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**STATE OF IOWA**

**Senate Journal**

**MONDAY, FEBRUARY 13, 2006**

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

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## JOURNAL OF THE SENATE

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THIRTY-SIXTH CALENDAR DAY  
TWENTY-FIRST SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, February 13, 2006

The Senate met in regular session at 1:00 p.m., President Lamberti presiding.

Prayer was offered by Pastor Kevin Gingerich of the Bloomfield United Methodist Church in Bloomfield, Iowa. He was the guest of Senator Kreiman.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Karalynn Brunkhorst, daughter of Senator Bob Brunkhorst.

The Journal of Thursday, February 9, 2006, was approved.

### FINAL COMMITTEE REPORT OF BILL ACTION

#### RULES AND ADMINISTRATION

**Bill Title:** [SENATE RESOLUTION 110](#), a resolution honoring Sergeant Major (Select) Brad Kasal for his rare courage and inspiring sacrifice in the Iraq war.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, Ragan. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Resolution 110](#).

### Senate Resolution 110

On motion of Senator Larson, the following resolution, with report of committee recommending passage, was taken up for consideration:

1                                    SENATE RESOLUTION 110  
2    By: Larson, Zaun, Ziemann, Mulder, Lundby, Ward,  
3    Brunkhorst, Johnson, Boettger, Angelo, Lamberti,  
4    Iverson, Behn, Gaskill, McKinley, Seymour, Putney,  
5    Tinsman, Wieck, Hahn, Kettering, Miller, McKibben,  
6    Warnstadt, Black, Dotzler, Horn, Rielly, Hancock,  
7    Wood, Schoenjahn, Kibbie, Gronstal, Quirnbach,  
8    Connolly, Stewart, Beall, Ragan, Hatch, Kreiman,  
9    Dvorsky, Danielson, Dearden, McCoy, and Fraise  
10 A resolution honoring Sergeant Major (Select) Brad Kasal  
11 for his rare courage and inspiring sacrifice in the  
12 Iraq war.  
13    WHEREAS, for over 200 years the Marines of the  
14 United States Marine Corps have been known for their  
15 bravery and devotion to duty; and  
16    WHEREAS, Sergeant Major Brad Kasal has proven his  
17 ability and displayed those qualities in serving our  
18 nation in Iraq; and  
19    WHEREAS, Sergeant Major Brad Kasal grew up on a  
20 farm near Afton, Iowa, hunted and fished as a kid,  
21 wrestled and played football in high school,  
22 detasseled corn and managed a restaurant to earn  
23 money; and  
24    WHEREAS, Sergeant Major Brad Kasal knew he wanted  
25 to be a Marine in the eighth grade, joined the Marine  
26 Corps straight out of East Union High School and  
27 excelled in marksmanship and physical fitness in boot  
28 camp; and  
29    WHEREAS, in his 20 years of military service,  
30 Sergeant Major Kasal did tours of duty in nearly 50

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1 foreign lands, including Operation Desert Storm in  
2 Kuwait, Operation Enduring Freedom in Afghanistan, and  
3 Operation Iraqi Freedom; and  
4    WHEREAS, during the early part of Operation Iraqi  
5 Freedom Sergeant Major Kasal earned a Purple Heart for  
6 wounds he suffered from enemy action but in his own  
7 words, he “gutted it out and kept going like a lot of  
8 Marines do”, and he returned to duty and even  
9 volunteered for a second tour of duty because he was a  
10 leader and he felt he belonged with his young Marines;  
11 and  
12    WHEREAS, on November 13, 2004, during fierce  
13 fighting in Fallujah, Iraq, he vowed to leave no

14 Marine behind, returned to save three wounded soldiers  
15 trapped in a house crawling with insurgents, received  
16 seven serious wounds from an automatic rifle, received  
17 40 shrapnel wounds from an exploding grenade when he  
18 shielded another Marine with his body and neglected  
19 his own injuries to treat his fellow soldier, lost 60  
20 percent of his body's blood without losing  
21 consciousness, and did all this while guarding the  
22 door and without loosening the grip on his gun; and  
23 WHEREAS, as a result of those wounds, Sergeant  
24 Major Kasal spent 35 days over the holidays bedridden  
25 and another 30 days at the Navy Hospital in Bethesda,  
26 Maryland, endured 20 surgeries and expects a full  
27 recovery because in his own words, "I'm a Kasal and  
28 we're tough"; and  
29 WHEREAS, in recognition for his heroism, sacrifice,  
30 and devotion to duty Sergeant Major Kasal is under

