

PROOF

STATE OF IOWA

House Journal

MONDAY, APRIL 24, 2006

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JOURNAL OF THE HOUSE

One Hundred Sixth Calendar Day - Seventy-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 24, 2006

The House met pursuant to adjournment at 1:00 p.m., Speaker Rants in the chair.

Prayer was offered by the Honorable Royd Chambers, state representative from O'Brien County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Thursday, April 20, 2006 was approved.

SPECIAL PRESENTATION

Frevert of Palo Alto introduced to the House the Honorable Janet Adams former state representative from Hamilton County.

[SENATE FILE 2402](#) REREFERRED

The Speaker announced that [Senate File 2402](#), previously referred to committee on **ways and means** was **passed on file**.

The House stood at ease at 1:05 p.m. until the fall of the gavel.

The House resumed session at 4:07 p.m., Roberts of Carroll in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 19, 2006, amended and passed the following bill in which the concurrence of the House is asked:

[House File 2686](#), a bill for an act providing for technical and substantive changes relating to the Iowa communications network.

MICHAEL E. MARSHALL, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hunter of Polk and Lensing of Johnson on request of Murphy of Dubuque.

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of [House File 2762](#).

CONSIDERATION OF BILLS
Ways and Means Calendar

[House File 2762](#), a bill for an act relating to state tax benefits for use of soy-based transformer fluid by electric utilities and including effective and applicability date provisions, was taken up for consideration.

Drake of Pottawattamie offered the following amendment [H-8568](#) filed by him from the floor and moved its adoption:

[H-8568](#)

- 1 Amend [House File 2762](#) as follows:
- 2 1. Page 4, by striking lines 17 through 19 and
- 3 inserting the following:
- 4 "b. A copy of a signed purchase agreement or other
- 5 agreement to purchase soy-based transformer fluid."
- 6 2. By striking page 4, line 21, through page 5,
- 7 line 8, and inserting the following:
- 8 "2. The department shall calculate the amount of
- 9 the tax credit for which the applicant is eligible and
- 10 shall issue the tax credit certificate for that amount
- 11 or notify the applicant in writing of its refusal to
- 12 do so. An applicant whose application is denied may
- 13 file an appeal with the department within sixty days
- 14 from the date of the denial pursuant to the provisions
- 15 of chapter 17A."
- 16 3. Page 5, line 9, by striking the figure "4."
- 17 and inserting the following: "3."
- 18 4. Page 5, line 18, by striking the figure "5."
- 19 and inserting the following: "4."
- 20 5. Page 5, by striking lines 28 and 29.
- 21 6. Title page, line 3, by striking the words
- 22 "effective and".

Amendment [H-8568](#) was adopted.

SENATE FILE 2402 SUBSTITUTED FOR HOUSE FILE 2762

Drake of Pottawattamie asked and received unanimous consent to substitute Senate File 2402 for House File 2762.

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, was taken up for consideration.

Drake of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2402)

The ayes were, 96:

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	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lukan	Lykam	Maddox
Mascher	May	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
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	Roberts, Presiding

The nays were, none.

Absent or not voting, 4:

Hunter	Jones	Lensing	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.

HOUSE FILES 2685 and 2762 WITHDRAWN

Drake of Pottawattamie asked and received unanimous consent to withdraw House Files 2685 and 2762 from further consideration by the House.

HOUSE FILES 2497 and 2736 WITHDRAWN

Struyk of Pottawattamie asked and received unanimous consent to withdraw House Files 2497 and 2736 from further consideration by the House.

Regular Calendar

[House File 2765](#), a bill for an act concerning the military division of the department of public defense, was taken up for consideration.

Alons of Sioux offered the following amendment [H-8411](#) filed by him and moved its adoption:

[H-8411](#)

- 1 Amend [House File 2765](#) as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 29A.57, subsection 3,
- 5 paragraph d, Code 2005, is amended to read as follows:
- 6 d. Grant a temporary or permanent easement with or
- 7 without monetary consideration for utility, ~~or~~ public
- 8 highway, or other purposes if granting the easement
- 9 will not adversely affect use of the real estate for
- 10 military purposes."
- 11 2. Page 5, by inserting after line 2 the
- 12 following:
- 13 "Sec. _____. Section 29A.102, subsection 1, Code
- 14 2005, is amended to read as follows:
- 15 1. The creditor of a service member who, prior to
- 16 entry into military service, has entered into an
- 17 installment contract for the purchase or lease of real
- 18 or personal property, including a motor vehicle, shall
- 19 not terminate the contract or repossess the property
- 20 for nonpayment or for any breach occurring during

21 military service without an order from a court of
 22 competent jurisdiction."
 23 3. By renumbering as necessary.

