

PROOF

STATE OF IOWA

House Journal

MONDAY, APRIL 17, 2006

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JOURNAL OF THE HOUSE

Ninety-ninth Calendar Day - Sixty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 17, 2006

The House met pursuant to adjournment at 1:08 p.m., Speaker Rants in the chair.

Prior to convening the "Star Spangled Banner" was sung by "The Sirens" from Williamsburg High School, accompanied by their director Mary Wetjen. They were the guests of Representative Betty De Boef of Keokuk County.

Prayer was offered by the Honorable Carmine Boal, state representative from Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Thursday, April 13, 2006 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cohoon of Des Moines on request of Murphy of Dubuque.

The House stood at ease at 1:13 p.m., until the fall of the gavel.

The House resumed session at 2:57 p.m., Speaker Rants in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-six members present, twenty-four absent.

SENATE AMENDMENT CONSIDERED

Carroll of Poweshiek called up for consideration [House File 2651](#), a bill for an act relating to a restitution order in a juvenile delinquency proceeding, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8529](#):

[H-8529](#)

1 Amend [House File 2651](#), as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 232.147, subsection 2, Code
6 Supplement 2005, is amended to read as follows:
7 2. Official juvenile court records in cases
8 alleging delinquency, including complaints under
9 section 232.28, shall be public records, subject to
10 ~~sealing under section 232.150~~ the following
11 restrictions:
12 a. Official juvenile court records containing a
13 petition or complaint alleging delinquency filed prior
14 to January 1, 2007, shall be public records subject to
15 a confidentiality order under section 232.149A or
16 sealing under section 232.150.
17 b. Official juvenile court records containing a
18 petition or complaint alleging delinquency filed on or
19 after January 1, 2007, shall be public records subject
20 to a confidentiality order under section 232.149A or
21 sealing under section 232.150. However, the official
22 records shall not be available to the public through
23 the internet or in an electronic customized data
24 report unless the child has been adjudicated
25 delinquent.
26 c. If the court has excluded the public from a
27 hearing under division II of this chapter, the
28 transcript of the proceedings shall not be deemed a
29 public record and inspection and disclosure of the
30 contents of the transcript shall not be permitted
31 except pursuant to court order or unless otherwise
32 provided in this chapter.
33 d. Complaints under section 232.28 shall be
34 released in accordance with section 915.25. Other
35 official juvenile court records may be released under
36 this section by a juvenile court officer.
37 Sec. 2. **NEW SECTION.** 232.149A CONFIDENTIALITY
38 ORDERS.
39 1. Notwithstanding any other provision of the Code
40 to the contrary, upon application of a person who was

41 taken into custody for a delinquent act or was the
42 subject of a complaint alleging delinquency or was the
43 subject of a delinquency petition, or upon the court's
44 own motion, the court after hearing, shall order
45 official juvenile court records in the case to be kept
46 confidential and no longer public records under
47 sections 232.147 and 232.149, if the court finds both
48 of the following apply:
49 a. The case has been dismissed and the person is
50 no longer subject to the jurisdiction of the juvenile

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1 court.
2 b. Making the records confidential is in the best
3 interests of the person and the public.
4 2. The records subject to a confidentiality order
5 may be sealed at a later date if section 232.150
6 applies.
7 3. Official juvenile court records subject to a
8 confidentiality order may be inspected and their
9 contents shall be disclosed to the following without
10 court order:
11 a. The judge and professional court staff,
12 including juvenile court officers.
13 b. The child and the child's counsel.
14 c. The child's parent, guardian or custodian,
15 court appointed special advocate, and guardian ad
16 litem, and the members of the child advocacy board
17 created in section 237.16 or a local citizen foster
18 care review board created in accordance with section
19 237.19 who are assigning or reviewing the child's
20 case.
21 d. The county attorney and the county attorney's
22 assistants.
23 e. An agency, association, facility, or
24 institution which has custody of the child, or is
25 legally responsible for the care, treatment, or
26 supervision of the child, including but not limited to
27 the department of human services.
28 f. A court, court professional staff, and adult
29 probation officers in connection with the preparation
30 of a presentence report concerning a person who had
31 been the subject of a juvenile court proceeding.
32 g. The child's foster parent or an individual
33 providing preadoptive care to the child.
34 h. A state or local law enforcement agency.
35 4. If the child has been discharged from the
36 jurisdiction of the juvenile court due to reaching the
37 age of eighteen and restitution remains unpaid, the
38 name of the court, the title of the action, and the
39 court's file number shall not be kept confidential,

40 and the restitution amount shall be a judgment and
 41 lien as provided in sections 910.7A, 910.8, 910.10,
 42 and 915.28 until the restitution is paid.

