2351](#), a bill for an act relating to government authority, including eminent domain authority and condemnation procedures, essential county purposes, and other properly related matters, and including effective and applicability provisions, was taken up for consideration.

Tomenga of Polk offered the following amendment [H-8021](#) filed by him and R. Olson of Polk and moved its adoption:

[H-8021](#)

- 1 Amend [House File 2351](#) as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 6A.22 CONTESTING USE OF
- 5 EMINENT DOMAIN AUTHORITY FOR CERTAIN ECONOMIC
- 6 DEVELOPMENT ACTIVITIES – BURDEN OF PROOF.
- 7 1. The exercise of eminent domain authority for a
- 8 public use, public purpose, or public improvement

9 includes condemnation of property, except agricultural  
 10 property, for economic development activities  
 11 resulting in increased tax revenues, increased  
 12 employment opportunities, housing and residential  
 13 development, or commercial or industrial development  
 14 if such activities are part of a plan adopted by the  
 15 governing body of a city or county after due  
 16 deliberation and public input.  
 17 2. In any action contesting whether eminent domain  
 18 authority is being exercised appropriately under this  
 19 section, the burden of proof is on the city or county,  
 20 as applicable, to prove by a preponderance of the  
 21 evidence that the proposed use of the property is for  
 22 an economic development activity as described in  
 23 subsection 1, and that there is no prudent and  
 24 feasible alternative to condemnation of the property."  
 25 2. Title page, by striking lines 1 through 4, and  
 26 inserting the following: "An Act relating to the  
 27 exercise of eminent domain authority for certain  
 28 economic development activities."  
 29 3. By renumbering as necessary.

Amendment [H-8021](#) lost.

Heddens of Story asked and received unanimous consent that amendment [H-8027](#) be deferred.

Fallon of Polk asked and received unanimous consent that amendment [H-8023](#) be deferred.

Kaufmann of Cedar offered amendment [H-8025](#) filed by him as follows:

[H-8025](#)

1 Amend [House File 2351](#) as follows:  
 2 1. Page 1, by striking lines 29 through 32, and  
 3 inserting the following: "purpose, or public  
 4 improvement does not apply to a slum area or blighted  
 5 area as defined in section 403.17, or to agricultural  
 6 land acquired for industry as that term is defined in  
 7 section 260E.2, or to the".  
 8 2. Page 3, by inserting after line 28, the  
 9 following:  
 10 "For purposes of this subparagraph (5), in no case  
 11 shall land that is agricultural land be determined to  
 12 be in a slum condition or blighted condition."  
 13 3. Page 9, line 25, by inserting after the word  
 14 "session." the following: "However, if the acquiring

15 agency is the state department of transportation, the  
16 commission shall deliberate in closed session."

17 4. Page 10, by inserting after line 9, the  
18 following:

19 "Sec. \_\_\_\_ NEW SECTION. 6B.28 ACQUISITION OF  
20 CERTAIN PROPERTY BY PRIOR OWNER.

21 If real property condemned pursuant to this chapter  
22 is located adjacent to real property owned by any  
23 political subdivision or by any quasi-governmental  
24 entity and held for development purposes, the  
25 governing body of the political subdivision or quasi-  
26 governmental entity shall offer the property for sale  
27 to the prior owner of the condemned property. The  
28 offer shall be made as soon as possible after damages  
29 have been finally determined and paid to the  
30 condemnee. If the political subdivision or quasi-  
31 governmental entity refuses to offer the property for  
32 sale to the prior owner of the condemned property,  
33 such prior owner may take action in the district court  
34 of the county where the real property is located to  
35 force the sale of the property."

36 5. By striking page 10, line 10 through page 11,  
37 line 4, and inserting the following:

38 "Sec. \_\_\_\_ Section 6B.42, subsection 1, paragraph  
39 a, Code 2005, is amended to read as follows:

40 a. The acquiring agency shall provide to the  
41 person, in addition to any other sums of money in  
42 payment of just compensation, the payments and  
43 assistance required by law, in accordance with chapter  
44 316, as if the acquiring agency were a displacing  
45 agency under that chapter."

46 6. Page 15, by striking lines 9 through 11.

47 7. By striking page 19, line 9 through page 20,  
48 line 17.

49 8. Title page, lines 2 and 3, by striking the  
50 words "essential county purposes,".

