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**STATE OF IOWA**

**Senate Journal**

**WEDNESDAY, FEBRUARY 22, 2006**

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## JOURNAL OF THE SENATE

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FORTY-FIFTH CALENDAR DAY  
TWENTY-SEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, February 22, 2006

The Senate met in regular session at 8:32 a.m., President Kibbie presiding.

Prayer was offered by Dr. David Madsen, pastor of the Cottage Grove Avenue United Presbyterian Church in Des Moines, Iowa. He was the guest of Senator McCoy.

The Journal of Tuesday, February 21, 2006, was approved.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Larson, until he arrives, on request of Senator Iverson.

### CONSIDERATION OF BILLS (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 2232](#) and [House File 2238](#).

#### [Senate File 2232](#)

On motion of Senator Warnstadt, [Senate File 2232](#), a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, with report of committee recommending passage, was taken up for consideration.

Senator Warnstadt moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2232](#)), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirnbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Larson

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

### [House File 2238](#)

On motion of Senator Ragan, [House File 2238](#), a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, with report of committee recommending passage, was taken up for consideration.

Senator Ragan moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 2238](#)), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirnbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Larson

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

UNFINISHED BUSINESS  
(Deferred February 14, 2006)

**[Senate File 2086](#)**

The Senate resumed consideration of [Senate File 2086](#), a bill for an act allowing school districts to use biometric fingerprint identification systems for certain restricted purposes and providing an effective date, deferred February 14, 2006.

Senator Quirnbach withdrew amendment [S-5002](#), filed by him on January 31, 2006, to page 1 of the bill.

Senator Wood moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 2086](#)), the vote was:

Yeas, 40:

Beall	Gaskill	Lamberti	Seng
Behn	Gronstal	Lundby	Seymour
Black	Hahn	McCoy	Shull
Boettger	Hancock	McKibben	Stewart
Brunkhorst	Hatch	McKinley	Ward
Courtney	Horn	Mulder	Warnstadt
Danielson	Iverson	Putney	Wieck
Dotzler	Johnson	Ragan	Wood
Dvorsky	Kibbie	Rielly	Zaun
Fraise	Kreiman	Schoenjahn	Zieman

Nays, 9:

Angelo	Dearden	Miller
Bolkcom	Houser	Quirnbach
Connolly	Kettering	Tinsman

Absent, 1:

Larson

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

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2086** and **2232** and [House File 2238](#) be **immediately messaged** to the House.

#### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 2124](#) and [House File 2050](#).

#### [Senate File 2124](#)

On motion of Senator Johnson, [Senate File 2124](#), a bill for an act providing for the establishment of a nutrition and physical activity community obesity prevention grant program, and providing a contingent effective date, was taken up for consideration.

Senator Johnson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2124](#)), the vote was:

Yeas, 46:

Beall	Gaskill	Larson	Seymour
Black	Gronstal	Lundby	Shull
Boettger	Hahn	McCoy	Stewart
Bolkcom	Hancock	McKibben	Tinsman
Brunkhorst	Hatch	McKinley	Ward
Connolly	Horn	Mulder	Warnstadt
Courtney	Iverson	Putney	Wieck
Danielson	Johnson	Quirnbach	Wood
Dearden	Kettering	Ragan	Zaun
Dotzler	Kibbie	Rielly	Zieman
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, 4:

Angelo	Behn	Houser	Miller
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Absent, none.

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

### [House File 2050](#)

On motion of Senator Zieman, [House File 2050](#), a bill for an act relating to elections by making changes concerning requirements for entrances to certain polling places, arrangement of names on the ballot for nonpartisan offices, and election registers, and including effective and applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Zieman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 2050](#)), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [Senate File 2124](#) and [House File 2050](#) be **immediately messaged** to the House.

#### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [House File 2051](#) and [Senate File 2219](#).

#### [House File 2051](#)

On motion of Senator Wood, [House File 2051](#), a bill for an act relating to maintenance of a voter registration system separate from the state voter registration system and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Wood moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 2051](#)), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

### **Senate File 2219**

On motion of Senator Tinsman, [Senate File 2219](#), a bill for an act relating to human trafficking and related offenses, including the provision of law enforcement training and victim assistance programs, and providing penalties, with report of committee recommending passage, was taken up for consideration.

Senator Tinsman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.



On the question "Shall the bill pass?" ([S.F. 2219](#)), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [Senate File 2219](#) and [House File 2051](#) be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:45 a.m. until 8:30 a.m., Thursday, February 23, 2006.

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

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

Pearl Smidt, Sanborn—For celebrating your 100th birthday. Senator Johnson (2/22/06).

Daniel Thompson, Everly—For achieving the rank of Eagle Scout, Boy Scout Troop 121. Senator Johnson (2/22/06).

