

PROOF

STATE OF IOWA

House Journal

WEDNESDAY, APRIL 19, 2006

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JOURNAL OF THE HOUSE

One Hundred First Calendar Day - Seventieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 19, 2006

The House met pursuant to adjournment at 8:48 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Steve Bradersen, pastor of the Sacred Heart Church, Boone. He was the guest of Representative Donovan Olson of Boone County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, April 18, 2006 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 April 18, 2006, 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 540](#), a bill for an act relating to reports of traffic accidents involving certified law enforcement officers.

Also: That the Senate has on April 18, 2006, passed the following bill in which the concurrence of the Senate was asked:

[House File 2319](#), a bill for an act relating to the personal needs allowance amount for residents of nursing facilities under the medical assistance program.

Also: That the Senate has on April 18, 2006, passed the following bill in which the concurrence of the Senate was asked:

[House File 2361](#), a bill for an act relating to energy conservation standards included in the state building code for new single-family or two-family residential construction.

Also: That the Senate has on April 18, 2006, passed the following bill in which the concurrence of the Senate was asked:

[House File 2461](#), a bill for an act updating the Code references to the Internal Revenue Code and including retroactive applicability and effective date provisions.

Also: That the Senate has on April 18, 2006, amended and passed the following bill in which the concurrence of the House is asked:

[House File 2515](#), a bill for an act relating to obstructions in highways and providing penalties.

Also: That the Senate has on April 18, 2006, amended and passed the following bill in which the concurrence of the House is asked:

[House File 2558](#), a bill for an act relating to and making appropriations to the justice system and providing an effective date.

Also: That the Senate has on April 18, 2006, insisted on its amendment to [House File 2612](#), a bill for an act providing criminal penalties for the failure of a vessel operator to offer assistance and information at the scene of a collision, accident, or casualty. (Formerly [House File 2249](#)), and the members of the Conference Committee on the part of the Senate are: The senator from Scott, Senator Wood and the senator from Pottawattamie, Senator Houser, Co-Chairs; the senator from Davis, Senator Kreiman; the senator from Dubuque, Senator Hancock; the senator from Osceola, Senator Johnson; and the senator from Hancock, Senator Gaskill.

Also: That the Senate has on April 18, 2006, passed the following bill in which the concurrence of the Senate was asked:

[House File 2633](#), 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 providing an applicability date.

Also: That the Senate has on April 18, 2006, passed the following bill in which the concurrence of the Senate was asked:

[House File 2768](#), a bill for an act authorizing the state medical examiner to collect and retain fees for medical examiner facility expenses and services related to tissue recovery and making an appropriation.

Also: That the Senate has on April 18, 2006, passed the following bill in which the concurrence of the Senate was asked:

[House File 2772](#), a bill for an act creating a brain injury services program and providing for allocation of a previously enacted appropriation.

Also: That the Senate has on April 18, 2006, passed the following bill in which the concurrence of the Senate was asked:

[House File 2775](#), a bill for an act relating to the judicial branch including the assessment of court fees and costs.

Also: That the Senate has on April 18, 2006, passed the following bill in which the concurrence of the Senate was asked:

[House File 2777](#), a bill for an act relating to certification to the county auditor of the amount of loans, advances, indebtedness, or bonds issued or incurred for urban renewal purposes.

Also: That the Senate has on April 18, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2251](#), a bill for an act directing the department of education and the Iowa department of public health to convene a healthy children task force and providing an effective date.

Also: That the Senate has on April 18, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2301](#), a bill for an act relating to exemptions for certain personal property from execution by creditors in state court debt collection and federal bankruptcy actions.

Also: That the Senate has on April 18, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2319](#), a bill for an act relating to littering and illegal discarding of solid waste and increasing fines and penalties and making appropriations.

Also: That the Senate has on April 18, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2369](#), a bill for an act relating to requirements for open feedlot operations, by providing for nutrient management plans and operating permits, and providing an effective date and retroactive applicability.

Also: That the Senate has on April 18, 2006, passed the following bill in which the concurrence of the House is asked:

[Senate File 2393](#), a bill for an act relating to violations of Iowa's noncompetition by government law and providing penalties and remedies.