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1 consideration for the Congressional Medal of Honor,  
2 America's highest award for bravery; and  
3 WHEREAS, Iowa Families United for Our Troops and  
4 Their Mission stands with steadfast support for  
5 Sergeant Major Kasal and all men and women serving to  
6 protect the freedom for all Americans, for the  
7 families of our service men and women, and for the  
8 families of our fallen heroes; NOW THEREFORE,  
9 BE IT RESOLVED BY THE SENATE, That the Senate, on  
10 behalf of all 3 million fellow Iowans and Iowa  
11 Families United for Our Troops and Their Mission,  
12 honors Sergeant Major Brad Kasal for his "Iowa  
13 Toughness and Tenacity", his patriotic service to  
14 America, his devotion to the highest principles of  
15 military service, and his undaunted courage under  
16 hostile fire; and  
17 BE IT FURTHER RESOLVED, That, upon adoption, an  
18 official copy of this resolution be prepared for  
19 presentation to Sergeant Kasal so that he knows  
20 without a doubt that Iowans are proud of him and his  
21 fellow troops and look forward to welcoming him back  
22 home when his military service is concluded.

Senator Larson moved the adoption of [Senate Resolution 110](#), which motion prevailed by a voice vote.

### SPECIAL GUEST

Senator Larson introduced to the Senate Sergeant Major Brad Kasal, native of Iowa and member of the United States Marine Corps.

Sergeant Major Kasal addressed the Senate with brief remarks.

The Senate rose and expressed its welcome and its gratitude for his military service.

### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:17 p.m. until 8:30 a.m., Tuesday, February 14, 2006.

### APPENDIX

#### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Christopher Cary, Mason City—For achieving the rank of Eagle Scout. Senator Ragan (2/13/06).

Adam Thomas McAlpine, Sioux Center—For achieving the rank of Eagle Scout, Boy Scout Troop 211. Senator Mulder (2/13/06).

#### REPORTS OF COMMITTEE MEETINGS

##### APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

**Convened:** Thursday, February 9, 2006, 9:35 a.m.

**Members Present:** Tinsman, Co-chair; Bolkom, Johnson, and Ragan.

**Members Absent:** Hatch, Co-chair; and Seymour (both excused).

**Committee Business:** Presentation by the Department of Human Services.

**Adjourned:** 11:25 a.m.

**EDUCATION**

**Convened:** February 13, 2006, 3:10 p.m.

**Members Present:** Connolly and McKinley, Co-chairs; Angelo, Beall, Boettger, Brunkhorst, Dvorsky, Kreiman, Mulder, Quirmbach, Schoenjahn, and Wood.

**Members Absent:** Larson and Ward (both excused).

**Committee Business:** Approved [SSB 1158](#) (as amended).

**Adjourned:** 4:05 p.m.

**RULES AND ADMINISTRATION**

**Convened:** February 13, 2006, 12:50 p.m.

**Members Present:** Gronstal and Iverson, Co-chairs; Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan.

**Members Absent:** None.

**Committee Business:** Approved [SR 110](#).

**Adjourned:** 12:55 p.m.

**STATE GOVERNMENT**

**Convened:** February 13, 2006, 2:10 p.m.

**Members Present:** Horn and McKibben, Co-chairs; Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Wieck, Wood, and Zieman.

**Members Absent:** Black and Ward (both excused).

**Committee Business:** Passed [SF 2125](#).

**Adjourned:** 2:20 p.m.

**INTRODUCTION OF BILLS**

[Senate File 2202](#), by Beall, a bill for an act relating to assessment of certain nursing facilities for purposes of property taxation and including effective and retroactive applicability date provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

[Senate File 2203](#), by Lamberti, a bill for an act relating to confidentiality of voter registration records and property assessment information for certain persons and providing an effective date.

Read first time under Rule 28 and referred to committee on **State Government**.

