

PROOF

STATE OF IOWA

House Journal

WEDNESDAY, APRIL 18, 2007

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

One Hundred First Calendar Day - Sixty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 18, 2007

The House met pursuant to adjournment at 9:14 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Matthew Martens, pastor of Grace Lutheran Church, Fort Dodge. He was the guest of Representative Helen Miller of Webster County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Will Mason, clerk for Representative McKinley Bailey of Hamilton County.

The Journal of Tuesday, April 17, 2007 was approved.

INTRODUCTION OF BILLS

[House File 912](#), by committee on ways and means, a bill for an act relating to providing sales, use, and property tax exemptions for a certain web search portal business.

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

[House File 913](#), by committee on ways and means, a bill for an act relating to the streamlined sales and use tax agreement and administration of the tax and related laws by the department of revenue, including administration of sales and use taxes, and providing an effective date.

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

SPECIAL PRESENTATION

Lukan of Dubuque introduced to the House the Honorable Danny Carroll, former state representative from Poweshiek County.

The House rose and expressed its welcome.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnold of Lucas, until his arrival, on request of Gipp of Winneshiek.

SENATE AMENDMENT CONSIDERED

Cohon of Des Moines called up for consideration [House File 752](#), a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, amended by the Senate amendment [H-1735](#) as follows:

[H-1735](#)

1 Amend [House File 752](#), as passed by the House, as
2 follows:
3 1. Page 4, by inserting after line 28 the
4 following:
5 "Sec. ____ STATE EMPLOYEE TELECOMMUTING – POLICY
6 DEVELOPMENT – IMPLEMENTATION.
7 1. The director of a department or state agency to
8 which appropriations are made pursuant to the
9 provisions of this Act shall assess the extent to
10 which job classifications or individual employment
11 positions with the department or agency might be
12 effectively performed from an employee's residence or
13 other remote location through telecommuting, thereby
14 increasing office space within the department or
15 agency and reducing administrative costs. The
16 assessment shall include an estimate of the number of
17 department or agency employees whose job
18 responsibilities could be effectively performed on a
19 telecommuting basis, projected costs of establishing
20 and maintaining work stations at an employee's
21 residence or other remote location and providing
22 telecommuter support, anticipated savings to the
23 department or agency through a reduction in the
24 office-based workforce, and anticipated time and cost
25 savings to telecommuting employees. A report
26 summarizing the assessment shall be submitted to the
27 director of the department of administrative services,
28 and the members of the general assembly, by November
29 1, 2007.

30 2. Based on the assessment conducted pursuant to
 31 subsection 1, the director shall develop a
 32 telecommuter employment policy for the department or
 33 agency and a timeline for initial policy
 34 implementation and plans for expanding the number of
 35 telecommuting employees. Specific office-based
 36 workforce reduction percentages shall be left to the
 37 discretion of the director, but the director shall
 38 implement a policy transferring some number of
 39 office-based employees to telecommuter status by
 40 January 1, 2008. The director shall report to the
 41 director of the department of administrative services
 42 and the members of the general assembly on an annual
 43 basis beginning January 1, 2009, the number of
 44 telecommuting employees, cost savings achieved by the
 45 department or agency, and plans for continued transfer
 46 of office-based employees to telecommuter status."
 47 2. Title page, line 4, by inserting after the
 48 word "fund" the following: ", and related matters".
 49 3. By renumbering as necessary.

Rants of Woodbury offered amendment [H-1766](#), to the Senate amendment [H-1735](#), filed by him as follows:

[H-1766](#)

1 Amend the Senate amendment, [H-1735](#), to House File
 2 752, as passed by the House, as follows:
 3 1. Page 1, by inserting after line 4 the
 4 following:
 5 ""Sec.____. 2007 Iowa Acts, [Senate File 403](#),
 6 section 36, if enacted, is repealed."
 7 2. Page 1, line 5, by striking the word ""Sec."
 8 and inserting the following: "Sec."
 9 3. Page 1, line 46, by striking the word
 10 "status."" and inserting the following: "status."
 11 4. Page 1, by inserting after line 46 the
 12 following:
 13 "Sec.____. EFFECTIVE DATE. The section of this
 14 Act repealing 2007 Iowa Acts, [Senate File 403](#), section
 15 36, if enacted, being deemed of immediate importance,
 16 takes effect upon enactment."
 17 5. Page 1, by striking line 48 and inserting the
 18 following: "words "road fund" the following: ", and
 19 related matters, and providing an effective date".
 20 6. By renumbering as necessary.

Cohon of Des Moines rose on a point of order that amendment [H-1766](#) was not germane, to amendment the Senate amendment [H-1735](#).

The Speaker ruled the point well taken and amendment [H-1766](#) not germane, to amendment [H-1735](#).

Cohoon of Des Moines moved that the House concur in the Senate amendment [H-1735](#).

A non-record roll call was requested.

The ayes were 50, nays 43.

The House concurred in the Senate amendment [H-1735](#).

Cohoon of Des Moines 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. 752](#))

The ayes were, 53:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevort	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Pettengill	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Staed	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Mr. Speaker			
Murphy			

The nays were, 44:

Alons	Anderson	Baudler	Boal
Chambers	Clute	De Boef	Deyoe
Dolecheck	Drake	Forristall	Gipp
Granzow	Grassley	Greiner	Heaton
Hoffman	Horbach	Huseman	Jacobs
Kaufmann	Lukan	May	Miller, L.
Olson, S.	Paulsen	Raecker	Rants
Rasmussen	Rayhons	Roberts	Sands
Schickel	Soderberg	Struyk	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Fossen
Watts	Wienczek	Windschitl	Worthan

Absent or not voting, 3:

Arnold

Van Engelenhoven Zirkelbach

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

On motion by McCarthy of Polk, the House was recessed at 9:36 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:24 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILLS

[House File 914](#), by McCarthy, a bill for an act relating to the provision of medical services and evaluation of permanent disabilities of injured employees under workers' compensation laws, and providing an applicability date.

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

[House File 915](#), by McCarthy and Rants, a bill for an act transferring regulatory control of elder group homes, assisted living homes, and adult day services from the department of elder affairs to the department of inspections and appeals.

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

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, 2007, amended and passed the following bill in which the concurrence of the House is asked:

[House File 817](#), a bill for an act concerning the flag and veterans by providing for a study of regional veterans affairs offices, providing for the duties of the department of veterans affairs and the commission on veterans affairs prohibiting certain acts involving the flag, establishing a counseling program for veterans and providing a penalty.

Also: That the Senate has on April 18, 2007, passed the following bill in which the concurrence of the Senate was asked:

[House File 892](#), a bill for an act creating a film, television, and video project promotion program, providing tax credits and income exclusions, and including effective and retroactive applicability dates.

Also: That the Senate has on April 18, 2007, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

[Senate File 472](#), a bill for an act requiring the posting of close-clearance warning devices along railroad tracks and providing a penalty.

MICHAEL E. MARSHALL, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Van Engelenhoven of Marion on request of Upmeyer of Hancock.

CONSIDERATION OF BILLS Unfinished Business Calendar

[Senate File 254](#), a bill for an act revising family investment program requirements, with report of committee recommending amendment and passage, was taken up for consideration.

Petersen of Polk offered the following amendment [H-1587](#) filed by the committee on human resources and moved its adoption:

[H-1587](#)

- 1 Amend [Senate File 254](#), as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by striking lines 27 through 29 and
- 4 inserting the following: "participant parent to
- 5 address the birth of a child or the placement of a
- 6 child with the participant parent for adoption or
- 7 foster care. If such a leave is requested by the
- 8 parent the combined duration of the".

The committee amendment [H-1587](#) was adopted.

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

On the question "Shall the bill pass?" ([S.F. 254](#))

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Bell	Berry	Boal
Bukta	Chambers	Clute	Cohoon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Forristall	Frevort	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek
Winckler	Windschitl	Wise	Worthan
Mr. Speaker			
Murphy			

The nays were, none.

Absent or not voting, 3:

Arnold Van Engelenhoven Zirkelbach

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

SPECIAL PRESENTATION

Jacobs of Polk introduced to the House, the Honorable Willard Jenkins, former state representative from Black Hawk County.

The House rose and expressed its welcome.