Also: That the Senate has on April 18, 2006, passed the following bill in which the concurrence of the House is asked:

[Senate File 2395](#), a bill for an act providing for an increase in the wildlife habitat fee, making an appropriation, and creating an upland game bird habitat development program.

Also: That the Senate has on April 18, 2006, passed the following bill in which the concurrence of the House is asked:

[Senate File 2399](#), a bill for an act relating to renewable energy including the renewable energy tax credit and the wind energy production tax credit.

Also: That the Senate has on April 18, 2006, passed the following bill in which the concurrence of the House is asked:

[Senate File 2402](#), a bill for an act relating to state tax benefits for use of soy-based transformer fluid by electric utilities and including applicability date provisions.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

[Senate File 2393](#), by committee on government oversight, a bill for an act relating to violations of Iowa's noncompetition by government law and providing penalties and remedies.

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

[Senate File 2395](#), by committee on ways and means, a bill for an act providing for an increase in the wildlife habitat fee, making an appropriation, and creating an upland game bird habitat development program.

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

[Senate File 2399](#), by committee on ways and means, a bill for an act relating to renewable energy including the renewable energy tax credit and the wind energy production tax credit and including an effective date.

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

[Senate File 2402](#), by committee on ways and means, a bill for an act relating to state tax benefits for use of soy-based transformer fluid by electric utilities and including applicability date provisions.

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

CONFERENCE COMMITTEE APPOINTED

[House File 2612](#))

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning [House File 2612](#): May of Dickinson, Chair; Freeman of Buena Vista, Baudler of Adair, Heddens of Story and Bell of Jasper.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House File 2612](#) be immediately messaged to the Senate.

The House stood at ease at 8:55 a.m., until the fall of the gavel.

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

SENATE AMENDMENT CONSIDERED

Schickel of Cerro Gordo called up for consideration [House File 2515](#), a bill for an act relating to obstructions in highways and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8557](#):

[H-8557](#)

- 1 Amend [House File 2515](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 21 the
- 4 following:
- 5 "____. "Officer" means any department employee,
- 6 county employee, or elected county official."
- 7 2. By striking page 2, line 29, through page 3,
- 8 line 2.
- 9 3. Page 3, by striking lines 6 and 7.
- 10 4. Page 3, by inserting after line 35 the
- 11 following:
- 12 "4. All removals shall be without liability on the
- 13 part of any officer ordering or effecting such
- 14 removal."
- 15 5. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-8557](#).

Schickel of Cerro Gordo 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. 2515](#))

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	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, 1:

Zirkelbach

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

SENATE AMENDMENT CONSIDERED

Horbach of Tama called up for consideration [House File 2558](#), a bill for an act relating to and making appropriations to the justice system and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8556](#):

[H-8556](#)

1 Amend [House File 2558](#), as passed by the House, as
 2 follows:
 3 1. Page 3, line 12, by striking the figure
 4 "2,450,000" and inserting the following: "3,200,000".
 5 2. Page 5, by striking line 28 and inserting the
 6 following:
 7 "..... \$ 28,972,190"

8	3. Page 5, by striking line 32 and inserting the	
9	following:	
10	".....	\$ 26,144,996"
11	4. Page 6, by striking line 5 and inserting the	
12	following:	
13	".....	\$ 8,599,419"
14	5. Page 6, by striking line 18 and inserting the	
15	following:	
16	".....	\$ 14,969,715"
17	6. Page 7, by striking line 9 and inserting the	
18	following:	
19	".....	\$ 3,928,438"
20	7. Page 10, by inserting after line 17 the	
21	following:	
22	"6. The department shall submit a report to the	
23	co-chairpersons and ranking members of the joint	
24	appropriations subcommittee on the justice system and	
25	the legislative services agency by January 2, 2007,	
26	regarding the special needs unit located at the Iowa	
27	medical and classification center at Oakdale which is	
28	currently under construction. The report shall	
29	specify the date when the construction of the special	
30	needs unit will be completed, the date when the unit	
31	is ready to be occupied by inmates, and the amount of	
32	funding required to operate the unit in FY 2006-	
33	2007."	
34	8. Page 10, by striking line 30 and inserting the	
35	following:	
36	".....	\$ 11,242,260"
37	9. Page 11, by striking line 1 and inserting the	
38	following:	
39	".....	\$ 8,924,193"
40	10. Page 11, by striking line 7 and inserting the	
41	following:	
42	".....	\$ 5,285,982"
43	11. Page 11, by striking line 13 and inserting	
44	the following:	
45	".....	\$ 4,810,474"
46	12. Page 11, by striking line 21 and inserting	
47	the following:	
48	".....	\$ 16,345,917"
49	13. Page 11, by striking line 27 and inserting	
50	the following:	

