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**STATE OF IOWA**

**Senate Journal**

**TUESDAY, FEBRUARY 21, 2006**

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## JOURNAL OF THE SENATE

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FORTY-FOURTH CALENDAR DAY  
TWENTY-SIXTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, February 21, 2006

The Senate met in regular session at 8:35 a.m., President Kibbie presiding.

Prayer was offered by Pastor Jeff Bradley of the Central Assembly of God Church in Des Moines, Iowa. He was the guest of Senator Ward.

The Journal of Monday, February 20, 2006, was approved.

### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:42 a.m. until 8:30 a.m., Wednesday, February 22, 2006.

**APPENDIX****CERTIFICATES OF RECOGNITION**

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

Mr. and Mrs. Donald and Georgia Hulett, Mediapolis—For celebrating your 65th wedding anniversary. Senator Courtney (2/21/06).

Greg Oriano, Burlington—For achieving the rank of Eagle Scout, Boy Scout Troop 15. Senator Courtney (2/21/06).

Ethel Smith, Burlington—For celebrating your 90th birthday. Senator Courtney (2/21/06).

Janelle Vittetoe, Washington—For being named one of Iowa's top youth volunteers for 2006 by the Prudential Spirit of Community Awards. Senator Miller (2/21/06).

**COMMUNICATION RECEIVED**

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

**NEW IOWANS STUDY COMMITTEE**

Final report. Report received on February 21, 2006.

**REPORTS OF COMMITTEE MEETINGS****EDUCATION**

**Convened:** February 20, 2006, 4:30 p.m.

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

**Members Absent:** Angelo, Larson, and Ward (all excused).

**Committee Business:** Passed [SF 2190](#) (as amended).

**Adjourned:** 4:50 p.m.

**HUMAN RESOURCES**

**Convened:** February 20, 2006, 5:25 p.m.

**Members Present:** Ragan and Seymour, Co-chairs; Behn, Boettger, Bolkcom, Dotzler, Gaskill, Hatch, Houser, Johnson, Kreiman, Quirmbach, Tinsman, and Wood.

**Members Absent:** None.

**Committee Business:** Passed SFs 38 (as amended) and 2048. Approved SSBs 3051 and 3095.

**Adjourned:** 5:45 p.m.

#### JUDICIARY

**Convened:** February 20, 2006, 3:35 p.m.

**Members Present:** Kreiman and Miller, Co-chairs; Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, McKibben, Quirmbach, Schoenjahn, Tinsman, Warnstadt, and Zaun.

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

**Committee Business:** Passed [SF 2103](#). Approved SSBs 3092, 3096, and 3144.

**Adjourned:** 4:15 p.m.

#### COMMERCE

**Convened:** February 21, 2006, 2:10 p.m.

**Members Present:** Behn and Warnstadt, Co-chairs; Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, McKinley, Rielly, Stewart, Wieck, Zaun, and Zieman.

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

**Committee Business:** Approved [SSB 3022](#). Presentation by Alegent Health.

**Adjourned:** 3:00 p.m.

#### HUMAN RESOURCES

**Convened:** February 21, 2006, 1:05 p.m.

**Members Present:** Ragan and Seymour, Co-chairs; Boettger, Dotzler, Gaskill, Johnson, Kreiman, Quirmbach, Tinsman, and Wood.

**Members Absent:** Behn, Bolkcom, Hatch, and Houser (all excused).

**Committee Business:** Presentation by Alegent Health.

**Adjourned:** 2:10 p.m.

**NATURAL RESOURCES AND ENVIRONMENT**

**Convened:** February 21, 2006, 3:10 p.m.

**Members Present:** Black, Co-chair; Dearden, Gaskill, Hancock, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood.

**Members Absent:** Houser, Co-chair; Bolkcom and Johnson (all excused).

**Committee Business:** Presentation by the director of economic development of Cherokee County and the Cherokee landfill manager.

**Adjourned:** 3:45 p.m.

**TRANSPORTATION**

**Convened:** February 21, 2006, 1:00 p.m.

**Members Present:** McCoy and Putney, Co-chairs; Beall, Danielson, Dearden, Fraise, Hahn, Kettering, Shull, and Warnstadt.

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

**Committee Business:** Passed [SF 2121](#) and approved [SSB 3024](#) (as amended).

**Adjourned:** 1:30 p.m.

**INTRODUCTION OF RESOLUTION**

[Senate Joint Resolution 2003](#), by Mulder, a joint resolution proposing an amendment to the Constitution of the State of Iowa to change the length of term of office and to limit the terms of office for members of the Senate and House of Representatives.