SENATE AMENDMENT CONSIDERED

Gaskill of Wapello called up for consideration [House File 546](#), a bill for an act relating to membership on election boards, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1707](#):

[H-1707](#)

1 Amend [House File 546](#), as passed by the House, as
2 follows:

3 1. Page 1, line 4, by striking the words "one of"
4 and inserting the following: "~~one of~~".

5 2. Page 1, line 8, by striking the word
6 "precinct" and inserting the following: "~~precinct~~
7 county".

8 3. Page 1, by striking lines 11 and 12 and
9 inserting the following: "~~under the heading of either~~
10 ~~of these political parties. Election boards may~~".

11 4. Page 1, line 14, by striking the words
12 "political party" and inserting the following: "of
13 these political parties".

14 5. Page 1, by striking lines 16 through 19 and
15 inserting the following: "election board".

16 6. Page 2, by striking lines 22 through 24 and
17 inserting the following: "counting board."

The motion prevailed and the House concurred in the Senate amendment [H-1707](#).

Gaskill of Wapello 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. 546](#))

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Bell	Berry	Boal
Bukta	Chambers	Clute	Cohoon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Forristall	Frevert	Gaskill	Gayman

Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek
Winckler	Windschitl	Wise	Worthan
Mr. Speaker			
Murphy			

The nays were, none.

Absent or not voting, 3:

Arnold Van Engelenhoven Zirkelbach

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

Unfinished Business Calendar

[Senate File 304](#), a bill for an act relating to the exercise of regulatory authority by the department of natural resources and the natural resource commission within the boundaries of the Sac and Fox tribe settlement in Tama county, and providing for applicability and effective dates, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" ([S.F. 304](#))

The ayes were, 67:

Abdul-Samad	Anderson	Bailey	Bell
Berry	Bukta	Cohoon	Dandekar
Davitt	Foege	Ford	Frevvert
Gaskill	Gayman	Gipp	Heddens
Hoffman	Hunter	Huseman	Huser
Jacobs	Jacoby	Jochum	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Pettengill
Quirk	Rants	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Schickel
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Tomenga	Upmeyer	Van Fossen	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Wise	Mr. Speaker Murphy	

The nays were, 30:

Alons	Baudler	Boal	Chambers
Clute	De Boef	Deyoe	Dolecheck
Drake	Forristall	Granzow	Grassley
Greiner	Heaton	Horbach	Kaufmann
May	Miller, L.	Olson, S.	Paulsen
Raecker	Sands	Soderberg	Struyk
Tjepkes	Tymeson	Watts	Wiencek
Windschitl	Worthan		

Absent or not voting, 3:

Arnold Van Engelenhoven Zirkelbach

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

House File 500, a bill for an act relating to the authority of creditors and credit unions in consumer credit or credit union transactions, was taken up for consideration.

Tomenga of Polk asked and received unanimous consent to withdraw amendment [H-1585](#) filed by him on April 4, 2007.

Jacoby of Johnson offered the following amendment [H-1394](#) filed by him and moved its adoption:

[H-1394](#)

- 1 Amend [House File 500](#) as follows:
 2 1. Page 1, by inserting after line 25 the
 3 following:
 4 "Sec.____. IMPLEMENTATION OF LAW.
 5 The provisions of this Act amending section 533.4
 6 shall be deemed to amend section 533.301, relating to
 7 powers of credit unions, if enacted in 2007 Iowa Acts,
 8 [Senate File 557](#), or successor legislation, and the
 9 Code editor shall harmonize the provisions as
 10 necessary."
 11 2. By renumbering as necessary.

Amendment [H-1394](#) was adopted.

[SENATE FILE 347](#) SUBSTITUTED FOR [HOUSE FILE 500](#)

Jacoby of Johnson asked and received unanimous consent to substitute [Senate File 347](#) for [House File 500](#).

[Senate File 347](#), a bill for an act relating to the authority of creditors and credit unions in consumer credit or credit union transactions, was taken up for consideration.

Kressig of Black Hawk in the chair at 2:50 p.m.

Tomenga of Polk asked and received unanimous consent to withdraw amendment [H-1584](#) filed by him on April 4, 2007.

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

On the question "Shall the bill pass?" ([S.F. 347](#))

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Bell	Berry	Boal
Bukta	Chambers	Clute	Cphoon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Forristall	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach

Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek
Winckler	Windschitl	Wise	Worthan
Mr. Speaker			
Murphy			

The nays were, none.

Absent or not voting and 3:

Arnold Van Engelenhoven Zirkelbach

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

[HOUSE FILE 500](#) WITHDRAWN

Jacoby of Johnson asked and received unanimous consent to withdraw [House File 500](#) from further consideration by the House.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 546](#) and **Senate Files 254, 304 and 347.**

[House File 786](#), a bill for an act relating to a civil judgment, decree, or order of a court of a federally recognized Indian tribe and including an applicability provision, was taken up for consideration.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment [H-1339](#) filed by him on March 14, 2007.

Palmer of Mahaska offered the following amendment [H-1767](#) filed by him from the floor and moved its adoption:

[H-1767](#)

1 Amend [House File 786](#) as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 626D.1 TITLE.

5 This chapter shall be cited as the "Full Faith and
6 Credit for Tribal Court Civil Judgments Act".

7 Sec. 2. NEW SECTION. 626D.2 DEFINITIONS.

8 As used in this chapter:

9 1. "Tribal court" means any court of any Indian or
10 Alaska native tribe, band, nation, pueblo, village, or
11 community that the United States secretary of the
12 interior recognizes as an Indian tribe.

13 2. "Tribal judgment" means a written, civil
14 judgment, order, or decree of a tribal court of record
15 duly authenticated in accordance with the laws and
16 procedures of the tribe or tribal court of record and
17 in accordance with this chapter.

18 Sec. 3. NEW SECTION. 626D.3 FILING PROCEDURES.

19 1. A copy of any tribal judgment may be filed in
20 the office of the clerk of court in any county in this
21 state.

22 2. The person filing the tribal judgment shall
23 make and file with the clerk of court an affidavit
24 setting forth the name and last known address of the
25 party seeking enforcement and the responding party.
26 Upon the filing of the tribal judgment and
27 accompanying affidavit, the enforcing party shall
28 serve upon the responding party a notice of filing of
29 the tribal judgment together with a copy of the tribal
30 judgment in accordance with rule 1.442 of the Iowa
31 rules of civil procedure. The enforcing party shall
32 file proof of service or mailing with the clerk of
33 court. The notice of filing shall include the name
34 and address of the enforcing party and the enforcing
35 party's attorney, if any, and shall include the text
36 contained in sections 626D.4 and 626D.5.

37 Sec. 4. NEW SECTION. 626D.4 RESPONSES.

38 Any objection to the enforcement of a tribal
39 judgment shall be filed within thirty days of receipt
40 of the mailing of the notice of filing the tribal
41 judgment. If an objection is filed within such time
42 period, the court shall set a time period for a formal
43 response to the objection and may set the matter for
44 hearing.

45 Sec. 5. NEW SECTION. 626D.5 FULL FAITH AND
46 CREDIT FOR TRIBAL JUDGMENTS.

47 1. Unless objected to pursuant to section 626D.4,
48 a tribal judgment shall be granted full faith and
49 credit by the courts of this state to the same extent
50 and with the same effect as any judgment, order, or

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1 decree of a court of this state.

2 2. If no objections are timely filed, the clerk
3 shall issue a certification that no objections were
4 timely filed and the tribal judgment shall be
5 enforceable in the same manner as if issued by a valid
6 court of this state.

7 3. A tribal judgment shall not be granted full
8 faith and credit if the objecting party demonstrates
9 by a preponderance of the evidence at least one of the
10 following:

11 a. The tribal court did not have personal or
12 subject matter jurisdiction.

13 b. The defendant was not given fair notice or a
14 fair hearing in the tribal court proceeding.

15 4. The court may grant full faith and credit or
16 decline to provide full faith and credit to a tribal
17 judgment on equitable grounds for any of the following
18 reasons:

19 a. The tribal judgment was obtained by extrinsic
20 fraud.

21 b. The tribal judgment conflicts with another
22 filed judgment that is entitled to recognition in this
23 state.

24 c. As an issue of law, the tribal court was not
25 the appropriate forum pursuant to the parties'
26 contractual choice of forum, provided the party
27 raising the legal issue must further demonstrate that
28 the issue was raised at each level of the tribal court
29 proceeding.

30 d. The tribal court does not grant full faith and
31 credit under standards similar to those provided in
32 this chapter to judgments of the courts of this state.