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1 9. By renumbering as necessary.

Shoultz of Black Hawk offered the following amendment [H-8042](#),  
to amendment [H-8025](#), filed by him and R. Olson of Polk from the  
floor and moved its adoption:

[H-8042](#)

1 Amend the amendment, [H-8025](#), to [House File 2351](#) as  
2 follows:

3 1. By striking page 1, line 2, through page 2,  
4 line 1, and inserting the following:

5 " \_\_\_\_\_. By striking everything after the enacting  
6 clause and inserting the following:  
7 "Section 1. MORATORIUM ON CERTAIN EXERCISE OF  
8 EMINENT DOMAIN AUTHORITY – TASK FORCE CREATED.  
9 1. A moratorium on the exercise of eminent domain  
10 authority by cities, counties, and local government  
11 entities conferred eminent domain authority by statute  
12 is imposed. The moratorium shall be in effect until  
13 December 31, 2006. During the moratorium no  
14 applications for condemnation shall be filed pursuant  
15 to section 6B.3. However, the moratorium shall not  
16 apply to a condemnation of property by a county for  
17 right-of-way that is contiguous to an existing road  
18 right-of-way and necessary for the maintenance, safety  
19 improvement, repair, or upgrade of the existing road.  
20 For purposes of this subsection, "upgrade" means to  
21 bring a road or bridge up to currently acceptable  
22 standards, including improved geometrics, passing  
23 lanes, turning lanes, climbing lanes, and improved  
24 shoulders. "Upgrade" does not include expanding a  
25 highway from two lanes to four lanes.  
26 2. An eminent domain task force is created.  
27 Members of the task force shall be appointed by the  
28 senate democratic floor leader, the senate republican  
29 floor leader, the speaker of the house of  
30 representatives, and the minority leader of the house  
31 of representatives. The members shall include the  
32 following:  
33 a. Two representatives of the Iowa state  
34 association of counties. One representative shall be  
35 from a county with a population of less than one  
36 hundred thousand and one representative shall be from  
37 a county with a population of one hundred thousand or  
38 more.  
39 b. Two representatives of the Iowa league of  
40 cities. One representative shall be from a city with  
41 a population of less than one hundred thousand and one  
42 representative shall be from a city with a population  
43 of one hundred thousand or more.  
44 c. Three land use experts, one each from the three  
45 regents universities.  
46 3. The task force shall study and collect data on  
47 the following:  
48 a. The history of the use of eminent domain by  
49 cities and counties in Iowa.  
50 b. The current law in Iowa and other states

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1 relating to the use of eminent domain by cities and  
2 counties.  
3 c. The use of eminent domain in Iowa by local

4 government entities conferred eminent domain authority  
5 by statute.  
6 d. Any other issues the task force deems  
7 appropriate.  
8 4. The task force shall report to the general  
9 assembly by January 8, 2007. The report shall include  
10 a summary of the issues studied and the data  
11 collected. The report shall include recommendations  
12 for statutory changes related to the use of eminent  
13 domain by cities, counties, and local government  
14 entities conferred eminent domain authority by  
15 statute. The recommendations may include an extension  
16 of the moratorium imposed in subsection 1.  
17 Sec. 2. EFFECTIVE DATE. This Act, being deemed of  
18 immediate importance, takes effect upon enactment."  
19 \_\_. Title page, by striking lines 1 through 4,  
20 and inserting the following: "An Act imposing a  
21 moratorium on the exercise of eminent domain authority  
22 and creating an eminent domain task force and  
23 including an effective date provision."  
24 \_\_. By renumbering as necessary. "

Amendment [H-8042](#) lost.

Paulsen of Linn asked and received unanimous consent to withdraw amendment [H-8031](#), to amendment [H-8025](#), filed by him from the floor.

Jenkins of Black Hawk offered the following amendment [H-8038](#), to amendment [H-8025](#), filed by him from the floor and moved its adoption:

[H-8038](#)

1 Amend the amendment, [H-8025](#), to [House File 2351](#) as  
2 follows:  
3 1. Page 1, by inserting before line 8, the  
4 following:  
5 " \_\_. Page 2, line 33, by inserting after the  
6 word "condition." the following: "However, for a  
7 project or acquisition plan adopted by the governing  
8 body of a city or county after due deliberation and  
9 public input, if seventy-five percent or more of the  
10 assessed value of the property included in the plan  
11 consists of property that is determined to be in a  
12 slum or blighted condition at the time the plan was  
13 established, the entire project or acquisition plan  
14 area is subject to condemnation by the municipality.""