Amendment [H-8411](#) was adopted.

Alons of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2765](#))

The ayes were, 96:

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	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lukan	Lykam	Maddox
Mascher	May	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
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	Roberts, Presiding

The nays were, none.

Absent or not voting, 4:

Hunter	Jones	Lensing	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 MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 2765](#) and [Senate File 2402](#).

REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in engrossing bills the following corrections were made:

[House File 2515](#)

1. Page 2, line 8 – Removed “1.”
2. Page 2, lines 11, 14, 16, 18, 20, 22, 25 and 27 – Changed to subsections instead of lettered paragraphs.

[House File 2754](#)

1. Page 20, line 11 – Deleted “a.” at beginning of paragraph.
2. Page 32, line 17 – Changed “(1)” to “a.”
3. Page 32, line 22 – Changed “(2)” to “b.”

MARGARET A. THOMSON
Chief Clerk of the House

CONFERENCE COMMITTEE REPORT RECEIVED

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

A conference committee report signed by the following Senate and House members was filed April 24, 2006, on [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:

ON THE PART OF THE SENATE: ON THE PART OF THE HOUSE

DAVE MULDER, Co-Chair
HERMAN QUIRMBACH, Co-Chair
DARYL BEALL
JOHN PUTNEY
DOUG SHULL
STEVE WARNSTADT

RALPH WATTS, Chair
JACK DRAKE
MARY GASKILL
GERI D. HUSER
DAWN E. PETTENGILL

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 20, 2006, he approved and transmitted to the Secretary of State the following bills:

[House File 2506](#), an Act relating to the issuance of identity theft passports by the attorney general.

[House File 2525](#), an Act relating to policies and duties of the state department of transportation, including placement of official signs on primary highways, inspection of bridges, administrative duties, motor vehicle registration and titling, driver licensing, licensing and regulation of vehicle-related businesses, vehicle braking requirements, vehicle length restrictions, proof of financial responsibility requirements, and persons with disabilities parking permits, and including effective dates.

Also: the Governor announced that on April 21, 2006 he approved and transmitted to the Secretary of State the following bills:

[House File 2147](#), an Act relating to the temporary appointment of a conservator for a dependent adult in an emergency situation.

[House File 2233](#), an Act relating to the time limit on executions of judgments and orders for wage garnishments.

[House File 2398](#), 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.

[House File 2508](#), an Act relating to direct deposit of wages and creating an exception to the payday information employers are required to provide each employee under the Iowa Wage Payment Collection law and providing for retroactive applicability.

[House File 2624](#), an Act extending the statute of limitations for the filing of an indictment or information in a felony or aggravated or serious misdemeanor proceeding involving DNA profiling.

[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.

[Senate File 2219](#), an Act relating to human trafficking and related offenses, including the provision of law enforcement training and victim assistance program, providing penalties, and providing for a study.

[Senate File 2262](#), an Act relating to the prepayment of agricultural loans secured by a real estate mortgage.

[Senate File 2290](#), an Act relating to the payment of costs of reasonable attorney fees and other expenses related to certain adoption proceedings.

[Senate File 2292](#), an Act relating to farm tenancies.

[Senate File 2318](#), an Act relating to an exception from emergency medical care requirements for persons providing care within the scope of their certification.

[Senate File 2322](#), an Act relating to the investigation and control of communicable and infectious diseases and notification procedures concerning diseases, health conditions, unusual clusters, or suspicious events which may be the cause of a public health disaster.