33 e. The cause of action or defense upon which the
34 tribal judgment is based is repugnant to the
35 fundamental public policy of the United States or this
36 state.

37 Sec. 6. NEW SECTION. 626D.6 STAY.

38 If the objecting party demonstrates to the court
39 that an appeal from the tribal judgment is pending or
40 will be taken or that a stay of execution has been
41 granted, the court may stay enforcement of the tribal
42 judgment until the appeal is concluded, the time for
43 appeal expires, or the stay of execution expires or is
44 vacated.

45 Sec. 7. NEW SECTION. 626D.7 CONTACTING COURTS.

46 The district court, after notice to the parties,
47 may attempt to resolve any issues raised regarding a
48 tribal judgment pursuant to section 626D.3 or 626D.5,
49 by contacting the tribal court judge who issued the
50 judgment.

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1 Sec. 8. NEW SECTION. 626D.8 APPLICABILITY.
2 This chapter shall govern the procedures for
3 granting full faith and credit by the courts of this
4 state to a civil judgment, order, or decree issued by
5 a tribal court of any federally recognized Indian
6 tribe emanating from a cause of action that accrued on
7 or after the effective date of this Act, provided that
8 this chapter does not impair the right of a party to
9 seek enforcement under any other existing laws or
10 procedures."

Amendment [H-1767](#) was adopted.

[SENATE FILE 430](#) SUBSTITUTED FOR [HOUSE FILE 786](#)

Palmer of Mahaska asked and received unanimous consent to substitute [Senate File 430](#) for [House File 786](#).

[Senate File 430](#), a bill for an act relating to a civil judgment, decree, or order of a court of a federally recognized Indian tribe and including an applicability provision, was taken up for consideration.

McCarthy of Polk asked and received unanimous consent that [Senate File 430](#) be deferred and that the bill retain its place on the calendar.

[Senate File 263](#), a bill for an act concerning gambling games on gambling structures, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" ([S.F. 263](#))

The ayes were, 71:

Abdul-Samad	Bailey	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Dolecheck	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Greiner
Heaton	Hoffman	Horbach	Huseman
Huser	Jacobs	Jacoby	Jochum
Kelley	Kressig	Lukan	Lykam
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Paulsen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Schickel	Schueller	Shomshor	Smith
Soderberg	Staed	Struyk	Taylor, T.
Thomas	Tjepkes	Tomenga	Upmeyer
Van Fossen	Wendt	Wenthe	Whitaker
Whitead	Wienczek	Winckler	Windschitl
Wise	Worthan	Mr. Speaker	
		Murphy	

The nays were, 26:

Alons	Anderson	Baudler	Davitt
De Boef	Deyoe	Drake	Grassley
Heddens	Hunter	Kaufmann	Kuhn
Lensing	Mascher	May	Palmer
Petersen	Rasmussen	Reichert	Roberts
Sands	Swaim	Taylor, D.	Tymeson
Watts	Wessel-Kroeschell		

Absent or not voting, 3:

Arnold Van Engelenhoven Zirkelbach

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 263](#) be immediately messaged to the Senate.

[Senate File 336](#), a bill for an act allowing certain cities to appoint additional civil service commissioners, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" ([S.F. 336](#))

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Bell	Berry	Boal
Bukta	Chambers	Clute	Cohoon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Forristall	Frevrt	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek
Winckler	Windschitl	Wise	Worthan
Mr. Speaker			
Murphy			

The nays were, none.

Absent or not voting, 3:

Arnold Van Engelenhoven Zirkelbach

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

SENATE AMENDMENT CONSIDERED

Schueller of Jackson called up for consideration [House File 651](#), a bill for an act relating to business corporations, by providing for

information required to be filed with the secretary of state and providing for shareholder voting, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1694](#):

[H-1694](#)

- 1 Amend [House File 651](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 1 and 2.
- 4 2. By striking page 7, line 29, through page 8,
- 5 line 1.
- 6 3. By striking page 8, line 13, through page 14,
- 7 line 19.
- 8 4. Title page, line 3, by striking the words
- 9 "shareholder voting" and inserting the following:
- 10 "shares and instruments associated with such
- 11 corporations".
- 12 5. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-1694](#).

Schueller of Jackson 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. 651](#))

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Bailey
Bell	Berry	Boal	Bukta
Chambers	Clute	Cohoon	Dandekar
Davitt	De Boef	Deyoe	Dolecheck
Drake	Foege	Ford	Forristall
Frevert	Gaskill	Gayman	Gipp
Granzow	Grassley	Greiner	Heaton
Heddens	Hoffman	Horbach	Hunter
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands

Schickel	Schueller	Shomshor	Smith
Soderberg	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Fossen
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wiencsek	Winckler
Windschitl	Wise	Worthan	Mr. Speaker
			Murphy

The nays were, none.

Absent or not voting, 4:

Arnold	Baudler	Van Engelenhoven	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.

Unfinished Business Calendar

[Senate File 469](#), a bill for an act providing for the sale of motor homes by a manufacturer at a camping rally sponsored by the manufacturer, with report of committee recommending amendment and passage, was taken up for consideration.

D. Olson of Boone offered the following amendment [H-1611](#) filed by the committee on transportation and moved its adoption:

[H-1611](#)

1 Amend [Senate File 469](#), as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 3, by striking the words "new
 4 class A".
 5 2. Page 1, line 5, by striking the figure
 6 "322E.1" and inserting the following: "322E.2".
 7 3. Page 1, by inserting after line 6 the
 8 following:
 9 "Sec. . NEW SECTION. 322E.1 DEFINITIONS.
 10 As used in this chapter, unless the context
 11 otherwise requires:
 12 1. "Department" means the state department of
 13 transportation.
 14 2. "Class A motor home", "class B motor home", and
 15 "class C motor home" mean the same as defined in
 16 section 321.124.
 17 3. "Manufacturer" means a motor home manufacturer
 18 licensed under chapter 322.
 19 4. "Nonresident" means a person who is not a

20 resident of this state."

21 4. Page 1, line 7, by striking the figure
22 "322E.1" and inserting the following: "322E.2".
23 5. Page 1, line 8, by striking the words "CLASS
24 A".

25 6. Page 1, line 10, by striking the words
26 "licensed under chapter 322".

27 7. Page 1, line 15, by inserting after the word
28 "sponsored" the following: "and conducted".

29 8. Page 1, line 21, by striking the word "five"
30 and inserting the following: "seven".

31 9. Page 1, line 28, by inserting after the word
32 "manufacturer" the following: "sponsoring and".

33 10. Page 1, line 30, by inserting after the word
34 "to" the following: "nonresident".

35 11. Page 1, by inserting after line 31 the
36 following:

37 "2. Notwithstanding chapter 322, a manufacturer of
38 class A motor homes that sponsors and conducts a rally
39 as provided in subsection 1 may accept trade-ins of
40 used motor homes manufactured by the manufacturer from
41 attendees of the rally who meet the requirements of
42 subsection 1, paragraphs "f" and "g" who purchase from
43 the manufacturer a new class A motor home manufactured
44 by the manufacturer. A manufacturer may sell or trade
45 such a used motor home acquired from a purchaser in
46 trade at the rally, provided that the manufacturer has
47 in its possession at the rally the certificate of
48 title to the motor home, assigned to the manufacturer.
49 A manufacturer shall not sell or trade, at a rally, a
50 used motor home acquired from a purchaser in trade at

Page 2

1 the rally to any person other than a nonresident
2 attendee who meets all of the requirements of
3 subsection 1, paragraphs "f" and "g".

4 3. A manufacturer of class A motor homes shall
5 provide notice to the department not less than ninety
6 days prior to the beginning date of a rally to be
7 sponsored and conducted by the manufacturer. The
8 notice shall be in a form and contain such information
9 as may be required by the department."

10 12. Page 1, line 32, by striking the figure "2."
11 and inserting the following: "4."

12 13. Page 1, line 33, by striking the words "class
13 A".

14 14. Page 1, line 35, by striking the words and
15 figure "3. A class A" and inserting the following:
16 "5. A".

17 15. Page 2, by inserting after line 4 the
18 following:

19 "6. Notwithstanding chapter 322, a manufacturer of
 20 class A motor homes that sponsors and conducts a rally
 21 as provided in subsection 1 may display but not sell
 22 at the rally new class B and class C motor homes
 23 manufactured by the manufacturer.