Amendment [H-8038](#) was adopted.

Granzow of Hardin offered the following amendment [H-8032](#), to amendment [H-8025](#), filed by her from the floor and moved its adoption:

[H-8032](#)

1 Amend the amendment, [H-8025](#), to [House File 2351](#) as  
2 follows:  
3 1. Page 1, by inserting after line 12 the  
4 following:  
5 "\_\_\_". Page 4, lines 6 and 7, by striking the  
6 words "for construction of a landfill",  
7 \_\_\_". Page 4, by inserting before line 15, the  
8 following:  
9 "(3) Private property shall not be condemned for  
10 construction of a landfill unless the property to be  
11 condemned is located immediately adjacent to an  
12 existing landfill."

Amendment [H-8032](#) was adopted.

Jenkins of Black Hawk offered the following amendment [H-8039](#), to amendment [H-8025](#), filed by him from the floor and moved its adoption:

[H-8039](#)

1 Amend the amendment, [H-8025](#), to [House File 2351](#), as  
2 follows:  
3 1. Page 1, by inserting after line 12, the  
4 following:  
5 "\_\_\_". Page 3, line 35, by inserting after the  
6 word "development" the following: "or".  
7 \_\_\_". Page 4, by striking lines 1 and 2, and  
8 inserting the following: "owned property to a private  
9 party."

Amendment [H-8039](#) was adopted.

Van Engelenhoven of Marion offered the following amendment [H-8043](#), to amendment [H-8025](#), filed by him and Arnold of Lucas from the floor and moved its adoption:



[H-8043](#)

1 Amend the amendment, [H-8025](#), to [House File 2351](#) as  
2 follows:  
3 1. Page 1, by inserting after line 12, the  
4 following:  
5 "\_\_\_". Page 4, by inserting before line 15, the  
6 following:  
7 "(3) The use of eminent domain authority to  
8 acquire private property in the unincorporated area of  
9 a county for use as an airport, airport system, or  
10 aviation facilities is prohibited, notwithstanding any  
11 provision of the law to the contrary, if the property  
12 to be condemned is located outside the geographic  
13 boundaries of the city or county operating the  
14 airport, airport system, or aviation facilities or  
15 outside the geographic boundaries of the member  
16 municipalities of the commission or authority.  
17 However, an acquiring agency may proceed with  
18 condemnation of property under these circumstances if  
19 the board of supervisors of the county where the  
20 property for which condemnation is sought is located  
21 holds a public hearing on the matter and subsequent to  
22 the hearing approves, by resolution, the condemnation  
23 action."

Amendment [H-8043](#) was adopted.

Kaufmann of Cedar offered the following amendment [H-8035](#), to amendment [H-8025](#), filed by him from the floor and moved its adoption:

[H-8035](#)

1 Amend the amendment, [H-8025](#), to [House File 2351](#) as  
2 follows:  
3 1. Page 1, line 16, by striking the word "shall"  
4 and inserting the following: "may".  
5 2. Page 1, by striking line 46.

A non-record roll call was requested.

The ayes were 42, nays 22.

Amendment [H-8035](#) was adopted.

Struyk of Pottawattamie offered the following amendment [H-8040](#), to amendment [H-8025](#), filed by him from the floor and moved its adoption:

[H-8040](#)

- 1 Amend the amendment, [H-8025](#), to [House File 2351](#), as
- 2 follows:
- 3 1. Page 1, by striking lines 17 through 35.

Amendment [H-8040](#) was adopted.

Wilderdyke of Harrison offered the following amendment [H-8033](#), to amendment [H-8025](#), filed by him, May of Dickinson, Alons of Sioux and Chambers of O'Brien from the floor and moved its adoption:

[H-8033](#)

- 1 Amend the amendment, [H-8025](#), to [House File 2351](#) as
- 2 follows:
- 3 1. Page 1, by inserting before line 47, the
- 4 following:
- 5 "\_\_\_\_. Page 17, by inserting after line 26, the
- 6 following:
- 7 "This section does not apply to a person issued a
- 8 certificate of public convenience, use, and necessity
- 9 under chapter 476A.""
- 10 2. By renumbering as necessary.