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

**INTRODUCTION OF BILLS**

[Senate File 2238](#), by committee on Local Government, a bill for an act relating to the salary of deputy officers in certain county offices and providing an applicability date.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 2239](#), by committee on Human Resources, a bill for an act relating to the personal needs allowance for residents of nursing facilities.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 2240](#), by committee on Judiciary, a bill for an act relating to disorderly conduct committed near a military funeral, memorial service, funeral procession, or burial, and providing penalties.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 2241](#), by committee on Human Resources, a bill for an act requiring invasive pneumococcal disease immunization for children enrolling in licensed child care centers.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 2242](#), by Quirnbach, a bill for an act relating to ethics concerning certain exceptions under the gift law and reporting by lobbyists.

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

[Senate File 2243](#), by Courtney, a bill for an act relating to swine, by regulating feral swine, and providing penalties.

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

[Senate File 2244](#), by Lundby, a bill for an act providing for statewide licensure of electricians and installers, providing for inspections, establishing fees, and providing penalties.

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

[Senate File 2245](#), by Quirnbach, Courtney, Fraise, Schoenjahn, Dearden, Horn, Seng, Dvorsky, Kreiman, Ragan, Bolkom, Connolly,

Stewart, Kibbie, Black, and Wood, a bill for an act prohibiting the use of credit information for underwriting or rating risks for personal insurance and providing penalties and an applicability date.

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

[Senate File 2246](#), by Bolkcom, Dvorsky, Danielson, Hatch, Schoenjahn, Fraise, Courtney, Quirmbach, Kibbie, and McCoy, a bill for an act creating the fair share health care fund and providing for assessments, penalties, and an appropriation.

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

[Senate File 2247](#), by Kibbie, Black, Stewart, Connolly, Bolkcom, Ragan, Beall, Dvorsky, Danielson, Hatch, Dotzler, Horn, Seng, Hancock, Rielly, Dearden, Schoenjahn, Wood, Fraise, and Gronstal, a bill for an act creating veteran's bonuses for service during the Vietnam Conflict, Persian Gulf Conflict, Afghanistan Conflict, and the Iraqi Conflict for a certain period of active duty military service, providing tax exemptions and a penalty.

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

[Senate File 2248](#), by McKinley, a bill for an act requiring certain health insurance policies to provide coverage for prostate cancer screening under some circumstances and providing an applicability date.

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

[Senate File 2249](#), by committee on Human Resources, a bill for an act relating to the rights and responsibilities of a person providing family foster care.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 2250**, by committee on Human Resources, a bill for an act providing for the release of certain morbidity and mortality study information to the Iowa healthcare collaborative.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 2251**, by committee on Education, a bill for an act directing the department of education and the Iowa department of public health to convene a healthy children task force and providing an effective date.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 2252**, by committee on Judiciary, a bill for an act relating to adoption petitions and proceedings including the information required to be included in an adoption petition.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 2253**, by committee on Judiciary, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

Read first time under Rule 28 and **placed on calendar**.

#### STUDY BILLS RECEIVED

**SSB 3200**      **Judiciary**

Relating to dogs, including the right to kill a tagged dog and the liability of a dog's owner for damages caused by the dog.

**SSB 3201**      **Judiciary**

Providing for a postsecondary education subsidy upon a finding of paternity.



**SSB 3202      Judiciary**

Relating to the judicial branch and court administration and procedure and providing a penalty.

**SSB 3203      Appropriations**

Relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, vertical infrastructure fund, and the endowment for Iowa's health restricted capitals fund, and related matters.

**SSB 3204      Natural Resources and Environment**

Relating to civil damages payable for unlawful taking of certain animals and fish.

**SSB 3205      Natural Resources and Environment**

Relating to the regulation of all-terrain vehicles, and providing penalties.

**SSB 3206      Agriculture**

Relating to suppliers and dealers of agricultural and industrial, construction, or utility equipment, and providing an effective date.

**SSB 3207      Judiciary**

Relating to the sealing of juvenile court records.

**SUBCOMMITTEE ASSIGNMENTS****Senate Resolution 115**

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

**Senate File 406**

GOVERNMENT OVERSIGHT: Connolly and Courtney, Co-chairs

[Senate File 2052](#)

NATURAL RESOURCES AND ENVIRONMENT: Bolkcom, Chair; Dearden, Houser, and Lundby

[Senate File 2168](#)

JUDICIARY: Horn and Larson, Co-chairs; McKibben and Schoenjahn

[Senate File 2204](#)

JUDICIARY: Dvorsky and McKibben, Co-chairs; Larson and Warnstadt

[Senate File 2218](#)

JUDICIARY: Brunkhorst and Dvorsky, Co-chairs; Horn and McKibben

[Senate File 2224](#)

STATE GOVERNMENT: Brunkhorst and Danielson, Co-chairs; Kibbie and Ward

[Senate File 2229](#)

STATE GOVERNMENT: Hancock and Ward, Co-chairs; Danielson and Miller

[Senate File 2230](#)