24 Sec.____. NEW SECTION. 322E.3 FUTURE REPEAL.

25 This chapter is repealed June 30, 2012.

26 Sec.____. The sections of 2007 Iowa Acts, Senate
 27 File 403, amending section 260C.14, subsection 6, and
 28 section 313.2, unnumbered paragraph 5, if enacted, are
 29 repealed.

30 Sec.____. TEMPORARY APPLICABILITY – CLAY COUNTY
 31 PILOT PROJECT.

32 1. For the period beginning July 1, 2007, and
 33 ending June 30, 2012, this Act applies only to motor
 34 home manufacturer's club rallies held on the grounds
 35 of the county fair in Clay county, provided that not
 36 more than one such rally shall be held in Clay county
 37 annually during the five-year pilot project. The Clay
 38 county fair board shall report to the senate and house
 39 standing committees on transportation on or before
 40 December 31 annually during the five-year period
 41 regarding any rally held at the fairgrounds during the
 42 year or any other information relevant to the pilot
 43 project.

44 2. The Clay county fair board shall inform the
 45 department of transportation of any suspected
 46 violation of the sales provisions of this Act brought
 47 to the attention of the board. Upon receiving
 48 information regarding a transaction constituting a
 49 possible violation of this Act, the department shall
 50 investigate the claim to determine whether evidence

Page 3

1 exists proving that a violation occurred. If the
 2 department determines from the investigation that a
 3 violation occurred, the department shall report the
 4 substantiated violation to the Clay county fair board
 5 and shall send a copy of the report to the senate and
 6 house standing committees on transportation. Upon
 7 receiving a report from the department of a
 8 substantiated violation of this Act, the Clay county
 9 fair board shall not permit any future rally to be
 10 conducted on the fairgrounds by a motor home
 11 manufacturer.

12 Sec.____. EFFECTIVE DATE. The section of this Act
 13 repealing sections of 2007 Iowa Acts, [Senate File 403](#),
 14 if enacted, being deemed of immediate importance,
 15 takes effect upon enactment."

16 16. Title page, line 1, by inserting after the
 17 word "Act" the following: "concerning financial and

- 18 regulatory matters, including by".
 19 17. Title page, line 2, by inserting after the
 20 word "sponsored" the following: "and conducted".
 21 18. Title page, line 2, by inserting after the
 22 word "manufacturer" the following: "and providing for
 23 applicability to a pilot project".
 24 19. Title page, line 2, by inserting after the
 25 word "manufacturer" the following: ", and providing
 26 an effective date".
 27 20. By renumbering as necessary.

The committee amendment [H-1611](#) was adopted.

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

On the question "Shall the bill pass?" ([S.F. 469](#))

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Bell	Berry	Boal
Bukta	Chambers	Clute	Cohoon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Forristall	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Fossen	Watts	Wendt	Went
Wessel-Kroeschell	Whitaker	Whitead	Wiencek
Winckler	Windschitl	Wise	Worthan
Mr. Speaker			
Murphy			

The nays were, none.

Absent or not voting, 3:

Arnold

Van Engelenhoven 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

Bukta of Clinton called up for consideration [House File 767](#), a bill for an act relating to eligible veterans for purposes of the injured veterans grant program, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1693](#):

[H-1693](#)

- 1 Amend [House File 767](#), as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting after line 16 the
 4 following:
 5 "Sec.____. Section 35A.14, subsection 5, paragraph
 6 a, Code 2007, is amended to read as follows:
 7 a. Grants shall be paid in increments of two
 8 thousand five hundred dollars, up to a maximum of ten
 9 thousand dollars upon proof that the veteran has been
 10 evacuated from the operational theater in which the
 11 veteran was injured to a military hospital for an
 12 injury received in the line of duty and shall continue
 13 to be paid, at thirty-day intervals, up to the maximum
 14 amount, so long as the veteran is hospitalized or
 15 receiving medical care or rehabilitation services
 16 authorized by the military ~~and the presence or~~
 17 ~~assistance of family members is necessary."~~
 18 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-1693](#).

Bukta of Clinton 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. 767](#))

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Bell	Berry	Boal
Bukta	Chambers	Clute	Cohoon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Forristall	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek
Winckler	Windschitl	Wise	Worthan
Mr. Speaker Murphy			

The nays were, none.

Absent or not voting, 3:

Arnold Van Engelenhoven Zirkelbach

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

[Senate File 546](#), a bill for an act relating to a hospital lien, with report of committee recommending amendment and passage, was taken up for consideration.

R. Olson of Polk offered the following amendment [H-1632](#) filed by the committee on judiciary and moved its adoption:

[H-1632](#)

- 1 Amend [Senate File 546](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 2, line 7, by striking the word "medical"
 4 and inserting the following: "hospital".
 5 2. Page 2, by striking lines 9 through 13 and
 6 inserting the following: "for the patient's injuries.
 7 If the health plan denies payment for any other
 8 reason, the health plan shall nonetheless provide the
 9 hospital and the".
 10 3. Page 2, line 15, by striking the word
 11 "medical" and inserting the following: "hospital".
 12 4. Page 2, line 17, by striking the words "plan
 13 provider's" and inserting the following: "plan's".

The committee amendment [H-1632](#) was adopted.

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

On the question "Shall the bill pass?" ([S.F. 546](#))

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Bell	Berry	Boal
Bukta	Chambers	Clute	Cohoon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Forristall	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Sands
Schickel	Schueller	Shomshor	Smith
Soderberg	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Fossen
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wiencsek	Winckler
Windschitl	Wise	Worthan	Mr. Speaker Murphy

The nays were, 1:

Roberts

Absent or not voting, 3:

Arnold

Van Engelenhoven Zirkelbach

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 651, 767** and **Senate Files 336, 469** and **546**.

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 18, 2007, passed the following bill in which the concurrence of the House is asked:

[Senate File 588](#), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing effective dates.

MICHAEL E. MARSHALL, Secretary

[Senate File 485](#), a bill for an act requiring consideration of greenhouse gas emissions in issuing specified air quality permits, with report of committee recommending amendment and passage, was taken up for consideration.

The House stood at ease at 5:02 p.m., until the fall of the gavel.

The House resumed session at 6:18 p.m., Speaker Murphy in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-eight members present, twelve absent.

McCarthy of Polk asked and received unanimous consent that [Senate File 485](#) be deferred and that the bill retain its place on the calendar.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 18, 2007, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 554](#), a bill for an act relating to franchises for the provision of cable service or video service including providing for fees and providing an effective date.

MICHAEL E. MARSHALL, Secretary

HOUSE INSISTS

Lykam of Scott called up for consideration [Senate File 472](#), a bill for an act requiring the posting of close-clearance warning devices along railroad tracks and providing a penalty and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED ([Senate File 472](#))

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning [Senate File 472](#): Lykam of Scott, Chair; Mertz of Kossuth, T. Taylor of Linn, Tjepkes of Webster and Huseman of Cherokee.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 472](#) be immediately messaged to the Senate.

Unfinished Business Calendar

[Senate File 49](#), a bill for an act providing for a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses, with report of committee recommending passage, was taken up for consideration.

R. Olson of Polk offered the following amendment [H-1769](#) filed by him from the floor and moved its adoption:

[H-1769](#)

1 Amend [Senate File 49](#), as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting before line 1, the
4 following:

5 "Section 1. Section 462A.2, subsection 22, Code
6 2007, is amended to read as follows:

7 22. "Operate" means to navigate or otherwise use a
8 vessel or motorboat. For the purposes of section
9 462A.12, subsection 2, and sections 462A.14, 462A.14A,
10 462A.14B, 462A.14C, 462A.14D, and 462A.14E, "operate"
11 when used in reference to a motorboat or sailboat,
12 means the motorboat or sailboat is powered by an
13 outboard motor of ten horsepower or more, is under
14 way, and is planing."

15 2. Title page, line 1, by striking the words
16 "providing for a .08 blood alcohol limit for" and
17 inserting the following: "relating to".

18 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 50, nays 30.

Amendment [H-1769](#) was adopted.