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1	".....	\$ 11,204,167"
2	14. Page 11, by inserting before line 28 the	
3	following:	
4	"____. The sixth judicial district department of	
5	correctional services shall maintain a youth	
6	leadership model program to help at-risk youth. As a	

7 part of the program, the district department may
 8 recruit college or high school students in the
 9 judicial district to work with at-risk youth. The
 10 student workers shall be recruited regardless of
 11 gender and be recommended by their respective schools
 12 as good role models, including but not limited to
 13 students who possess capabilities in one or more of
 14 the following areas of ability: intellectual
 15 capacity, athletics, visual arts, or performing arts."

16 15. Page 11, by striking line 33 and inserting
 17 the following:
 18 "..... \$ 6,348,075"

19 16. Page 12, by striking line 4 and inserting the
 20 following:
 21 "..... \$ 6,401,794"

22 17. Page 12, by inserting before line 9 the
 23 following:
 24 "The department of corrections shall contract with
 25 a private nonprofit substance abuse treatment provider
 26 in a city with a population exceeding sixty-five
 27 thousand but not exceeding seventy thousand to
 28 implement the pilot project. The department shall
 29 file a report with the co-chairpersons and ranking
 30 members of the appropriations subcommittee on the
 31 justice system and the legislative services agency by
 32 February 1, 2007, detailing the number of offenders
 33 served by the pilot project, the recidivism rate, a
 34 description of the type of services received by the
 35 offenders, and the number of prison bed days saved by
 36 the pilot project."

37 18. Page 17, by striking lines 16 and 17 and
 38 inserting the following:
 39 "..... \$ 1,582,029
 40 FTEs 26.75"

41 19. Page 17, by inserting after line 19 the
 42 following:
 43 "It is the intent of the general assembly that the
 44 homeland security and emergency management division
 45 work in conjunction with the department of public
 46 safety, to the extent possible, when gathering and
 47 analyzing information related to potential domestic or
 48 foreign security threats, and when monitoring such
 49 threats."

50 20. Page 21, by striking lines 3 and 4 and

Page 3

1 inserting the following:
 2 "..... \$ 1,075,53
 3 FTEs 27.0"
 4 21. Page 21, by inserting after line 7 the following:
 5 "Sec. __. YOUTH ENRICHMENT PILOT PROJECT. There is

6 appropriated from the general fund of the state to the judicial
7 branch for the fiscal year beginning July 1, 2006, and ending
8 June 30, 2007, the following amount, or so much thereof as is
9 necessary, to be used for the purposes designated:
10 For a grant to be determined by the state court administrator,
11 for the maintenance of a youth enrichment pilot project located
12 in a county with a population greater than 300,000 that is
13 involved in a public-private partnership pursuing life
14 skills, education, and mentoring programs for offenders between
15 the ages of 16 and 22 who have been charged with a felony:
16 \$ 50,000"
17 22. Page 22, by inserting after line 13 the
18 following:
19 "Sec. ___. Section 903A.5, Code 2005, is amended
20 to read as follows:
21 903A.5 TIME TO BE SERVED – CREDIT.
22 1. An inmate shall not be discharged from the
23 custody of the director of the Iowa department of
24 corrections until the inmate has served the full term
25 for which the inmate was sentenced, less earned time
26 and other credits earned and not forfeited, unless the
27 inmate is pardoned or otherwise legally released.
28 Earned time accrued and not forfeited shall apply to
29 reduce a mandatory minimum sentence being served
30 pursuant to section 124.406, 124.413, 902.7, 902.8,
31 902.8A, or 902.11. An inmate shall be deemed to be
32 serving the sentence from the day on which the inmate
33 is received into the institution. If an inmate was
34 confined to a county jail or other correctional or
35 mental facility at any time prior to sentencing, or
36 after sentencing but prior to the case having been
37 decided on appeal, because of failure to furnish bail
38 or because of being charged with a nonbailable
39 offense, the inmate shall be given credit for the days
40 already served upon the term of the sentence.
41 However, if a person commits any offense while
42 confined in a county jail or other correctional or
43 mental health facility, the person shall not be
44 granted jail credit for that offense. Unless the
45 inmate was confined in a correctional facility, the
46 sheriff of the county in which the inmate was confined
47 shall certify to the clerk of the district court from
48 which the inmate was sentenced and to the department
49 of corrections' records administrator at the Iowa
50 medical and classification center the number of days