**REPORTS OF COMMITTEE MEETINGS****AGRICULTURE**

**Convened:** February 21, 2006, 4:00 p.m.

**Members Present:** Fraise and Johnson, Co-chairs; Black, Brunkhorst, Courtney, Gaskill, Hahn, Hancock, Kibbie, Mulder, Putney, Ragan, and Rielly.

**Members Absent:** Houser (excused).

**Committee Business:** Approved SSBs 3075 (as amended) and 3162.

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

**ECONOMIC GROWTH**

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

**Members Present:** Brunkhorst and Hatch, Co-chairs; Beall, Behn, Danielson, Dotzler, Hahn, McKinley, Ragan, Rielly, Seymour, Shull, Stewart, and Zaun.

**Members Absent:** None.

**Committee Business:** Passed SFs 2147 and 2201.

**Adjourned:** 3:30 p.m.

**APPROPRIATIONS**

**Convened:** February 22, 2006, 3:20 p.m.

**Members Present:** Angelo and Dvorsky, Co-chairs; Boettger, Connolly, Fraise, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Shull, Stewart, Ward, and Warnstadt.

**Members Absent:** Black, Bolkcom, Dotzler, Gaskill, Seymour, and Tinsman (all excused).

**Committee Business:** Approved [SSB 3158](#).

**Adjourned:** 3:35 p.m.

#### EDUCATION

**Convened:** February 22, 2006, 1:00 p.m.

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

**Members Absent:** None.

**Committee Business:** Approved [SSB 3107](#) (as amended).

**Adjourned:** 1:35 p.m.

#### LOCAL GOVERNMENT

**Convened:** February 22, 2006, 1:30 p.m.

**Members Present:** Quirnbach and Shull, Co-chairs; Kreiman, Lundby, McCoy, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun.

**Members Absent:** Houser (excused).

**Committee Business:** Approved SSBs 3132 and 3133.

**Adjourned:** 2:05 p.m.

#### STATE GOVERNMENT

**Convened:** February 22, 2006, 1:35 p.m.

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

**Members Absent:** Black (excused).

**Committee Business:** Approved [SJR 4](#) and SSBs 3155, 3169, and 3179.

**Recessed:** 1:40 p.m.

**Reconvened:** 1:50 p.m.

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

**WAYS AND MEANS**

**Convened:** February 22, 2006, 3:05 p.m.

**Members Present:** Bolkcom and Zieman, Co-chairs; Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKibben, McKinley, Miller, Quirnbach, Seng, Stewart, Wieck, and Zaun.

**Members Absent:** None.

**Committee Business:** Passed [SF 2093](#) and approved [SSB 3125](#).

**Adjourned:** 3:25 p.m.

**INTRODUCTION OF RESOLUTION**

[Senate Resolution 116](#), by McCoy, a resolution congratulating the Homesteaders Life Company on its centennial year.

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

**INTRODUCTION OF BILLS**

[Senate File 2254](#), by committee on Transportation, a bill for an act relating to scheduled fines for violations of motor carrier safety rules.

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

[Senate File 2255](#), by committee on Judiciary, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

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

[Senate File 2256](#), by committee on Agriculture, a bill for an act relating to state tax benefits for use of soy-based transformer fluid by electric utilities and including applicability date provisions.

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

[Senate File 2257](#), by McCoy, a bill for an act relating to fishing and hunting licenses for military personnel.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment.**

[Senate File 2258](#), by Wieck, Warnstadt, Houser, Zieman, Seymour, Brunkhorst, Shull, Lamberti, Johnson, and Courtney, a bill for an act relating to a targeted jobs withholding tax credit to be used for funding improvements in certain urban renewal areas.

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

[Senate File 2259](#), by McCoy, a bill for an act relating to an exemption from the sales tax for paint and related supplies used by a motor vehicle repairer to refinish a motor vehicle.

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

[Senate File 2260](#), by Hatch, a bill for an act concerning eligibility to become a member of a state group insurance plan for small business employees.

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

[Senate File 2261](#), by Hatch, a bill for an act creating a small business and school district health care reinsurance program for certain health care claims and making an appropriation from the healthy Iowans tobacco trust.

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

[Senate File 2262](#), by committee on Commerce, a bill for an act relating to the prepayment of agricultural loans secured by a real estate mortgage.

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

## STUDY BILLS RECEIVED

**SSB 3208 Agriculture**

Precluding certain enforcement actions by the department of natural resources or the attorney general based on detrimental reliance.

**SSB 3209 Economic Growth**

Creating a regents accelerated career education program and providing job program tax credits.

**SSB 3210 Ways and Means**

Relating to the definition of owner for purposes of the homestead property tax credit and including effective date and applicability date provisions.

**SSB 3211 Transportation**

Relating to driver education curricula, graduated driver licensing provisions, and passenger restraint requirements, and making a penalty applicable.

**SSB 3212 Government Oversight**

Creating a criminal code revisions task force.