R. Olson of Polk asked and received unanimous consent to withdraw amendment [H-1760](#) filed by him on April 17, 2007.

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

On the question "Shall the bill pass?" ([S.F. 49](#))

The ayes were, 84:

Abdul-Samad	Alons	Arnold	Bailey
Bell	Berry	Boal	Bukta
Chambers	Clute	Cphoon	Dandekar
Davitt	De Boef	Deyoe	Dolecheck
Drake	Foege	Ford	Forristall
Frevert	Gaskill	Gayman	Granzow
Grassley	Heaton	Heddens	Hoffman
Horbach	Hunter	Huser	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam

Mascher	May	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Swaim	Taylor, D.	Taylor, T.
Thomas	Tomenga	Tymeson	Upmeyer
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wiencek	Winckler
Windschitl	Wise	Worthan	Mr. Speaker
			Murphy

The nays were, 13:

Anderson	Baudler	Gipp	Greiner
Huseman	Jacobs	Olson, S.	Raecker
Rants	Sands	Struyk	Tjepkes
Van Fossen			

Absent or not voting, 3:

Miller, L.	Van Engelenhoven	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.

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 18, 2007, passed the following bill in which the concurrence of the Senate was asked:

[House File 877](#), a bill for an act creating a statewide voluntary preschool program for four-year-old children and making appropriations.

MICHAEL E. MARSHALL, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

L. Miller of Scott, until her return, on request of Roberts of Carroll.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 49](#) be immediately messaged to the Senate.

The House resumed consideration of [Senate File 430](#), a bill for an act relating to civil judgment, decree, or order of a court of a federally recognized Indian tribe and including an applicability provision found on page 1486 of the House Journal.

Swaim of Davis offered amendment [H-1745](#) filed by Swaim, et al., as follows:

[H-1745](#)

- 1 Amend [Senate File 430](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 2 and 3 and
- 4 inserting the following:
- 5 "This chapter shall be cited as the "Recognition
- 6 and Enforcement of Tribal Court Civil Judgments Act"."
- 7 2. Page 1, line 14, by inserting after the word
- 8 "chapter." the following: "For purposes of this
- 9 subsection, a "tribal court of record" is considered a
- 10 court of record if the court maintains a permanent
- 11 record of the tribal court's proceedings, maintains
- 12 either a transcript or electronic record of the tribal
- 13 court's proceedings, and provides that a final
- 14 judgment of a tribal court is reviewable on appeal."
- 15 3. Page 2, by striking line 3 and inserting the
- 16 following:
- 17 "Sec. 5. NEW SECTION. 626D.5 RECOGNITION AND
- 18 ENFORCEMENT OF".
- 19 4. Page 2, line 6, by striking the words "granted
- 20 full faith and credit" and inserting the following:
- 21 "recognized and enforced".
- 22 5. Page 2, by striking lines 13 and 14 and
- 23 inserting the following:
- 24 "3. A tribal judgment shall not be recognized and
- 25 enforced if the objecting party demonstrates by a
- 26 preponderance".
- 27 6. Page 2, by striking lines 18 through 22 and
- 28 inserting the following:
- 29 "b. A party was not afforded due process.
- 30 4. The court may recognize and enforce or decline
- 31 to recognize and enforce a tribal judgment on
- 32 equitable grounds for any of the following reasons:"
- 33 7. Page 2, by striking lines 26 through 33 and
- 34 inserting the following:

35 "c. The tribal judgment is inconsistent with the
 36 parties' contractual choice of forum provided the
 37 contractual choice of forum issue was timely raised in
 38 the tribal court.

39 d. The tribal court does not recognize and enforce
 40 judgments of the courts of this state under standards
 41 similar to those provided in this chapter."

42 8. Page 3, by striking lines 15 and 16 and
 43 inserting the following:

44 "This chapter shall govern the procedures for the
 45 recognition and enforcement by the courts of this
 46 state of a civil".

47 9. Page 3, by striking line 20 and inserting the
 48 following: "Act. The date that a cause of action
 49 accrues shall be determined under the appropriate laws
 50 of this state. This chapter does not impair the right

Page 2

1 of a".

2 10. By renumbering as necessary.

Swaim of Davis asked and received unanimous consent to withdraw amendment [H-1746](#), to amendment [H-1745](#), filed by him on April 17, 2007.

Swaim of Davis asked and received unanimous consent to withdraw amendment [H-1771](#), to amendment [H-1745](#), filed by him and Struyk of Pottawattamie from the floor.

Swaim of Davis offered the following amendment [H-1776](#), to amendment [H-1745](#), filed by him and Struyk of Pottawattamie from the floor and moved its adoption:

[H-1776](#)

1 Amend the amendment, [H-1745](#), to [Senate File 430](#), as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, by inserting after line 2, the
 5 following:

6 "____. Page 1, by inserting before line 1 the
 7 following:

8 "Section 1. Section 624.24, Code 2007, is amended

9 to read as follows:

10 624.24 WHEN JUDGMENT LIEN ATTACHES.
11 When the real estate lies in the county wherein the
12 judgment of the district court of this state or of the
13 circuit or district courts of the United States was
14 entered in the judgment docket and lien index kept by
15 the clerk of the court having jurisdiction, the lien
16 shall attach from the date of such entry of judgment,
17 but if in another it will not attach until an attested
18 copy of the judgment is filed in the office of the
19 clerk of the district court of the county in which the
20 real estate lies except for foreign judgments pursuant
21 to chapters 626A and 626B and tribal judgments as
22 defined in section 626D.2, which shall not attach
23 until an appeal is concluded, the time for the appeal
24 has expired, or the stay of execution has expired or
25 was vacated pursuant to section 626A.4, 626B.3,
26 626B.5, or 626D.7. In such cases, the lien shall
27 attach on the date the clerk of court files an
28 attested copy of the judgment in the office of the
29 clerk of the district court of the county in which the
30 real estate lies in any of the following

31 circumstances:

- 32 1. The foreign or tribal judgment has not been
33 appealed and the time for filing an appeal has
34 expired.
35 2. The foreign or tribal judgment has been
36 appealed and the judgment has been affirmed on appeal
37 and is not subject to further appeal.
38 3. An appeal from a foreign or tribal judgment has
39 been filed and a stay from such judgment has not been
40 granted by the district court to the appealing party.

41 Sec.____. Section 626A.3, Code 2007, is amended by
42 adding the following new subsection:

43 NEW SUBSECTION. 4. The filing of a foreign
44 judgment under this chapter shall not create a lien
45 upon any real estate until after the expiration of the
46 time provided for in this chapter for challenging the
47 conclusiveness of the foreign judgment and pursuant to
48 section 624.24.

49 Sec.____. Section 626B.6, Code 2007, is amended to
50 read as follows:

Page 2

1 626B.6 OTHER FOREIGN JUDGMENTS.

2 1. This chapter does not prevent the recognition
3 of a foreign judgment by a court of this state in a
4 situation not specifically covered in this chapter.

5 2. The filing of a foreign judgment shall not
6 create a lien upon any real estate until all
7 challenges, if any, to the conclusiveness of the

8 foreign judgment are concluded pursuant to section
9 626B.3. Upon final determination of the
10 conclusiveness of the foreign judgment, such judgment
11 shall constitute a lien on real estate pursuant to
12 section 624.24."

13 2. Page 1, by inserting after line 14 the
14 following:

15 "____. Page 1, by inserting after line 30 the
16 following:

17 "3. The filing of a tribal judgment shall not
18 create a lien upon any real estate until such time as
19 all challenges, if any, to the recognition and
20 enforcement of the tribal judgment are concluded
21 pursuant to sections 626D.4 and 626D.5. Upon a final
22 and conclusive determination of enforceability of the
23 tribal judgment, the judgment shall constitute a lien
24 upon real estate pursuant to section 624.24."

25 3. Page 1, by inserting after line 41 the
26 following:

27 "____. Page 3, line 2, by inserting after the word
28 "STAY" the following: "- BOND REQUIREMENT ON
29 APPEAL".

30 _____. Page 3, line 3, by inserting before the word
31 "If" the following: "1."

32 _____. Page 3, by inserting after line 8 the
33 following:

34 "2. If a party appeals a district court's ruling
35 on the recognition and enforcement of a tribal
36 judgment, the court, upon application of the opposing
37 party, shall require the same security for
38 satisfaction of the judgment which is required in this
39 state."

40 4. By renumbering as necessary.

Amendment [H-1776](#) was adopted.

On motion by Swaim of Davis, amendment [H-1745](#), as amended, was adopted, placing out of order amendment [H-1652](#) filed by Anderson of Page on April 10, 2007.