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1 so served. The department of corrections' records
2 administrator, or the administrator's designee, shall
3 apply jail credit as ordered by the court of proper
4 jurisdiction or as authorized by this section and

5 section 907.3, subsection 3, ~~and shall forward a copy~~
6 ~~of the number of days served to the clerk of the~~
7 ~~district court from which the inmate was sentenced.~~

8 2. An inmate shall not receive credit upon the
9 inmate's sentence for time spent in custody in another
10 state resisting return to Iowa following an escape.
11 However, an inmate may receive credit upon the
12 inmate's sentence while incarcerated in an institution
13 or jail of another jurisdiction during any period of
14 time the person is receiving credit upon a sentence of
15 that other jurisdiction."

16 23. Page 22, by inserting after line 31 the
17 following:

18 "Sec. . Section 904.702, Code 2005, is amended
19 to read as follows:

20 904.702 DEDUCTIONS FROM INMATE ACCOUNTS.

21 1. If allowances are paid pursuant to section
22 904.701, the director shall establish an inmate
23 account, for deposit of those allowances and for
24 deposit of moneys sent to the inmate from a source
25 other than the department of corrections. The
26 director may deduct an amount, not to exceed ten
27 percent of the amount of the allowance, unless the
28 inmate requests a larger amount, to be deposited into
29 the inmate savings fund as required under section
30 904.508, subsection 2. In addition to deducting a
31 portion of the allowance, the director may also deduct
32 from an inmate account any amount, except amounts
33 directed to be deposited in the inmate telephone fund
34 established in section 904.508A, sent to the inmate
35 from a source other than the department of corrections
36 for deposit in the inmate savings fund as required
37 under section 904.508, subsection 2, until the amount
38 in the fund equals the amount due the inmate upon
39 discharge, parole, or placement on work release. The
40 director shall deduct from the inmate account an
41 amount the inmate is legally obligated to pay for
42 child support. The director shall deduct from the
43 inmate account an amount established by the inmate's
44 restitution plan of payment. The director shall also
45 deduct from any remaining account balance an amount
46 sufficient to pay all or part of any judgment against
47 the inmate, including but not limited to judgments for
48 taxes and child support, and court costs and fees
49 assessed either as a result of the inmate's
50 confinement or amounts required to be paid under

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1 section 610A.1. Written notice of the amount of the
2 deduction shall be given to the inmate, who shall have
3 five days after receipt of the notice to submit in

4 writing any and all objections to the deduction to the
5 director, who shall consider the objections prior to
6 transmitting the deducted amount to the clerk of the
7 district court. The director need give only one
8 notice for each action or appeal under section 610A.1
9 for which periodic deductions are to be made. The
10 director shall next deduct from any remaining account
11 balance an amount sufficient to pay all or part of any
12 costs assessed against the inmate for misconduct or
13 damage to the property of others. The director may
14 deduct from the inmate's account an amount sufficient
15 to pay for the inmate's share of the costs of health
16 services requested by the inmate and for the treatment
17 of injuries inflicted by the inmate on the inmate or
18 others. The director may deduct and disburse an
19 amount sufficient for industries' programs to qualify
20 under the eligibility requirements established in the
21 Justice Assistance Act of 1984, Pub. L. No. 98-473,
22 including an amount to pay all or part of the cost of
23 the inmate's incarceration. The director may pay all
24 or any part of remaining allowances paid pursuant to
25 section 904.701 directly to a dependent of the inmate,
26 or may deposit the allowance to the account of the
27 inmate, or may deposit a portion and allow the inmate
28 a portion for the inmate's personal use.