Amendment [H-8033](#) was adopted.

Alons of Sioux asked and received unanimous consent to withdraw amendment [H-8034](#) to amendment [H-8025](#) filed by him, Wilderdyke of Harrison, Chambers of O'Brien and Kaufmann of Cedar from the floor.

Alons of Sioux asked and received unanimous consent to withdraw amendment [H-8045](#) to amendment [H-8025](#) filed by him from the floor.

Whitead of Woodbury offered the following amendment [H-8046](#), to amendment [H-8025](#), filed by him from the floor and moved its adoption:

[H-8046](#)

- 1 Amend the amendment, [H-8025](#), to [House File 2351](#) as
- 2 follows:
- 3 1. Page 1, by inserting before line 47, the
- 4 following:

5 "\_\_\_\_. Page 17, by inserting before line 27, the  
6 following:  
7 "Sec.\_\_\_\_. NEW SECTION. 6B.62 PROPERTY TAXES ON  
8 CERTAIN REPLACEMENT PROPERTY.  
9 Notwithstanding any other provision to the  
10 contrary, for ten fiscal years following condemnation,  
11 property taxes on replacement property acquired by a  
12 prior owner within the same county where the condemned  
13 property is located shall not exceed the lesser of the  
14 amount of property taxes levied against the condemned  
15 property during the fiscal year in which the property  
16 was acquired by the acquiring agency or the amount of  
17 property taxes levied against the replacement property  
18 for the current fiscal year."  
19 2. By renumbering as necessary.

Amendment [H-8046](#) was adopted.

Huser of Polk offered the following amendment [H-8037](#), to amendment [H-8025](#), filed by her from the floor and moved its adoption:

[H-8037](#)

1 Amend the amendment, [H-8025](#), to [House File 2351](#) as  
2 follows:  
3 1. Page 1, by inserting after line 48 the  
4 following:  
5 "\_\_\_\_. Page 21, by inserting after line 2 the  
6 following:  
7 "d. The operation of a municipal airport."  
8 2. By renumbering as necessary.

Amendment [H-8037](#) was adopted.

Watts of Dallas offered the following amendment [H-8041](#), to amendment [H-8025](#), filed by him from the floor and moved its adoption:

[H-8041](#)

1 Amend the amendment, [H-8025](#), to [House File 2351](#) as  
2 follows:  
3 1. Page 1, by inserting after line 48, the  
4 following:  
5 "\_\_\_\_. Page 20, line 31, by inserting after the  
6 word "following" the following: ", but only to the  
7 extent the city had this power prior to July 1,  
8 2006."  
8

Amendment [H-8041](#) was adopted.

On motion by Kaufman of Cedar, amendment [H-8025](#), as amended, was adopted.

Dolecheck of Ringgold offered the following amendment [H-8020](#) filed by him and moved its adoption:

[H-8020](#)

- 1 Amend [House File 2351](#) as follows:
- 2 1. Page 4, by striking lines 3 through 10, and
- 3 inserting the following:
- 4 "c. Notwithstanding paragraph "a", private
- 5 property shall not be condemned to develop or".

A non-record roll call was requested.

The ayes were 40, nays 51.

Amendment [H-8020](#) lost.

Fallon of Polk offered the following amendment [H-8024](#) filed by him and moved its adoption:

[H-8024](#)

- 1 Amend [House File 2351](#) as follows:
- 2 1. Page 19, by inserting after line 8, the
- 3 following:
- 4 "Sec. \_\_. Section 330A.13, Code 2005, is amended
- 5 to read as follows:
- 6 330A.13 ACQUISITION OF LANDS AND PROPERTY.
- 7 An authority shall have the power to acquire,
- 8 within or without the geographical boundaries of the
- 9 member municipalities, by purchase or eminent domain
- 10 proceedings, either the fees or such rights, title,
- 11 interest, or easement in such lands and property,
- 12 including but not limited to air rights and avigation
- 13 easements, as the authority may deem necessary for any
- 14 of the purposes of this chapter. However, the
- 15 authority shall not acquire property for construction
- 16 of an airport if the property is located in the
- 17 unincorporated area of a county. The right of eminent
- 18 domain herein conferred shall be exercised by the
- 19 authority in the manner provided by law, as though the
- 20 authority were a municipal corporation."
- 21 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 15, nays 50.

Amendment [H-8024](#) lost.