[Senate File 2204](#), by Iverson, a bill for an act relating to the filing of a civil action against a person who illegally manufactures, delivers, or who acts with, enters into a common scheme or design with, or conspires with one or more other persons to illegally manufacture or deliver, a controlled substance.

Read first time under Rule 28 and referred to committee on **Judiciary**.

[Senate File 2205](#), by Bolkcom, a bill for an act relating to organic food by providing for the establishment of a center, a council, and a fund.

Read first time under Rule 28 and referred to committee on **Agriculture**.

[Senate File 2206](#), by Bolkcom, a bill for an act relating to the regulation, production, and consumption of energy including providing for clean energy financial assistance, wind energy tax credits, green building income tax credits, and advanced renewable energy technology research and development, requiring an electricity renewable energy standard, providing for public education of energy efficiency, establishing an advisory council on climate change, establishing high-performance standards for certain public buildings, and making appropriations.

Read first time under Rule 28 and referred to committee on **Commerce**.

## STUDY BILLS RECEIVED

**SSB 3148**      **Judiciary**

Concerning alcoholic beverages by establishing criminal and civil liability for providing alcoholic beverages to persons under legal age, providing for an identification number on kegs of beer, and making penalties applicable.

**SSB 3149**      **Judiciary**

Relating to landlords and tenants including notice requirements to terminate a periodic tenancy, representation of an owner of residential rental property in small claims court, and service of a petition for forcible entry and detainer by publication.

**SSB 3150**      **Judiciary**

Relating to a request for certain health records by a party in a civil action where a party's health condition is an element or factor in the claim or defense of the action and providing for fees.

**SSB 3151**      **Judiciary**

Relating to the filing of a hospital lien.

**SSB 3152**      **Judiciary**

Relating to access to confidential information used to secure an arrest warrant.

**SSB 3153**      **Appropriations**

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

**SSB 3154**      **Commerce**

Applying the Iowa preference law to services provided by an Iowa vendor.



**SSB 3155 State Government**

Providing for the confidentiality of certain records relating to charitable donations for the benefit of a government body.

**SSB 3156 Agriculture**

Providing for an equine industry development commission and related fund.

**SUBCOMMITTEE ASSIGNMENTS****Senate Resolution 110**

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

**Senate File 2178**

JUDICIARY: Warnstadt and Zaun, Co-chairs; Quirnbach and Ward

**Senate File 2179**

APPROPRIATIONS: Angelo and Warnstadt, Co-chairs; Kettering and Stewart

**Senate File 2180**

APPROPRIATIONS: Angelo and Warnstadt, Co-chairs; Kettering and Stewart

**Senate File 2189**

JUDICIARY: Brunkhorst and Hancock, Co-chairs; Horn and Ward

**Senate File 2191**

TRANSPORTATION: Kettering and Warnstadt, Co-chairs; Fraise and Ward

**Senate File 2192**

JUDICIARY: Boettger and Quirnbach, Co-chairs; Schoenjahn and Ward

**Senate File 2200**

APPROPRIATIONS: Angelo and Stewart, Co-chairs; Dvorsky and Kettering

**House File 2238**

APPROPRIATIONS: Ragan and Seymour, Co-chairs; Angelo and Dvorsky

**SSB 3148**

JUDICIARY: Brunkhorst and Hancock, Co-chairs; Warnstadt and Zaun

**SSB 3149**

JUDICIARY: Hancock and Zaun, Co-chairs; Kreiman and Ward

**SSB 3150**

JUDICIARY: Hancock and Ward, Co-chairs; Kreiman and Zaun

**SSB 3151**

JUDICIARY: Boettger and Warnstadt, Co-chairs; Quirnbach and Ward

**SSB 3152**

JUDICIARY: Larson and Schoenjahn, Co-chairs; Hancock and Tinsman

**SSB 3153**

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

**SSB 3154**

COMMERCE: Beall and Zaun, Co-chairs; Stewart and Zieman

**SSB 3155**

STATE GOVERNMENT: Danielson and McKibben, Co-chairs; Horn and Ward

**SSB 3156**

AGRICULTURE: Black and Putney, Co-chairs; Hancock and Johnson

**AMENDMENT FILED**

**S-5004**

**S.F. 2051**

James A. Seymour  
Amanda Ragan  
Jeff Angelo  
Robert E. Dvorsky