Anderson of Page asked and received unanimous consent to withdraw amendments [H-1653](#), [H-1654](#), [H-1655](#) filed by him on April 10, 2007.

Horbach of Tama asked and received unanimous consent to withdraw amendment [H-1749](#) filed by him on April 17, 2007.

Horbach of Tama offered the following amendment [H-1770](#) filed by him from the floor and moved its adoption:

[H-1770](#)

- 1 Amend [Senate File 430](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 22 the
- 4 following:
- 5 "Sec. ___. EFFECTIVE DATE. This Act takes effect
- 6 July 1, 2008."
- 7 2. Title page, line 2, by inserting after the
- 8 word "an" the following: "effective date and".

A non-record roll call was requested.

The ayes were 45, nays 50.

Amendment [H-1770](#) lost.

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

On the question "Shall the bill pass?" ([S.F. 430](#))

The ayes were, 63:

Abdul-Samad	Anderson	Bailey	Bell
Berry	Bukta	Cohoon	Dandekar
Davitt	Foege	Ford	Forristall
Frevert	Gaskill	Gayman	Gipp
Heddens	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lukan	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Pettengill	Quirk	Rants
Rasmussen	Reasoner	Reichert	Roberts
Schueller	Shomshor	Smith	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Van Fossen	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek
Winckler	Wise	Mr. Speaker	
		Murphy	

The nays were, 34:

Alons	Arnold	Baudler	Boal
Chambers	Clute	De Boef	Deyoe
Dolecheck	Drake	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	May	Miller, L.
Olson, S.	Paulsen	Raecker	Rayhons
Sands	Schickel	Soderberg	Tjepkes
Tomenga	Tymeson	Upmeyer	Watts
Windschitl	Worthan		

Absent or not voting, 3:

Granzow Van Engelenhoven Zirkelbach

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 430](#) be immediately messaged to the Senate.

HOUSE REFUSED TO CONCUR

Huser of Polk called up for consideration [House File 808](#), a bill for an act concerning accountability requirements for entities, administrators and boards created for joint exercise of governmental powers and providing effective dates, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1758](#):

[H-1758](#)

1 Amend [House File 808](#), as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 3, by inserting after the words
 4 "[paragraph "a"](#)," the following: "[However, such an](#)
 5 [entity shall file without charge, in an electronic](#)
 6 [format, the information described in paragraph "a"](#)
 7 [with the office of the county recorder in the most](#)
 8 [populous county served by the entity. The county](#)
 9 [recorder shall make the information submitted](#)
 10 [available to the public.](#)"

The motion lost and the House refused to concur in the Senate amendment [H-1758](#).

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 808](#) be immediately messaged to the Senate.

The House resumed consideration of [Senate File 485](#), a bill for an act requiring consideration of greenhouse gas emissions in issuing specified air quality permits, previously deferred.

D. Olson of Boone offered amendment [H-1603](#) filed by the committee on environmental protection as follows:

[H-1603](#)

1 Amend [Senate File 485](#), as passed by the Senate, as
2 follows:

3 1. Page 1, line 24, by striking the word
4 "[evaluating](#)".

5 2. Page 1, lines 25 and 26, by striking the words
6 "[director or the commission](#)" and inserting the
7 following: "[applicant](#)".

8 3. Page 1, line 26, by striking the words "[, in](#)
9 [addition to other applicable factors](#)".

10 4. Page 1, by inserting after line 34 the
11 following:

12 "[Sec. ____](#). [NEW SECTION](#). 455B.152 GREENHOUSE GAS
13 INVENTORY AND REGISTRY.

14 1. DEFINITIONS. For purposes of this section,
15 "greenhouse gas" means carbon dioxide, methane,
16 nitrous oxide, hydrofluorocarbons, perfluorocarbons,
17 or sulphur hexafluoride.

18 2. GREENHOUSE GAS INVENTORY.

19 a. By January 1, 2008, the department shall
20 establish a method for collecting data from producers
21 of greenhouse gases regarding generated greenhouse
22 gases. The data collection method shall provide for
23 mandatory reporting to collect information from
24 affected entities individually and shall include
25 information regarding the amount and type of
26 greenhouse gases generated, the type of source, and
27 other information deemed relevant by the department in
28 developing a baseline measure of greenhouse gases
29 produced in the state.

30 b. The department may allow a series of reporting
31 requirements to be phased in over a period of time and
32 may provide for phasing in by producer sector,
33 geographic area, size of producer, or other factors.
34 The reporting requirements shall apply to the
35 departments, agencies, boards, and commissions of the

36 state, in addition to any other entities subject to
 37 the reporting requirements established by the
 38 department.

39 3. GREENHOUSE GAS REGISTRY.

40 a. The department shall establish a voluntary
 41 greenhouse gas registry for purposes of cooperating
 42 with other states in tracking, managing, and crediting
 43 entities in the state that reduce their generation of
 44 greenhouse gases or that provide increased energy
 45 efficiency.

46 b. The department shall develop a mechanism to
 47 coordinate the information obtained in the greenhouse
 48 gas inventory with the greenhouse gas registry.

49 4. AVAILABILITY. By January 1, 2009, the
 50 greenhouse gas registry shall be made available on an

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1 internet website.

2 Sec.____. NEW SECTION. 455B.851 IOWA CLIMATE
 3 CHANGE ADVISORY COUNCIL.

4 1. The department shall create an Iowa climate
 5 change advisory council consisting of eighteen voting
 6 members serving three-year staggered terms and four
 7 nonvoting, ex officio members.

8 2. a. The voting members shall be appointed by
 9 the governor and shall represent the following:

10 (1) The university of Iowa center for global and
 11 regional environmental research.

12 (2) The university of northern Iowa center for
 13 energy and environmental education.

14 (3) The Iowa farm bureau.

15 (4) The Iowa public transit association.

16 (5) Rural electric cooperatives.

17 (6) Investor-owned utilities.

18 (7) Municipal utilities.

19 (8) The Iowa utilities board.

20 (9) One association with environmental interests
 21 or activities.

22 (10) One association with conservation interests
 23 or activities.

24 (11) The international brotherhood of electrical
 25 workers.

26 (12) The Iowa association of business and
 27 industry.

28 (13) The Iowa energy center.

29 (14) The Iowa renewable fuels association.

30 (15) The office of consumer advocate of the
 31 department of justice.

32 (16) A representative from local government.

33 (17) The director of the office of energy

34 independence in the office of the governor.

35 (18) A manufacturer of equipment used for
36 alternative energy production.
37 b. The four nonvoting, ex officio members shall
38 consist of four members of the general assembly, two
39 from the senate and two from the house of
40 representatives, with not more than one member from
41 each chamber being from the same political party. The
42 two senators shall be designated by the majority
43 leader of the senate after consultation with the
44 president and the minority leader of the senate. The
45 two representatives shall be designated by the speaker
46 of the house of representatives after consultation
47 with the majority and minority leaders of the house of
48 representatives.
49 3. Voting members of the council shall serve at
50 the pleasure of the governor and shall serve without

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1 compensation.
2 4. The chairperson of the council shall be
3 designated by the governor and may convene the council
4 at any time.
5 5. A vacancy in the membership shall not impair
6 the right of a quorum to exercise all the rights and
7 perform all the duties of the council. A majority of
8 the council members then appointed constitutes a
9 quorum. A majority vote of the quorum is required for
10 council action.
11 6. The department shall provide necessary staff
12 assistance to the council.
13 7. After consideration of a full range of policies
14 and strategies, the council shall develop multiple
15 scenarios designed to reduce statewide greenhouse gas
16 emissions including one scenario that would reduce
17 such emissions by fifty percent by 2050. The council
18 shall also develop short-term, medium-term, and
19 long-term scenarios designed to reduce statewide
20 greenhouse gas emissions. The council shall establish
21 a baseline year for purposes of calculating reductions
22 in statewide greenhouse gas emissions. The council
23 shall submit the proposal to the governor and the
24 general assembly by January 1, 2008.
25 8. The council may periodically adopt
26 recommendations designed to encourage the reduction of
27 statewide greenhouse gas emissions.
28 9. By September 1 of each year, the department
29 shall submit a report to the governor and the general
30 assembly regarding the greenhouse gas emissions in the
31 state during the previous calendar year and
32 forecasting trends in such emissions. The first
33 submission by the department shall be filed by

34 September 1, 2008, for the calendar year beginning
35 January 1, 2007."
36 5. Title page, by striking lines 1 and 2 and
37 inserting the following: "An Act relating to
38 greenhouse gas emissions."
39 6. By renumbering, relettering, or redesignating
40 and correcting internal references as necessary.