Davitt of Warren offered amendment [H-8026](#) filed by him as follows:

[H-8026](#)

1 Amend [House File 2351](#) as follows:

2 1. Page 26, by inserting after line 2, the  
3 following:

4 "Sec.\_\_\_\_. Section 422.7, Code Supplement 2005, is  
5 amended by adding the following new subsection:  
6 NEW SUBSECTION. 45. Subtract, to the extent  
7 included, the amount of gain realized by the taxpayer  
8 as a result of the involuntary conversion of property  
9 due to eminent domain or the threat of eminent domain.  
10 However, if the total amount of such realized gain is  
11 not recognized because the converted property is  
12 replaced with property that is similar to, or related  
13 in use to, the converted property, the amount of such  
14 realized gain shall not be subtracted under this  
15 subsection until the remaining realized gain is  
16 subject to federal taxation or until the time of  
17 disposition of the replacement property as provided  
18 under rules of the director. The subtraction allowed  
19 under this subsection shall not alter the basis as  
20 established for federal tax purposes of any property  
21 owned by the taxpayer.

22 Sec.\_\_\_\_. Section 422.35, Code Supplement 2005, is  
23 amended by adding the following new subsection:  
24 NEW SUBSECTION. 22. Subtract, to the extent  
25 included, the amount of gain realized by the taxpayer  
26 as a result of the involuntary conversion of property  
27 due to eminent domain or the threat of eminent domain.  
28 However, if the total amount of such realized gain is  
29 not recognized because the converted property is  
30 replaced with property that is similar to, or related  
31 in use to, the converted property, the amount of such  
32 realized gain shall not be subtracted under this  
33 subsection until the remaining realized gain is  
34 subject to federal taxation or until the time of  
35 disposition of the replacement property as provided  
36 under rules of the director. The subtraction allowed  
37 under this subsection shall not alter the basis as  
38 established for federal tax purposes of any property  
39 owned by the taxpayer."

40 2. Page 28, by inserting after line 16, the  
41 following:  
42 "\_\_\_\_. The sections of this Act enacting section  
43 422.7, subsection 45, and section 422.35, subsection  
44 22, apply retroactively to January 1, 2006, for tax  
45 years beginning on or after that date."  
46 3. By renumbering as necessary.

Anderson of Page offered the following amendment [H-8036](#), to amendment [H-8026](#), filed by him from the floor and moved its adoption:

[H-8036](#)

1 Amend the amendment, [H-8026](#), to [House File 2351](#), as  
2 follows:  
3 1. Page 1, line 7, by inserting after the words  
4 "amount of" the following: "ordinary or capital".  
5 2. Page 1, line 10, by inserting after the word  
6 "realized" the following: "ordinary or capital".  
7 3. Page 1, line 14, by inserting after the word  
8 "realized" the following: "ordinary or capital".  
9 4. Page 1, line 15, by inserting after the word  
10 "realized" the following: "ordinary or capital".  
11 5. Page 1, line 25, by inserting after the words  
12 "amount of" the following: "ordinary or capital".  
13 6. Page 1, line 28, by inserting after the word  
14 "realized" the following: "ordinary or capital".  
15 7. Page 1, line 32, by inserting after the word  
16 "realized" the following: "ordinary or capital".  
17 8. Page 1, line 33, by inserting after the word  
18 "realized" the following: "ordinary or capital".

Amendment [H-8036](#) was adopted.

Huser of Polk offered the following amendment [H-8047](#), to amendment [H-8026](#), filed by her and Davitt of Warren from the floor and moved its adoption:

[H-8047](#)

1 Amend the amendment, [H-8026](#), to [House File 2351](#) as  
2 follows:  
3 1. Page 1, line 9, by striking the words "or the  
4 threat of eminent domain".  
5 2. Page 1, line 27, by striking the words "or the  
6 threat of eminent domain".

Amendment [H-8047](#) was adopted.

Davitt of Warren asked and received unanimous consent that amendment [H-8026](#), as amended, be deferred.

Heddens of Story asked and received unanimous consent to withdraw amendment [H-8027](#), previously deferred, filed by her on February 14, 2006.

Fallon of Polk asked and received unanimous consent to withdraw amendment [H-8023](#), previously deferred, filed by him on February 14, 2006.

The House stood at ease at 6:50 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment [H-8026](#), previously deferred, at 6:56 p.m., Speaker Rants in the chair.