29 2. The director, ~~the institutional division,~~ and
30 the department shall not be liable to any person for
31 any damages caused by the withdrawal or failure to
32 withdraw money or the payment or failure to make any
33 payment under this section."

34 24. Page 23, by inserting after line 3 the
35 following:

36 "Sec. . Section 905.14, subsection 1, Code
37 2005, is amended to read as follows:

38 1. A person placed on probation or parole and
39 subject to supervision by a district department shall
40 be required to pay an enrollment fee of ~~two hundred~~
41 ~~forty three hundred~~ dollars to the district department
42 to offset the costs of supervision. In addition to
43 the enrollment fee, the district department may
44 require a person to pay a fee to the district
45 department to offset the costs of providing sex
46 offender programming to that person."

47 25. Title page, line 2, by striking the word
48 "and" and inserting the following: ", providing for a
49 fee, and".

50 26. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate
amendment [H-8556](#).

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

On the question "Shall the bill pass?" ([H.F. 2558](#))

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	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, 1:

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 2515](#) 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 April 19, 2006, 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 2282](#), a bill for an act relating to the election of mayor and city council members in a city governed by the council-manager-at-large form of city government.

Also: That the Senate has on April 19, 2006, amended and passed the following bill in which the concurrence of the House is asked:

[House File 2521](#), 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 providing an effective date.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS
Appropriations Calendar

[House File 2791](#), a bill for an act concerning community foundations and economic development relating to the endow Iowa tax credit, the allocation of gambling tax revenues, the distribution of county endowment moneys, making an appropriation, and providing an effective date, was taken up for consideration.

Huser of Polk offered the following amendment [H-8537](#) filed by her and moved its adoption:

[H-8537](#)

- 1 Amend [House File 2791](#) as follows:
- 2 1. Page 2, line 6, by inserting after the word
- 3 "communities." the following: "In addition, as a
- 4 condition of receiving a grant, the governing body of
- 5 a charitable organization receiving a grant shall
- 6 approve all expenditures of grant moneys and shall
- 7 allow a state audit of expenditures of all grant
- 8 moneys."

Amendment [H-8537](#) was adopted.

Roberts of Carroll 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. 2791](#))

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	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, 1:

Zirkelbach

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

HOUSE FILES 2004, 2670 and 2784 WITHDRAWN

Roberts of Carroll asked and received unanimous consent to withdraw House Files 2004, 2670 and 2784 from further consideration by the House.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House File 2791](#) be immediately messaged to the Senate.

HOUSE INSISTS

Watts of Dallas called up for consideration [House File 2282](#), a bill for an act relating to the election of mayor and city council members in a city governed by the council-manager-at-large form of city government and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED

[\(House File 2282\)](#)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning [House File 2282](#): Watts of Dallas, Chair; Drake of Pottawattamie, Huser of Polk, Gaskill of Wapello and Pettengill of Benton.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House File 2282](#) be immediately messaged to the Senate

SENATE AMENDMENT CONSIDERED

Sands of Louisa called up for consideration [House File 2521](#), 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 providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8560](#):

[H-8560](#)

- 1 Amend [House File 2521](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 12 and 13 and
- 4 inserting the following:

5 " \$ 5,836,824
6 FTEs 451.8"
7 2. Page 1, by inserting after line 16 the
8 following:
9 "Notwithstanding section 8.33, any excess funds
10 appropriated for utility costs in this subsection
11 shall not revert to the general fund of the state at
12 the end of the fiscal year but shall remain available
13 for expenditure for the purposes of this subsection
14 during the fiscal year beginning July 1, 2007."
15 3. Page 8, by inserting after line 3 the
16 following:
17 "6. TRANSITION COSTS
18 a. For payment of vacation allowances:
19 \$ 77,057
20 b. For payment to the governor-elect expense fund
21 in lieu of the appropriation from the general fund of
22 the state under section 7.13 to the governor-elect
23 expense fund:
24 \$ 100,000"
25 4. Page 14, by striking line 2 and inserting the
26 following:
27 " \$ 119,435"
28 5. Page 15, by inserting after line 6 the
29 following:
30 "6. For deposit in the local government innovation
31 fund established in section 8.64:
32 \$ 300,000"
33 6. Page 16, by inserting after line 1 the
34 following:
35 "If the director of revenue determines that
36 contracting for an upgrade of the department's
37 computer assisted collections system would result in
38 generating significantly increased net collection
39 revenues for the fiscal year beginning July 1, 2006,
40 and ending June 30, 2007, in excess of \$2,000,000, the
41 director is authorized to procure such upgrade from
42 the current vendor."
43 7. Page 18, by inserting after line 29 the
44 following:
45 "Sec.____. Section 70A.20, Code 2005, is amended
46 to read as follows:
47 70A.20 EMPLOYEES DISABILITY PROGRAM.
48 A state employees disability insurance program is
49 created, which shall be administered by the director
50 of the department of administrative services and which

Page 2

1 shall provide disability benefits in an amount and for
2 the employees as provided in this section. The
3 monthly disability benefits shall, at a minimum,

4 provide twenty percent of monthly earnings if employed
5 less than one year, forty percent of monthly earnings
6 if employed one year or more but less than two years,
7 and sixty percent of monthly earnings thereafter,
8 reduced by primary and family social security
9 determined at the time social security disability
10 payments commence, railroad retirement disability
11 income, workers' compensation if applicable, and any
12 other state-sponsored sickness or disability benefits
13 payable. However, the amount of benefits payable
14 under the Iowa public employees' retirement system
15 pursuant to chapter 97B shall not reduce the benefits
16 payable pursuant to this section. Subsequent social
17 security or railroad retirement increases shall not be
18 used to further reduce the insurance benefits payable.
19 As used in this section, "primary and family social
20 security" shall not include social security benefits
21 awarded to an adult child with a disability of the
22 state employee with a disability who does not reside
23 with the state employee with a disability if the
24 social security benefits were awarded to the adult
25 child with a disability prior to the approval of the
26 state employee's benefits under this section,
27 regardless of whether the United States social
28 security administration records the benefits to the
29 social security number of the adult child with a
30 disability, the state employee with a disability, or
31 any other family member, and such social security
32 benefits shall not reduce the benefits payable
33 pursuant to this section. As used in this section,
34 unless the context otherwise requires, "adult" means a
35 person who is eighteen years of age or older. State
36 employees shall receive credit for the time they were
37 continuously employed prior to and on July 1, 1974.
38 The following provisions apply to the employees
39 disability insurance program:
40 1. Waiting period, of no more than ninety working
41 days of continuous sickness or accident disability or
42 the expiration of accrued sick leave, whichever is
43 greater.
44 2. Maximum period benefits paid for both accident
45 or sickness disability:
46 a. If the disability occurs prior to the time the
47 employee attains the age of sixty-one years, the
48 maximum benefit period shall end sixty months after
49 continuous benefit payments begin or on the date on
50 which the employee attains the age of sixty-five

Page 3

- 1 years, whichever is later.
- 2 b. If the disability occurs on or after the time

3 the employee attains the age of sixty-one years but
 4 prior to the age of sixty-nine years, the maximum
 5 benefit period shall end sixty months after continuous
 6 benefit payments begin or on the date on which the
 7 employee attains the age of seventy years, whichever
 8 is earlier.

9 c. If the disability occurs on or after the time
 10 the employee attains the age of sixty-nine years, the
 11 maximum benefit period shall end twelve months after
 12 continuous benefit payments begin.

13 3. a. Minimum and maximum benefits, of not less
 14 than fifty dollars per month and not exceeding ~~two~~
 15 three thousand dollars per month.