**SSB 3213 Commerce**

Relating to credit unions and other financial organizations by providing for public funds requirements, approval of bylaws, membership qualifications, preservation of records, and the operation of delayed deposit services businesses.

**SSB 3214 Commerce**

Relating to the linked investments for tomorrow Act.

**SUBCOMMITTEE ASSIGNMENTS****[Senate File 2234](#)**

ECONOMIC GROWTH: Beall and Zaun, Co-chairs; Ragan and Shull

**[Senate File 2243](#)**

AGRICULTURE: Courtney and Hahn, Co-chairs; Johnson and Ragan

**[Senate File 2260](#)**

COMMERCE: Rielly and Wieck, Co-chairs; Bolkcom and Zaun

**[Senate File 2261](#)**

COMMERCE: Rielly and Wieck, Co-chairs; Bolkcom and Zaun

**[SSB 3208](#)**

AGRICULTURE: Black and Mulder, Co-chairs; Brunkhorst and Ragan

**[SSB 3209](#)**

ECONOMIC GROWTH: Dotzler and Hahn, Co-chairs; Brunkhorst and Danielson

**[SSB 3210](#)**

WAYS AND MEANS: Connolly and Zaun, Co-chairs; Miller and Quirmbach

**[SSB 3211](#)**

TRANSPORTATION: McCoy and Putney, Co-chairs; Beall, Danielson, Dearden, Fraise, Hahn, Kettering, Shull, Ward, Warnstadt, and Zieman

**[SSB 3212](#)**

GOVERNMENT OVERSIGHT: Courtney and Lundby, Co-chairs

**[SSB 3213](#)**

COMMERCE: Beall and Zaun, Co-chairs; Rielly and Wieck

**[SSB 3214](#)**

COMMERCE: Kettering and Stewart, Co-chairs; Bolkcom and Zieman

## FINAL COMMITTEE REPORTS OF BILL ACTION

## AGRICULTURE

**Bill Title:** [SENATE FILE 2256 \(SSB 3162\)](#), a bill for an act relating to state tax benefits for use of soy-based transformer fluid by electric utilities and including applicability date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Fraise, Johnson, Black, Brunkhorst, Gaskill, Hancock, Kibbie, Mulder, Putney, Ragan, and Rielly. Nays, none. Absent, 3: Courtney, Hahn, and Houser.

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

## COMMERCE

**Bill Title:** [SENATE FILE 2262 \(SSB 3022\)](#), a bill for an act relating to the prepayment of agricultural loans secured by a real estate mortgage.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Behn, Warnstadt, Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, McKinley, Rielly, Stewart, Wieck, Zaun, and Ziemann. Nays, none. Absent, 2: Larson and McCoy.

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

## ECONOMIC GROWTH

**Bill Title:** [SENATE FILE 2147](#), a bill for an act relating to the requirement of location as an eligibility criterion for businesses under the enterprise zone program.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Brunkhorst, Hatch, Beall, Behn, Danielson, Dotzler, Hahn, McKinley, Ragan, Rielly, Seymour, Shull, Stewart, and Zaun. Nays, none. Absent, none.

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

## ALSO:

**Bill Title:** [SENATE FILE 2201](#), a bill for an act relating to the review of applications for financial assistance under the community attraction and tourism program.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Brunkhorst, Hatch, Beall, Behn, Danielson, Dotzler, Hahn, McKinley, Ragan, Rielly, Seymour, Shull, and Stewart. Nays, 1: Zaun. Absent, none.



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

#### JUDICIARY

**Bill Title:** \*[SENATE FILE 2255 \(SSB 3096\)](#), a bill for an act relating to nonsubstantive Code corrections 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 2255](#), and they were attached to the committee report.

#### STATE GOVERNMENT

**Bill Title:** [SENATE JOINT RESOLUTION 4](#), a joint resolution designating the channel catfish as the official state fish for the State of Iowa.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Horn, McKibben, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Ward, Wieck, Wood, and Zieman. Nays, 1: Tinsman. Absent, 1: Black.

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

#### TRANSPORTATION

**Bill Title:** [SENATE FILE 2254 \(SSB 3024\)](#), a bill for an act relating to scheduled fines for violations of motor carrier safety rules.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: McCoy, Putney, Danielson, Dearden, Fraise, Hahn, Shull, and Warnstadt. Nays, 2: Beall and Kettering. Absent, 2: Ward and Zieman.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

#### AMENDMENTS FILED

<a href="#">S-5007</a>	<a href="#">S.F. 2182</a>	Gene Fraise
<a href="#">S-5008</a>	<a href="#">S.F. 2251</a>	Nancy J. Boettger
<a href="#">S-5009</a>	<a href="#">S.F. 2253</a>	Judiciary

<u>S-5010</u>	<u>S.F. 2255</u>	Judiciary
<u>S-5011</u>	<u>S.F. 2182</u>	Gene Fraise
<u>S-5012</u>	<u>S.F. 2250</u>	James A. Seymour