Alons of Sioux offered the following amendment [H-8048](#) to amendment [H-8026](#) filed by him from the floor and moved its adoption:

[H-8048](#)

- 1 Amend the amendment, [H-8026](#), to [House File 2351](#) as
- 2 follows:
- 3 1. Page 1, by inserting before line 2, the
- 4 following:
- 5 "\_\_\_, Page 17, line 26, by inserting after the
- 6 word "body." the following: "This section does not
- 7 apply to a multistate entity created to provide
- 8 drinking water which has received or is receiving
- 9 federal funds.""
- 10 2. By renumbering as necessary.

Amendment [H-8048](#) was adopted.

Huser of Polk offered amendment [H-8049](#), to amendment [H-8026](#), filed by her from the floor and requested division as follows:

[H-8049](#)

- 1 Amend the amendment, [H-8026](#), to [House File 2351](#) as
- 2 follows:

[H-8049A](#)

3 1. Page 1, by inserting before line 2, the  
4 following:  
5 "\_\_\_". By striking page 9, line 18 through page  
6 10, line 2."

[H-8049B](#)

7 2. Page 1, by inserting before line 2, the  
8 following:  
9 "\_\_\_". Page 12, by inserting after line 5, the  
10 following:  
11 "Only the appraisal prepared under this section  
12 shall be forwarded to the compensation commission by  
13 the acquiring agency."

[H-8049A](#)

14 3. Page 1, by inserting before line 2, the  
15 following:  
16 "\_\_\_". Page 13, line 32, by inserting after the  
17 word "dwelling" the following: "without at least one  
18 hundred eighty days' written notice".  
19 4. Page 1, by inserting before line 2, the  
20 following:  
21 "\_\_\_". Page 13, line 33, by striking the word  
22 "ninety" and inserting the following: "~~ninety~~ three  
23 hundred sixty-five".  
24 5. Page 1, by inserting before line 2, the  
25 following:  
26 "\_\_\_". Page 15, by striking lines 9 through 11."  
27 6. By renumbering as necessary.

Huser of Polk asked and received unanimous consent to withdraw amendment [H-8049A](#) to amendment [H-8026](#).

Huser of Polk moved the adoption of amendment [H-8049B](#) to amendment [H-8026](#).

Amendment [H-8049B](#) was adopted.

On motion by Davitt of Warren amendment [H-8026](#), as amended, was adopted.

Pursuant to Rule 31.8, relating to the timely filing of amendments, amendment [H-8028](#) filed by Jenkins of Black Hawk and Hoffman of



Crawford from the floor, and amendment [H-8044](#), filed by Watts of Dallas from the floor, were placed out of order.

Mascher of Johnson rose on a point of order requesting a fiscal note on [House File 2351](#).

The Speaker ruled the point not well taken, under Joint Rule 17, a fiscal note was not required.

#### RULE 32 INVOKED

Mascher of Johnson rose on a point of order invoking Rule 32, relating to the assessment of taxes, on [House File 2351](#).

The Speaker ruled point well taken and [House File 2351](#) was referred to the committee on ways and means.

#### RULE 57 SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for an immediate meeting of the committee on ways and means.

The House stood at ease at 7:23 p.m., until the fall of the gavel.

The House resumed session at 8:23 p.m., Speaker Rants in the chair.

#### 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.

MARGARET A. THOMSON  
Chief Clerk of the House

#### COMMITTEE ON WAYS AND MEANS

[House File 2351](#), a bill for an act relating to government authority, including eminent domain authority and condemnation procedures, essential county purposes, and other properly related matters, and including effective and applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 2006.

The House resumed consideration of [House File 2351](#).

Dix of Butler 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. 2351](#))

The ayes were, 83:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Hoffman	Horbach	Huseman	Huser
Hutter	Jacobs	Jenkins	Jones
Kaufmann	Kuhn	Kurtenbach	Lalk
Lukan	Lykam	Maddox	May
McCarthy	Mertz	Miller	Olson, D.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Wise	Mr. Speaker	
		Rants	

The nays were, 15:

Berry	Heddens	Hogg	Hunter
Jacoby	Jochum	Lensing	Mascher
Murphy	Oldson	Olson, R.	Shultz
Tomenga	Wessel-Kroeschell	Winckler	

Absent or not voting, 2:

Kressig	Zirkelbach
---------	------------

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

## IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House File 2351](#) be immediately messaged to the Senate.

[HOUSE FILE 2120](#) WITHDRAWN

Kaufmann of Cedar asked and received unanimous consent to withdraw [House File 2120](#) from further consideration by the House.