Alons of Sioux asked and received unanimous consent to withdraw amendment [H-1646](#), to the committee amendment [H-1603](#), filed by him on April 10, 2007.

Watts of Dallas asked and received unanimous consent to withdraw amendment [H-1682](#), to the committee amendment [H-1603](#), filed by Watts, et al., on April 11, 2007.

Watts of Dallas asked and received unanimous consent to withdraw amendment [H-1681](#), to the committee amendment [H-1603](#), filed by Watts, et al., on April 11, 2007.

Alons of Sioux asked and received unanimous consent to withdraw amendment [H-1644](#), to the committee amendment [H-1603](#), filed by Alons, et al., on April 10, 2007.

Alons of Sioux asked and received unanimous consent to withdraw amendment [H-1665](#) to the committee amendment [H-1603](#), filed by him and Mertz of Kossuth, on April 11, 2007.

D. Olson of Boone offered the following amendment [H-1755](#), to the committee amendment [H-1603](#), filed by him and Mertz of Kossuth and moved its adoption:

[H-1755](#)

1 Amend the amendment, [H-1603](#), to [Senate File 485](#), as
2 passed by the Senate, as follows:
3 1. Page 2, line 5, by striking the word
4 "eighteen" and inserting the following:
5 "twenty-three".
6 2. Page 2, by inserting after line 36 the
7 following:
8 "(19) The department of agronomy at Iowa state
9 university of science and technology.

10 (20) Four members of the general public."
11 3. Page 3, line 14, by inserting after the word
12 "strategies," the following: "including the
13 cost-effectiveness of the strategies,".
14 4. Page 3, line 20, by inserting after the word
15 "emissions" the following: "and shall consider the
16 cost-effectiveness of the scenarios".

Amendment [H-1755](#) was adopted.

Soderberg of Plymouth offered the following amendment [H-1777](#), to the committee amendment [H-1603](#), filed by him from the floor and moved its adoption:

[H-1777](#)

1 Amend the amendment, [H-1603](#), to [Senate File 485](#), as
2 passed by the Senate, as follows:
3 1. Page 2, by striking line 34 and inserting the
4 following: "independence."

Amendment [H-1777](#) was adopted.

Alons of Sioux asked and received unanimous consent to withdraw amendment [H-1663](#), to the committee amendment [H-1603](#), filed by him on April 10, 2007.

Watts of Dallas asked and received unanimous consent to withdraw amendment [H-1679](#), to the committee amendment [H-1603](#), filed by him on April 11, 2007.

Alons of Sioux asked and received unanimous consent to withdraw amendments [H-1645](#), [H-1661](#) and [H-1664](#) to the committee amendment [H-1603](#) filed by Alons, et al., on April 10, 2007.

On motion by D. Olson of Boone the committee amendment [H-1603](#), as amended, was adopted.

Alons of Sioux offered amendment [H-1680](#) filed by him and Mertz of Kossuth as follows:

[H-1680](#)

1 Amend [Senate File 485](#), as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. NEW SECTION. 455B.152 GREENHOUSE GAS
6 INVENTORY AND REGISTRY.

7 1. DEFINITIONS. For purposes of this section,
8 "greenhouse gas" means carbon dioxide, water vapor,
9 methane, nitrous oxide, hydrofluorocarbons,
10 perfluorocarbons, or sulphur hexafluoride.

11 2. GREENHOUSE GAS INVENTORY.
12 a. By January 1, 2009, the department shall
13 establish a method for collecting data from producers
14 of greenhouse gases regarding generated greenhouse
15 gases. The data collection method shall provide for
16 mandatory reporting to collect information from
17 affected entities individually and shall include
18 information regarding the amount and type of
19 greenhouse gases generated, the type of source, and
20 other information deemed relevant by the department in
21 developing a baseline measure of greenhouse gases
22 produced in the state.

23 b. The department may allow a series of reporting
24 requirements to be phased in over a period of time and
25 may provide for phasing in by producer sector,
26 geographic area, size of producer, or other factors.
27 The reporting requirements shall apply to the
28 departments, agencies, boards, and commissions of the
29 state, in addition to any other entities subject to
30 the reporting requirements established by the
31 department. The reporting requirements shall not
32 apply to any entity that is not required to submit air
33 quality data to the department pursuant to other air
34 quality laws or administrative rules.

35 3. GREENHOUSE GAS REGISTRY.
36 a. The department shall establish a voluntary
37 greenhouse gas registry for purposes of cooperating
38 with other states in tracking, managing, and crediting
39 entities in the state that reduce their generation of
40 greenhouse gases or that provide increased energy
41 efficiency.

42 b. The department shall develop a mechanism to
43 coordinate the information obtained in the greenhouse
44 gas inventory with the greenhouse gas registry.

45 4. AVAILABILITY. By January 1, 2010, the
46 greenhouse gas registry shall be made available on an
47 internet website.

48 Sec. 2. NEW SECTION. 455B.851 IOWA CLIMATE
49 CHANGE ADVISORY COUNCIL.

50 1. The department shall create an Iowa climate

2 voting members serving three-year staggered terms and
3 four nonvoting, ex officio members.

4 2. a. The voting members shall be appointed by
5 the following named entity or entities and approved by
6 the governor with each congressional district
7 represented by at least three members:

8 (1) The university of Iowa center for global and
9 regional environmental research.

10 (2) The university of northern Iowa center for
11 energy and environmental education.

12 (3) The Iowa farm bureau.

13 (4) The Iowa public transit association.

14 (5) The Iowa association of electric cooperatives.

15 (6) The Iowa utility association.

16 (7) The Iowa association of municipal utilities.

17 (8) The Iowa utilities board.

18 (9) The Iowa environmental council.

19 (10) The soil and water conservation districts of
20 Iowa.

21 (11) The international brotherhood of electrical
22 workers.

23 (12) The Iowa association of business and
24 industry.

25 (13) The Iowa energy center.

26 (14) The Iowa renewable fuels association.

27 (15) The office of consumer advocate of the
28 department of justice.

29 (16) The Iowa state association of counties.

30 (17) The director of the office of energy
31 independence in the office of the governor.

32 (18) A manufacturer of equipment used for
33 alternative energy production appointed by the Iowa
34 association of business and industry.

35 (19) The older Iowans legislature.

36 (20) The president of the senate. The person
37 appointed under this subparagraph shall not be a
38 resident of a metropolitan statistical area.

39 (21) The minority leader in the senate. The
40 person appointed under this subparagraph shall not be
41 a resident of a metropolitan statistical area.

42 (22) The speaker of the house of representatives.
43 The person appointed under this subparagraph shall not
44 be a resident of a metropolitan statistical area.

45 (23) The minority leader of the house of
46 representatives. The person appointed under this
47 subparagraph shall not be a resident of a metropolitan
48 statistical area.

49 b. The four nonvoting, ex officio members shall
50 consist of four members of the general assembly, two

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1 from the senate and two from the house of
2 representatives, with not more than one member from
3 each chamber being from the same political party. The
4 two senators shall be designated by the majority
5 leader of the senate after consultation with the
6 president and the minority leader of the senate. The
7 two representatives shall be designated by the speaker
8 of the house of representatives after consultation
9 with the majority and minority leaders of the house of
10 representatives.

11 3. Voting members of the council shall serve
12 without compensation.

13 4. The chairperson of the council shall be elected
14 by the voting members of the council and may convene
15 the council at any time.

16 5. A vacancy in the membership shall not impair
17 the right of a quorum to exercise all the rights and
18 perform all the duties of the council. A majority of
19 the council members then appointed constitutes a
20 quorum. A majority vote of the quorum is required for
21 council action.

22 6. The department shall provide necessary staff
23 assistance to the council.

24 7. After consideration of a full range of policies
25 and strategies, the council shall develop multiple
26 scenarios designed to reduce statewide greenhouse gas
27 emissions. Any percentage reduction included in a
28 scenario shall be calculated on a per capita basis in
29 relation to the base year. The council shall also
30 develop short-term, medium-term, and long-term
31 scenarios designed to reduce statewide greenhouse gas
32 emissions. The council shall establish a baseline
33 year for purposes of calculating reductions in
34 statewide greenhouse gas emissions. The council shall
35 submit the proposal to the governor and the general
36 assembly by January 1, 2009.