43 5. Pursuant to court order, official juvenile
 44 court records subject to a confidentiality order may
 45 be inspected by and their contents may be disclosed
 46 to:

47 a. A person conducting bona fide research for
 48 research purposes under whatever conditions the court
 49 may deem proper, provided that no personal identifying
 50 data shall be disclosed to such a person.

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1 b. Persons who have a direct interest in a
 2 proceeding or in the work of the court."

3 2. Page 1, line 7, by inserting before the word
 4 "records" the following: "official juvenile court".

5 3. Page 1, line 10, by striking the word "Two"
 6 and inserting the following: "Two The person is
 7 eighteen years of age or older and two".

8 4. Page 1, lines 10 and 11, by striking the words
 9 "the final discharge of the person or since" and
 10 inserting the following: "the final discharge of the
 11 person or since".

12 5. Page 1, line 12, by striking the words "if
 13 there was no adjudication and disposition" and
 14 inserting the following: "if there was no
 15 adjudication and disposition".

16 6. Title page, by striking lines 1 and 2 and
 17 inserting the following: "An Act relating to juvenile
 18 court records and restitution orders.

The motion prevailed and the House concurred in the Senate
 amendment [H-8529](#).

Carroll of Poweshiek 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. 2651](#))

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake

Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	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	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

Cohoon	Shoultz	Zirkelbach
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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 AMENDMENT CONSIDERED

May of Dickinson called up for consideration [House File 2663](#), a bill for an act relating to jurisdiction of the natural resource commission over certain lakebeds and riverbeds, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8545](#):

[H-8545](#)

- 1 Amend [House File 2663](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 3 through 10, and
- 4 inserting the following:
- 5 "NEW UNNUMBERED PARAGRAPH. For the purposes of
- 6 this section, property under the commission's
- 7 jurisdiction does not include an area of the bed of a

- 8 lake or river occupied by a dock or other appurtenance
 9 or means of access to a dock, including but not
 10 limited to boat hoists and boat slips, or occupied by
 11 a boat ramp, constructed or installed and maintained
 12 under littoral or riparian rights."
 13 2. Title page, line 2, by striking the word
 14 "inland" and inserting the following: "areas of".

The motion prevailed and the House concurred in the Senate amendment [H-8545](#).

May of Dickinson 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. 2663](#))

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Cohoon

Zirkelbach

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

Eichhorn of Hamilton called up for consideration [House File 2740](#), a bill for an act relating to the judicial branch and court administration and procedure and providing a penalty, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8546](#):

[H-8546](#)

1 Amend [House File 2740](#), as passed by the House, as
2 follows:

3 1. Page 2, by striking lines 23 through 32 and
4 inserting the following:
5 "Sec. ____ Section 602.4102, subsection 5, Code
6 2005, is amended to read as follows:
7 5. The court of appeals shall extend the time for
8 filing of an application if the court of appeals
9 determines that a failure to timely file an
10 application was due to the failure of the clerk of the
11 court of appeals to notify the prospective applicant
12 of the filing of the decision. ~~If an application for
13 further review is not acted upon by the supreme court
14 within thirty days after the application was filed,
15 the application is deemed denied, the supreme court
16 loses jurisdiction, and the decision of the court of
17 appeals is conclusive.~~

18 Sec. ____ Section 602.5106, subsection 2, Code
19 2005, is amended to read as follows:
20 2. A decision of the court of appeals is final and
21 shall not be reviewed by any other court except upon
22 the granting by the supreme court of an application
23 for further review as provided in section 602.4102.
24 Upon the filing of the application, the judgment and
25 mandate of the court of appeals is stayed pending
26 action of the supreme court ~~or until the expiration of
27 the time specified in section 602.4102, subsections 4
28 and 5."~~

29 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-8546](#).

Eichhorn of Hamilton 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. 2740](#))

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Cohoon Zirkelbach

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

SENATE AMENDMENT CONSIDERED

Jenkins of Black Hawk called up for consideration [Senate File 2183](#), a bill for an act allowing cities and counties to create enterprise

zones near modes of transportation, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment [H-8544](#) to the House amendment:

[H-8544](#)

- 1 Amend the House amendment, [S-5135](#), to Senate File
- 2 2183, as passed by the Senate, as follows:
- 3 1. Page 2, line 6, by striking the word "year"
- 4 and inserting the following: "period".
- 5 2. Page 2, by striking lines 11 and 12 and
- 6 inserting the following: "be awarded to eligible
- 7 businesses applying to an enterprise zone commission
- 8 for incentives and assistance during that fiscal year
- 9 that are located in an enterprise zone certified
- 10 pursuant to this".
- 11 3. Page 3, line 29, by inserting after the word
- 12 "area" the following: "is a blighted area as defined
- 13 in section 403.17 and the area".