[HOUSE FILE 2170](#) REREFERRED

The Speaker announced that [House File 2170](#), previously referred to committee on **state government** was rereferred to committee on **veterans affairs**.

[HOUSE FILE 2254](#) REREFERRED

The Speaker announced that [House File 2254](#), previously referred to committee on **state government** was rereferred to committee on **public safety**.

[HOUSE FILE 2376](#) REREFERRED

The Speaker announced that [House File 2376](#), previously referred to committee on **transportation** was rereferred to committee on **appropriations**.

## SPONSOR WITHDRAWN

([House File 2230](#))

Pettengill of Benton requested to be withdrawn as a sponsor of [House File 2230](#).

## 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 15<sup>th</sup> day of February, 2006: [House File 864](#).

MARGARET A. THOMSON  
Chief Clerk of the House

Report adopted.

#### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Seven students from Herbert Hoover High School, Toledo, Iowa, accompanied by Diane Klenk-Chargo, Stacy Murty and Bill Eggers. By Horbach of Tama.

#### CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON  
Chief Clerk of the House

- |          |   |
|----------|---|
| 2006\618 | Mr. and Mrs. Julius Negus, Walcott – For celebrating their 50 <sup>th</sup> wedding anniversary.              |
| 2006\619 | Mr. and Mrs. Virgil Kelting, Donahue – For celebrating their 60 <sup>th</sup> wedding anniversary.            |
| 2006\620 | Eric Walker, Hiawatha – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2006\621 | Leland Tratchel, Killduff – For celebrating his 85 <sup>th</sup> birthday.                                    |
| 2006\622 | Louie and Bernice Dieleman, Pella – For celebrating their 60 <sup>th</sup> wedding anniversary.               |
| 2006\623 | Marvin and Janet Nichols, Ankeny – For celebrating their 50 <sup>th</sup> wedding anniversary.                |

#### SUBCOMMITTEE ASSIGNMENTS

##### [House File 766](#) Reassigned

Ways and Means: J.K. Van Fossen, Chair; Kurtenbach and Shomshor.

**House File 2001**

Ways and Means: Tymeson, Chair; Eichhorn and Jochum.

**House File 2026**

Ways and Means: Paulsen, Chair; Huser and Kaufmann.

**House File 2072**

Ways and Means: Drake, Chair; Frevert and Lalk.

**House File 2077**

Ways and Means: Kurtenbach, Chair; Huser and Struyk.

**House File 2104**

Public Safety: Baudler, Chair; Chambers and Reasoner.

**House File 2145 Reassigned**

Human Resources: Upmeyer, Chair; Carroll and Jacoby.

**House File 2163**

Public Safety: Chambers, Chair; Baudler and Reasoner.

**House File 2227**

Ways and Means: Soderberg, Chair; Kurtenbach and Schueller.

**House File 2249**

Natural Resources: May, Chair; J.R. Van Fossen and Whitead.

**House File 2296**

Natural Resources: Rasmussen, Chair; Reichert and Wilderdyke.

**House File 2298**

Public Safety: Baudler, Chair; Alons and Berry.

**House File 2311**

Public Safety: Horbach, Chair; Dolecheck and Lykam.

**House File 2316**

Public Safety: Horbach, Chair; McCarthy and Rayhons.

**House File 2318**

Natural Resources: Baudler, Chair; Freeman and Frevert.

**House File 2326 Reassigned**

Education: Tymeson, Chair; Chambers and Foege.

**House File 2334**

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

**House File 2352**

Public Safety: Baudler, Chair; Berry and McCarthy.

**House File 2359**

Natural Resources: J.R. Van Fossen, Chair; Lukan and Whitaker.

**House File 2373**

Human Resources: Upmeyer, Chair; Carroll and Jacoby.

**House File 2390**

Veterans Affairs: Kaufmann, Chair; May and Miller.

**House File 2393**

Human Resources: Heaton, Chair; Carroll and Heddens.

**Senate File 409**

Ways and Means: J.K. Van Fossen, Chair; Kurtenbach and Shomshor.