16 b. In no event shall benefits exceed one hundred
 17 percent of the claimant's predisability covered
 18 monthly compensation.

19 4. All probationary and permanent full-time state
 20 employees shall be covered under the employees
 21 disability insurance program, except board members and
 22 members of commissions who are not full-time state
 23 employees, and state employees who on July 1, 1974,
 24 are under another disability program financed in whole
 25 or in part by the state, and state employees who have
 26 agreed to participation in another disability program
 27 through a collective bargaining agreement. For
 28 purposes of this section, members of the general
 29 assembly serving on or after January 1, 1989, are
 30 eligible for the plan during their tenure in office,
 31 on the basis of enrollment rules established for full-
 32 time state employees excluded from collective
 33 bargaining as provided in chapter 20."

34 8. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-8560](#).

Sands of Louisa 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. 2521](#))

The ayes were, 54:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Hogg

Horbach	Huseman	Hutter	Jacobs
Jacoby	Jenkins	Jones	Kaufmann
Kressig	Kurtenbach	Lalk	Lukan
Maddox	May	Olson, S.	Pettengill
Raecker	Rasmussen	Rayhons	Roberts
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wildurdyke	Mr. Speaker		
	Rants		

The nays were, 45:

Bell	Berry	Bukta	Cohon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hunter	Huser	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Paulsen	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Shoultz	Smith	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise			

Absent or not voting, 1:

Zirkelbach

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

On motion by Speaker Rants, the House was recessed at 11:26 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:17 p.m., Speaker Rants in the chair.

SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Rants 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-first General Assembly were presented to the following Pages by Speaker Rants, Majority Leader Chuck Gipp and Minority Leader Pat Murphy.

Leah Carlson	Mike Johnson
Jacob Faircloth	Andrea Lorenz
Jocelyn Gerrietts	Lacey Pagel
Jonathan Gessert	Ashley Reitzler
Cara Gethmann	Amy Rosauer
April Heki	Heidi Schaben
Ashley Heyer	Zachary Sersland
Anne Hildreth	Alyssa Staley
Melissa Hostetler	Chelsea Wierson
Anna Johnson	

The House resumed consideration of [House File 2770](#), a bill for an act relating to economic development by creating a bioscience funding board and bioscience fund, providing tax incentives under the high quality job creation Act, and providing an exempt activity for foreign corporations, and including effective and retroactive applicability date provisions, previously deferred and found on pages 1236-1239 of the House Journal.

Struyk of Pottawattamie offered the following amendment [H-8562](#) filed by Huser of Polk and Struyk from the floor and moved its adoption:

[H-8562](#)

- 1 Amend [House File 2770](#) as follows:
- 2 1. Page 2, line 35, by striking the words "fifty
- 3 percent of the number of" and inserting the following:
- 4 "all".
- 5 2. Page 3, by striking lines 17 through 19 and
- 6 inserting the following: "medical insurance under
- 7 family coverage plans to all new employees."
- 8 3. Page 4, by striking lines 1 through 4 and
- 9 inserting the following: "shipments of tangible
- 10 personal property to customers provided that not more
- 11 than ten percent of the dollar amount of goods are
- 12 delivered and shipped so as to be included in the
- 13 gross sales of the corporation within this state as
- 14 provided in section 422.33, subsection 2, paragraph
- 15 "b", subparagraph (6)."

Amendment [H-8562](#) was adopted, placing amendment [H-8520](#), previously adopted, out of order.

Struyk 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. 2770](#))

The ayes were, 54:

Alons	Anderson	Arnold	Boal
Bukta	Carroll	Chambers	Dandekar
Dolecheck	Drake	Elgin	Freeman
Gipp	Greiner	Heddens	Hoffman
Horbach	Huseman	Hutter	Jacobs
Jacoby	Jenkins	Jones	Kaufmann
Kressig	Kuhn	Lalk	Lukan
Mascher	May	Mertz	Murphy
Olson, D.	Olson, S.	Quirk	Raecker
Rasmussen	Rayhons	Reichert	Roberts
Schickel	Shomshor	Soderberg	Struyk
Swaim	Thomas	Tjepkes	Tomenga
Upmeyer	Van Engelenhoven	Van Fossen, J.R.	Watts
Wilderdyke	Mr. Speaker		
	Rants		