The motion prevailed and the House concurred in the Senate amendment [H-8544](#), to the House amendment.

Jenkins of Black Hawk 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. 2183](#))

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker

Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, 1:

Fallon

Absent or not voting, 2:

Cohoon

Zirkelbach

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2651, 2663** and **[Senate File 2183](#)**.

MOTION TO RECONSIDER WITHDRAWN ([Senate File 2268](#))

Gipp of Winneshiek asked and received unanimous consent to withdraw the motion to reconsider **[Senate File 2268](#)**, a bill for an act relating to financial transactions associated with agricultural production, by providing for tax credits and tax exemptions, and including effective and retroactive and other applicability dates, filed by him on April 5, 2006.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **[Senate File 2268](#)** be immediately messaged to the Senate.

The House resumed consideration of **[Senate File 2312](#)**, previously deferred and found on page 1285 of the House Journal.

MOTION TO RECONSIDER PREVAILED
Committee Amendment [H-8440](#)

Watts of Dallas moved to reconsider the vote by which the committee amendment [H-8440](#) to [Senate File 2312](#), a bill for an act providing 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, passed the House on April 12, 2006, filed by him from the floor.

The motion prevailed and the House reconsidered the committee amendment [H-8440](#) to [Senate File 2312](#).

Huser of Polk offered the following amendment [H-8550](#), to the committee amendment [H-8440](#), filed by her from the floor and moved its adoption:

[H-8550](#)

1 Amend the amendment, [H-8440](#), to [Senate File 2312](#),
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 6 through 10 and
5 inserting the following:
6 " ___. Page 1, line 11, by inserting after the
7 word "veterans." the following: "Providing grants to
8 eligible injured veterans pursuant to this section is
9 deemed to serve a vital and valid public purpose of
10 the state by assisting injured veterans and their
11 families."
12 ___. Page 1, by inserting after line 11 the
13 following:
14 "2A. The department may receive and accept
15 donations, grants, gifts, and contributions from any
16 public or private source for the purpose of providing
17 grants under this section. Moneys received by the
18 department pursuant to this subsection shall be
19 deposited in an injured veterans trust fund which
20 shall be created in the state treasury under the
21 control of the department. Moneys credited to the
22 trust fund shall be appropriated to the department for
23 the purpose of providing injured veterans grants under
24 this section and shall not be transferred, used,
25 obligated, appropriated, or otherwise encumbered,
26 except as provided in this section. Notwithstanding
27 section 12C.7, subsection 2, interest or earnings on
28 moneys in the trust fund shall be credited to the
29 trust fund."

30 2. Page 1, by inserting after line 17 the
 31 following:
 32 "___ . Page 2, line 11, by striking the word
 33 "subsection" and inserting the following:
 34 "subsections".
 35 ___ . Page 2, by inserting after line 14 the
 36 following:
 37 "NEW SUBSECTION. 46. Subtract, to the extent not
 38 otherwise deducted in computing adjusted gross income,
 39 the amounts paid by the taxpayer to the department of
 40 veterans affairs for the purpose of providing grants
 41 under the injured veterans grant program established
 42 in section 35A.14. Amounts subtracted under this
 43 subsection shall not be used by the taxpayer in
 44 computing the amount of charitable contributions as
 45 defined by section 170 of the Internal Revenue Code."
 46 ___ . Title page, line 2, by striking the words
 47 "an income tax exclusion" and inserting the following:
 48 "income tax exclusions".
 49 ___ . By renumbering as necessary."

Amendment [H-8550](#) was adopted.

On motion by Watts of Dallas, the committee amendment [H-8440](#), as amended, was adopted.

Watts of Dallas 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. 2312](#))

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.

Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Cohoon 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 [Senate File 2312](#) be immediately messaged to the Senate.

MOTION TO RECONSIDER

[\(House File 2740\)](#)

I move to reconsider the vote by which [House File 2740](#) passed the House on April 17, 2006.

GIPP of Winneshiek

AMENDMENTS FILED

H-8551	H.F. 2794	Mertz of Kossuth
H-8552	H.F. 2769	Foege of Linn
		Heaton of Henry
		Boal of Polk
H-8553	H.F. 2794	Watts of Dallas

On motion by Gipp of Winneshiek the House adjourned at 3:28 p.m., until 8:45 a.m., Tuesday, April 18, 2006.