**Senate File 414**

Ways and Means: J.K. Van Fossen, Chair; Kurtenbach and Shomshor.

**Senate File 416**

Ways and Means: J.K. Van Fossen, Chair; Kurtenbach and Shomshor.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 593**

Ways and Means: Eichhorn, Chair; Quirk and Tomenga.

[House Study Bill 651](#)

Ways and Means: Soderberg, Chair; Shoultz and Struyk.

[House Study Bill 652](#)

Ways and Means: Soderberg, Chair; Shoultz and Struyk.

[House Study Bill 653](#)

Ways and Means: Soderberg, Chair; Shoultz and Struyk.

[House Study Bill 654](#)

Ways and Means: Eichhorn, Chair; Paulsen and Reasoner.

[House Study Bill 655](#)

Ways and Means: Struyk, Chair; Quirk and Tymeson.

[House Study Bill 688](#)

Economic Growth: May, Chair; Lalk and Wise.

[House Study Bill 689](#)

Economic Growth: Anderson, Chair; Granzow and Schueller.

[House Study Bill 690](#)

Human Resources: Upmeyer, Chair; Smith and Wilderdyke.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 691](#) **Education**

Establishing a vanguard school grant program for school districts to be administrated by the department of education.

[H.S.B. 692](#) **Education**

Relating to the establishment of state and school antiharassment or antibullying policies, providing data collection and reporting requirements, and providing for immunity and other related matters.

**H.S.B. 693 Education**

Relating to incentives for increasing student achievement through the creation of a mathematics and upper-level science teacher shortage incentive program and loan repayment program, additional supplementary weighting for school districts participating in a regional academy and adopting a common school calendar, and supplementary weighting for school districts offering advanced placement courses and examinations.

**H.S.B. 694 Education**

Creating a preschool for four-year-old children program, and making appropriations and providing an effective date.

**H.S.B. 695 Education**

Relating to the state's educational standards regarding qualified guidance counselors and teacher librarians, and to teacher and administrator quality, including the student achievement and teacher quality program and a beginning administrator quality program, and providing effective and retroactive applicability dates.

**H.S.B. 696 Education**

Relating to the state's educational standards regarding teacher librarians and qualified guidance counselors, and to teacher and administrator quality, including the student achievement and teacher quality program and a beginning administrator quality program, and providing effective and retroactive applicability dates.

**H.S.B. 697 State Government**

Establishing a deferred retirement option plan for members of the statewide fire and police retirement system and including an implementation provision.

**H.S.B. 698 Ethics**

Relating to ethical principles of public service for public officials.



## 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.

MARGARET A. THOMSON  
Chief Clerk of the House

## COMMITTEE ON EDUCATION

**Committee Bill** (Formerly [House File 2109](#)), authorizing community colleges and state universities to seek approval to establish charter magnet schools and increasing the number of charter schools that may be approved.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 2006.

## COMMITTEE ON VETERANS AFFAIRS

[House File 2081](#), a bill for an act relating to eligibility for the military service property tax credit and exemption and including effective and applicability date provisions.

Fiscal Note is required.

Recommended **Do Pass** February 8, 2006.

Pursuant to Rule 31.7 [House File 2081](#) was referred to the committee on ways and means.

## RESOLUTIONS FILED

[HCR 105](#), by Drake, a concurrent resolution requiring the legislative council to establish an interim study committee concerning disaster planning relative to the operations of state government.

Laid over under **Rule 25**.

[HR 118](#), by Smith, a resolution recognizing the efforts of the Iowa department of public health, other state agencies, and health partners in developing the comprehensive statewide obesity prevention plan Iowans Fit for Life.

Laid over under **Rule 25**.

[HR 119](#), by Bell, Eichhorn, Dandekar, Roberts, Gipp, Murphy, Carroll, Lykam and Huser, a resolution supporting a free trade agreement between the Republic of China on Taiwan and the United States.

Laid over under **Rule 25**.

AMENDMENTS FILED

<a href="#"><u>H-8029</u></a>	<a href="#"><u>H.F. 729</u></a>	Senate Amendment
<a href="#"><u>H-8030</u></a>	<a href="#"><u>H.F. 2239</u></a>	Winckler of Scott

On motion by Gipp of Winneshiek the House adjourned at 9:13 p.m., until 8:45 a.m., Thursday, February 16, 2006.