The nays were, 43:

Baudler	Bell	Berry	Cphoon
Davitt	De Boef	Fallon	Foege
Ford	Frevert	Gaskill	Granzow
Heaton	Hogg	Hunter	Huser
Jochum	Kurtenbach	Lensing	Lykam
Maddox	McCarthy	Miller	Oldson
Olson, R.	Paulsen	Petersen	Pettengill
Reasoner	Sands	Schueller	Shultz
Smith	Taylor, D.	Taylor, T.	Tymeson
Van Fossen, J.K.	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	

Absent or not voting, 3:

Dix	Eichhorn	Zirkelbach
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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

Gipp of Winneshiek asked and received unanimous consent that [House File 2770](#) be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Paulsen of Linn called up for consideration [House File 711](#), a bill for an act relating to judicial branch procedures involving the appointment process of certain officers and judges and applications for further review at the appellate level, and providing for temporary delays in filling judgeships, amended by the Senate amendment [H-1627](#) as follows:

H-1627

- 1 Amend [House File 711](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 1, line 30, through page 2,
- 4 line 12.
- 5 2. By renumbering as necessary.

Paulsen of Linn offered the following amendment [H-8561](#), to the Senate amendment [H-1627](#), filed by him from the floor and moved its adoption:

[H-8561](#)

- 1 Amend the amendment, [H-1627](#), to [House File 711](#), as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by inserting after line 2 the
- 5 following:
- 6 "____. Page 1, by striking lines 1 through 29."
- 7 2. Page 1, by inserting after line 4 the
- 8 following:
- 9 "____. By striking page 2, line 19, through page
- 10 4, line 16.
- 11 _____. Title page, by striking lines 1 through 4,
- 12 and inserting the following: "An Act relating to the
- 13 appointment of a chief juvenile court officer.""

Amendment [H-8561](#) was adopted.

On motion by Paulsen of Linn the House concurred in the Senate amendment [H-1627](#), as amended.

Paulsen 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. 711](#))

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dolecheck	Drake
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, 3:

Dix	Eichhorn	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.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House File 711](#) be immediately messaged to the Senate.

MOTION TO RECONSIDER**([House File 2521](#))**

I move to reconsider the vote by which [House File 2521](#) passed the House on April 19, 2006.

GIPP of Winneshiek

MOTION TO RECONSIDER**([House File 2558](#))**

I move to reconsider the vote by which [House File 2558](#) passed the House on April 19, 2006.

GIPP of Winneshiek

PRESENTATION OF VISITORS

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

Thirty-three government students from Burlington Community High School, Burlington, Iowa, accompanied by Mr. Rob Remmers. By Cohoon of Des Moines.

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF HUMAN SERVICES

Recommended provisions of case management services for frail elders, pursuant to Chapter 14.4, Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

2005 tobacco progress report, pursuant to Chapter 142A.4(12), Code of Iowa.

DEPARTMENT OF REVENUE

Iowa Streamline Sales Tax Advisory Council Report, pursuant to Chapter 423, Code of Iowa.

IOWA WORKFORCE DEVELOPMENT

Annual status report, pursuant to Chapter 96.35, Code of Iowa.

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- 2006\1497 Darlene and Edd Felgar, Fairfield – For celebrating their 50th wedding anniversary.
- 2006\1498 George and Francis Welder, Madrid – For celebrating their 70th wedding anniversary.
- 2006\1499 Don Johnsen, Madrid – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENT

[Senate File 2393](#)

Government Oversight: Alons, Chair; Baudler, Eichhorn, Hutter, Lensing, Thomas, J.K. Van Fossen, Whitead and Winckler.

AMENDMENTS FILED

[H-8558](#) [H.F. 2769](#) Tymeson of Madison
[H-8559](#) [H.F. 2769](#) Tymeson of Madison

On motion by Gipp of Winneshiek the House adjourned at 2:02 p.m., until 9:00 a.m., Thursday, April 20, 2006.