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\1501 Lavern and Rosalyn Bergmann, Clarence – For celebrating their 65th wedding anniversary.
- 2006\1502 Naomi Wedhe, Tipton – For celebrating her 89th birthday.
- 2006\1503 Ronald Anderson, Tipton – For celebrating his 90th birthday.
- 2006\1504 Stella Holcomb, Sioux City – For celebrating her 100th birthday.
- 2006\1505 Margaret Soukup, Sioux City – For celebrating her 95th birthday.
- 2006\1506 Kenneth and Clara Storm, Sioux City – For celebrating their 60th wedding anniversary.
- 2006\1507 Anna Rose, Ottumwa – For celebrating her 80th birthday.
- 2006\1508 Arthur Zook, Ottumwa – For celebrating his 95th birthday.
- 2006\1509 Dillan Quigley, Ottumwa – For celebrating his 85th birthday.
- 2006\1510 Densel Shelton, Ottumwa – For celebrating his 80th birthday.
- 2006\1511 Gertrude Pierce, Ottumwa – For celebrating her 85th birthday.
- 2006\1512 Mabel Loy, Ottumwa – For celebrating her 85th birthday.
- 2006\1513 Melvin Mattox, Ottumwa – For celebrating his 80th birthday.
- 2006\1514 Florence Tetmeyer, Ottumwa – For celebrating her 80th birthday.

- 2006\1515 Ethel Jerred, Ottumwa – For celebrating her 85th birthday.
- 2006\1516 Elsie Jackson, Ottumwa – For celebrating her 80th birthday.
- 2006\1517 Ralph Schlotter, Ottumwa – For celebrating his 80th birthday.
- 2006\1518 Ruby Shaddock, Ottumwa – For celebrating her 85th birthday.
- 2006\1519 Virginia Degeus, Ottumwa – For celebrating her 85th birthday.
- 2006\1520 Doris Frost, Ottumwa – For celebrating her 90th birthday.
- 2006\1521 Richard and Bernice Ehlers, Peosta – For celebrating their 50th wedding anniversary.
- 2006\1522 Sister Catherine Dunn, Dubuque – For her 33 years of work at Clarke College, her 22 years as President of Clarke College, her years of service as the Iowa Department of Transportation Commissioner, and her overall commitment to education, the State of Iowa, and the Dubuque community.
- 2006\1523 Lynn Bowers, Le Mars – For celebrating his 90th birthday.
- 2006\1524 Franz Schneider, Le Mars – For celebrating his 90th birthday.
- 2006\1525 Frances Hansen, Alton – For celebrating her 80th birthday.
- 2006\1526 Rose Yates, Hawarden – For celebrating her 105th birthday.
- 2006\1527 Minnie Plueger, Le Mars – For celebrating her 100th birthday.
- 2006\1528 Ray and Joan Loutsch, Le Mars – For celebrating their 60th wedding anniversary.
- 2006\1529 Jim and Alberta Van Gronigen, Le Mars – For celebrating their 50th wedding anniversary.
- 2006\1530 Leslie and Pat Schultz, Schleswig – For celebrating their 50th wedding anniversary.
- 2006\1531 Ron and Jerane Hayworth, Anthon – For celebrating their 50th wedding anniversary.
- 2006\1532 Richard and Delores Heath, Anthon – For celebrating their 50th wedding anniversary.
- 2006\1533 Joe Cunningham, Correctionville – For celebrating his 90th birthday.
- 2006\1534 Edgar Meseck, Schleswig – For celebrating his 80th birthday.
- 2006\1535 Thelma Lyman, Denison – For celebrating her 90th birthday.

- 2006\1536 Sylvia Pearson, Denison – For celebrating her 81st birthday.
- 2006\1537 Tootie Knowles, Denison – For celebrating her 80th birthday.
- 2006\1538 Nicholas Sibenaller, Sloan – For attaining the rank of Eagle Scout, the highest rank in the boy Scouts of America.
- 2006\1539 Don McKale, Toledo – For celebrating his 92nd birthday.
- 2006\1540 Rex and Lorraine Avery, Tama – For celebrating their 60th wedding anniversary.
- 2006\1541 Milo and Irene Dvorak, Clutier – For celebrating their 65th wedding anniversary.

AMENDMENTS FILED

<u>H-8565</u>	<u>S.F. 2272</u>	Carroll of Poweshiek
<u>H-8566</u>	<u>H.F. 2794</u>	J.K. Van Fossen of Scott Kurtenbach of Story
<u>H-8567</u>	<u>H.F. 2686</u>	Senate Amendment
<u>H-8569</u>	<u>H.F. 2794</u>	J.K. Van Fossen of Scott
<u>H-8570</u>	<u>S.F. 2217</u>	Carroll of Poweshiek Eichhorn of Hamilton

On motion by Gipp of Winneshiek the House adjourned at 4:31 p.m., until 8:45 a.m., Tuesday, April 25, 2006.