STATE GOVERNMENT: Kibbie and Ward, Co-chairs; Connolly and Miller

[Senate File 2233](#)

JUDICIARY: Brunkhorst and Quirnbach, Co-chairs; Fraise and Zaun

[Senate File 2236](#)

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

[House File 2351](#)

JUDICIARY: Brunkhorst and Kreiman, Co-chairs; Miller and Quirnbach

[SSB 3200](#)

JUDICIARY: McKibben and Schoenjahn, Co-chairs; Fraise and Zaun

[SSB 3201](#)

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

[SSB 3202](#)

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

**SSB 3203**

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

**SSB 3204**

NATURAL RESOURCES AND ENVIRONMENT: Hancock and Miller, Co-chairs;  
Gaskill and Seng

**SSB 3205**

NATURAL RESOURCES AND ENVIRONMENT: Hancock and Johnson, Co-chairs;  
Putney and Schoenjahn

**SSB 3206**

AGRICULTURE: Courtney and Gaskill, Co-chairs; Hahn and Hancock

**SSB 3207**

JUDICIARY: McKibben and Schoenjahn, Co-chairs; Kreiman and Larson

**FINAL COMMITTEE REPORTS OF BILL ACTION****EDUCATION**

**Bill Title:** \*[SENATE FILE 2251](#) (formerly [SF 2190](#)), a bill for an act directing the department of education and the Iowa department of public health to convene a healthy children task force and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Connolly, McKinley, Beall, Boettger, Brunkhorst, Dvorsky, Kreiman, Mulder, Quirnbach, Schoenjahn, and Wood. Nays, none. Absent, 3: Angelo, Larson, and Ward.

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

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on [Senate File 2251](#), and they were attached to the committee report.

**HUMAN RESOURCES**

**Bill Title:** [SENATE FILE 2239](#) (formerly [SF 2048](#)), a bill for an act relating to the personal needs allowance for residents of nursing facilities.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Ragan, Seymour, Boettger, Bolkcom, Dotzler, Gaskill, Hatch, Houser, Johnson, Quirnbach, Tinsman, and Wood. Nays, 1: Behn. Absent, 1: Kreiman.

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

**ALSO:**

**Bill Title:** [SENATE FILE 2241 \(SSB 3095\)](#), a bill for an act requiring invasive pneumococcal disease immunization for children enrolling in licensed child care centers.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Ragan, Seymour, Behn, Boettger, Bolkcom, Dotzler, Gaskill, Hatch, Houser, Johnson, Kreiman, Quirnbach, Tinsman, and Wood. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** \*[SENATE FILE 2249](#) (formerly [SF 38](#)), a bill for an act relating to the rights and responsibilities of a person providing family foster care.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Ragan, Seymour, Behn, Boettger, Bolkcom, Dotzler, Gaskill, Hatch, Houser, Johnson, Kreiman, Quirnbach, Tinsman, and Wood. Nays, none. Absent, none.

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

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on [Senate File 2249](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** [SENATE FILE 2250 \(SSB 3051\)](#), a bill for an act providing for the release of certain morbidity and mortality study information to the Iowa healthcare collaborative.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Ragan, Seymour, Behn, Boettger, Bolkcom, Dotzler, Gaskill, Hatch, Houser, Johnson, Kreiman, Quirnbach, Tinsman, and Wood. Nays, none. Absent, none.

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

**JUDICIARY**

**Bill Title:** \*[SENATE FILE 2240](#) (formerly [SF 2103](#)), a bill for an act relating to disorderly conduct committed near a military funeral, memorial service, funeral procession, or burial, and providing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, McKibben, Quirnbach, Schoenjahn, Tinsman, Warnstadt, and Zaun. Nays, none. Absent, 2: Larson and Ward.

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

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on [Senate File 2240](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*[SENATE FILE 2252 \(SSB 3092\)](#), a bill for an act relating to adoption petitions and proceedings including the information required to be included in an adoption petition.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, McKibben, Quirnbach, Schoenjahn, Tinsman, Warnstadt, and Zaun. Nays, none. Absent, 2: Larson and Ward.

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

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on [Senate File 2252](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*[SENATE FILE 2253 \(SSB 3144\)](#), a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, McKibben, Quirnbach, Schoenjahn, Tinsman, Warnstadt, and Zaun. Nays, none. Absent, 2: Larson and Ward.

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

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on [Senate File 2253](#), and they were attached to the committee report.

**LOCAL GOVERNMENT**

**Bill Title:** [SENATE FILE 2238 \(SSB 3147\)](#), a bill for an act relating to the salary of deputy officers in certain county offices and providing an applicability date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Quirnbach, Shull, Houser, Kreiman, McCoy, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun. Nays, 1: Lundby. Absent, none.

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