37 8. The council may periodically adopt
38 recommendations designed to encourage the reduction of
39 statewide greenhouse gas emissions.

40 9. By September 1 of each year, the department
41 shall submit a report to the governor and the general
42 assembly regarding the greenhouse gas emissions in the
43 state during the previous calendar year and
44 forecasting trends in such emissions. The first
45 submission by the department shall be filed by
46 September 1, 2009, for the calendar year beginning
47 January 1, 2008."

48 2. Title page, by striking lines 1 and 2 and
49 inserting the following: "An Act relating to
50 greenhouse gas emissions."

Page 4

1 3. By renumbering as necessary.

Alons of Sioux offered the following amendment [H-1714](#), to amendment [H-1680](#), filed by Alons, et al., and moved its adoption:

[H-1714](#)

1 Amend the amendment, [H-1680](#), to [Senate File 485](#), as
2 passed by the Senate, as follows:
3 1. Page 3, line 27, by inserting after the word
4 "emissions." the following: "None of the scenarios
5 developed by the council shall create estimated
6 consumer energy costs which exceed the anticipated
7 costs of energy derived from domestic fossil carbon
8 fuel sources by more than twenty-five percent."

Amendment [H-1714](#) was adopted placing out of order amendments [H-1715](#) and [H-1716](#) to amendment [H-1680](#) filed by Alons, et al., on April 12, 2007.

Alons of Sioux offered the following amendment [H-1739](#), to amendment [H-1680](#), filed by him and Watts of Dallas and moved its adoption:

[H-1739](#)

1 Amend the amendment, [H-1680](#), to [Senate File 485](#), as
2 passed by the Senate, as follows:
3 1. Page 3, line 29, by inserting after the word
4 "year" the following: "and a person subject to
5 greenhouse gas emissions reduction requirements under
6 a scenario shall receive credit for any reductions in
7 greenhouse gas emissions achieved prior to the base
8 year".

Amendment [H-1739](#) was adopted.

Alons of Sioux moved the adoption of amendment [H-1680](#), as amended.

Amendment [H-1680](#), as amended, lost.

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

On the question "Shall the bill pass?" ([S.F. 485](#))

The ayes were, 66:

Abdul-Samad	Anderson	Bailey	Bell
Berry	Bukta	Clute	Cohon
Dandekar	Davitt	Deyoe	Foege
Ford	Frevert	Gaskill	Gayman
Gipp	Heaton	Heddens	Hunter
Huser	Jacobs	Jacoby	Jochum
Kaufmann	Kelley	Kressig	Kuhn
Lensing	Lukan	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Pettengill	Quirk	Raecker
Reasoner	Reichert	Schickel	Schueller
Shomshor	Smith	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tomenga	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wiencck	Winckler
Wise	Mr. Speaker		
	Murphy		

The nays were, 32:

Alons	Arnold	Baudler	Boal
Chambers	De Boef	Dolecheck	Drake
Forristall	Granzow	Grassley	Greiner
Hoffman	Horbach	Huseman	May
Miller, L.	Olson, S.	Paulsen	Rants
Rasmussen	Rayhons	Roberts	Sands
Soderberg	Tjepkes	Tymeson	Upmeyer
Van Fossen	Watts	Windschitl	Worthan

Absent or not voting, 2:

Van Engelenhoven Zirkelbach

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

[HOUSE FILE 786](#) WITHDRAWN

Palmer of Mahaska asked and received unanimous consent to withdraw [House File 786](#) from further consideration by the House.

SENATE MESSAGE CONSIDERED

[Senate File 588](#), by committee on appropriations, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing effective dates.

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 485](#) be immediately messaged to the Senate.

[SENATE FILE 369](#) REFERRED

The Speaker announced that [Senate File 369](#), previously referred to committee on **appropriations** was **passed on file**.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Wednesday, April 18, 2007. Had I been present, I would have voted "aye" on House Files 546, 651, 752, 767 and Senate Files 254, 304, 336, 347, 430, 469 and 546. I would have vote "nay" on [Senate File 263](#).

ARNOLD of Lucas

PRESENTATION OF VISITORS

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

Fourteen students from Ruthven – Ayrshire School District, Ruthven, Iowa, accompanied by Jon Josephson. By Frevert of Palo Alto.

CERTIFICATES OF RECOGNITION

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

MARK W. BRANDSGARD
Chief Clerk of the House

- 2007\2942 Jim and Louise Kerr, Tripoli – For celebrating their 60th wedding anniversary.
- 2007\2943 Gene Walker, Scranton – For celebrating his 80th birthday.
- 2007\2944 Lillian Dostal, Clutier – For celebrating her 85th birthday.
- 2007\2945 Lester Dostal, Toledo – For celebrating his 90th birthday.
- 2007\2946 Don McKale, Toledo – For celebrating his 93rd birthday.

SUBCOMMITTEE ASSIGNMENTS

[Senate File 570](#)

Ways and Means: Huser, Chair; Davitt and Soderberg.

[Senate File 579](#)

Appropriations: Kuhn, Chair; Berry and De Boef.

[Senate File 581](#)

Ways and Means: Schueller, Chair; Davitt and Windschitl.

[Senate File 585](#)

Ways and Means: Quirk, Chair; Grassley and Schueller.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 312](#) **Government Oversight**

Concerning appropriations to the office of grants enterprise management and including an effective date and retroactive applicability provision.

[H.S.B. 313](#) **Government Oversight**

Relating to the powers of the commissioner of insurance to enforce the state's insurance laws.

[H.S.B. 314](#) **Appropriations**

Authorizing the state board of regents to borrow moneys and issue revenue bonds to finance the costs of certain building and facility improvement programs.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

[House File 893](#), a bill for an act relating to a tax amnesty program, making appropriations, and including an effective date provision.

Fiscal Note is not required.

Recommended **Do Pass** April 18, 2007.

[Senate File 575](#), a bill for an act relating to and making appropriations to the justice system.

Fiscal Note is not required.

Recommended **Do Pass** April 18, 2007.

COMMITTEE ON WAYS AND MEANS

[Senate File 557](#), a bill for an act relating to the regulation of credit unions by revising and reorganizing the Iowa credit union Act, making conforming changes, and providing for taxes, fees, and penalties.

Fiscal Note is not required.

Recommended **Do Pass** April 18, 2007.

Committee Bill (Formerly [House Study Bill 305](#)), establishing the office of energy independence and the Iowa power fund and related provisions, and providing an effective date.

Fiscal Note is required.

Recommended **Amend and Do Pass** April 18, 2007.

RESOLUTIONS FILED

[HR 48](#), by Bell, Murphy, Gipp and Roberts, a resolution supporting a proposal to invite the Republic of China (Taiwan) to participate in the upcoming meeting of the World Health Assembly as an observer.

Laid over under **Rule 25**.

[HR 49](#), by Clute, May, De Boef, Tjepkes, Lukan, Palmer, Boal, Drake, Hoffman, Gaskill, Wessel-Kroeschell, Mertz, T. Olson, Heaton, Horbach, Baudler, Granzow, Chambers, Swaim and Soderberg, a resolution declaring May 2007 Amyotrophic Lateral Sclerosis (ALS) Awareness Month.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1767	H.F.	786	Palmer of Mahaska
H-1768	H.F.	903	Ford of Polk
H-1772	H.F.	817	Senate Amendment
H-1773	H.F.	911	De Boef of Keokuk
H-1774	S.F.	457	Baudler of Adair
H-1775	S.F.	457	Mascher of Johnson
H-1778	H.F.	909	Hoffman of Crawford
H-1779	H.F.	844	Jacobs of Polk
H-1780	H.F.	844	Jacobs of Polk
H-1781	H.F.	844	Jacobs of Polk
H-1782	S.F.	559	Berry of Black Hawk
			Lensing of Johnson
			Raecker of Polk
H-1783	H.F.	909	Struyk of Pottawattamie
H-1784	S.F.	575	Horbach of Tama
H-1785	H.F.	909	Heaton of Henry

H-1786	H.F. 909	Heaton of Henry Paulsen of Linn
H-1787	H.F. 909	Heaton of Henry

On motion by McCarthy of Polk the House adjourned at 10:20 p.m., until 9:00 a.m., Thursday, April 19, 2007.