

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, FEBRUARY 23, 2006

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JOURNAL OF THE SENATE

FORTY-SIXTH CALENDAR DAY
TWENTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 23, 2006

The Senate met in regular session at 8:30 a.m., President Kibbie presiding.

Prayer was offered by Pastor Tom Clegg of the Point of Grace Church in Waukee, Iowa. He was the guest of Senator Zaun.

The Journal of Wednesday, February 22, 2006, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 22, 2006, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2056, a bill for an act relating to the Honey creek premier destination park bond program and providing an effective date.

ALSO: That the House has on February 22, 2006, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2171, a bill for an act allowing fishing without a license for certain persons who fish in a supervised group.

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

House File 2177, a bill for an act requiring the county auditor to evidence approval of the name of a subdivision plat and requiring

such statement for filing the subdivision plat with the county recorder.

Read first time and referred to committee on **Local Government**.

[House File 2232](#), a bill for an act relating to the naming of a national bank or a federal savings association and including a retroactive applicability provision.

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

[House File 2240](#), a bill for an act relating to county board of supervisor vacancies.

Read first time and referred to committee on **Local Government**.

[House File 2244](#), a bill for an act relating to hunting and fishing licenses for certain veterans.

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

[House File 2282](#), a bill for an act relating to the election of mayor and city council members in a city governed by the council-manager-at-large form of city government.

Read first time and referred to committee on **Local Government**.

[House File 2284](#), a bill for an act relating to the core curriculum plan developed by a school district in cooperation with a student.

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

[House File 2323](#), a bill for an act relating to the regulation of business organizations including administrative dissolution, registration of agents, authorization of names, the filing, delivery, and service of documents by the secretary of state, and the elimination of certain filing fees, and providing an effective date.

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

[House File 2333](#), a bill for an act prohibiting a person or club holding a liquor control license or retail wine or beer permit from

distributing or possessing machines used to vaporize an alcoholic beverage for consumption and making penalties applicable.

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

[House File 2362](#), a bill for an act providing for reassignment of a salvage certificate of title for a motor vehicle.

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

[House File 2363](#), a bill for an act relating to the process utilized in assessing residents of health care facilities for veterans program benefits.

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

[House File 2365](#), a bill for an act relating to committing disorderly conduct near a funeral, memorial service, funeral procession, or burial, and providing penalties.

Read first time and attached to companion [Senate File 2240](#).

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:54 a.m. until 1:00 p.m., Monday, February 27, 2006.

APPENDIX

CERTIFICATE OF RECOGNITION

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

Justin Gardner, Elma—For achieving the rank of Eagle Scout. Senator Ziemann (2/23/06).

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

A group of young Iowans who seek awareness for the needs of foster care and adoptive teens. Senator Beall.

REPORT OF COMMITTEE MEETING

COMMERCE

Convened: February 23, 2006, 1:10 p.m.

Members Present: Behn and Warnstadt, Co-chairs; Beall, Bolkcom, Courtney, Gronstal, McCoy, McKinley, Rielly, Stewart, Zaun, and Ziemann.

Members Absent: Angelo, Kettering, Larson, and Wieck (all excused).

Committee Business: Passed [SF 217](#) and approved [SSB 3175](#).

Adjourned: 1:20 p.m.

INTRODUCTION OF BILLS

[Senate File 2263](#), by committee on Local Government, a bill for an act requiring the county auditor to evidence approval of the name of a subdivision plat and requiring such statement for filing the subdivision plat with the county recorder.

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

[Senate File 2264](#), by committee on Local Government, a bill for an act relating to the duties of county recorders and county auditors

concerning instruments affecting real estate and certain other filings recorded by the county recorder.

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

[Senate File 2265](#), by committee on State Government, a bill for an act establishing a deferred retirement option plan for members of the statewide fire and police retirement system and including an implementation provision.

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

[Senate File 2266](#), by committee on State Government, a bill for an act relating to horse racing by providing for minimum racing days and arbitration for resolving disputes on horse racing purses among representatives of horse breeds.

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

[Senate File 2267](#), by committee on Transportation, a bill for an act relating to safe motor vehicle operation, including penalties for certain motor vehicle violations causing death or serious injury and classroom instruction for driver education courses.

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

[Senate File 2268](#), by committee on Ways and Means, a bill for an act relating to financial transactions associated with agricultural production, by providing for tax credits and tax exemptions, and including effective and retroactive and other applicability dates.

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

[Senate File 2269](#), by committee on Agriculture, a bill for an act relating to devices used for weighing and measuring, by providing for the regulation of the devices, motor fuel, and persons who service the devices, and providing for fees and penalties.

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

[Senate File 2270](#), by committee on State Government, a bill for an act providing for the confidentiality of certain records relating to charitable donations for the benefit of a government body.

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

[Senate File 2271](#), by committee on Ways and Means, a bill for an act relating to the holding period for purposes of certain capital assets under the individual income tax and including effective and applicability date provisions.

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

[Senate File 2272](#), by committee on Education, a bill for an act relating to the duties and operations of the state board of education, the department of education, and local school boards.

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

[Senate File 2273](#), by committee on Appropriations, a bill for an act relating to financial and regulatory matters by making and revising appropriations for the fiscal year beginning July 1, 2005, and providing an effective date.

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

[Senate File 2274](#), by McKibben, a bill for an act relating to the justifiable use of reasonable force.

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

STUDY BILLS RECEIVED

[SSB 3215](#) **Commerce**

Relating to various matters under the purview of the insurance division of the department of commerce including the securities and regulated industries bureau, insurance premium taxes, the uniform

securities Act, insurance division procedures, regulation of insurance companies and other entities including administrative penalties, motor vehicle service contracts, county and state mutual insurance associations, reciprocal or interinsurance insurers, consolidation, merger and reinsurance contracts, insurance holding company systems, and cemeteries.

SSB 3216 Economic Growth

Relating to technology transfer and commercialization in certain core platform areas.

SSB 3217 State Government

Authorizing the use of voting centers at regular school elections in certain counties and providing an effective date.

SSB 3218 State Government

Relating to powers of the governor to grant reprieves, commutations, and pardons including restoration of rights of citizenship, and to remit fines and forfeitures and including effective and retroactive applicability date provisions.

SSB 3219 State Government

Requiring voters to provide certain identification when voting absentee or in person at the polling place.

SSB 3220 Human Resources

Relating to the investigation and control of communicable and infectious diseases.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 2003

STATE GOVERNMENT: Ward and Wood, Co-chairs; Hancock and Kettering

Senate Resolution 116

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

Senate File 2242

STATE GOVERNMENT: Kettering and Kibbie, Co-chairs; Hatch and Wieck

Senate File 2244

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

Senate File 2245

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

Senate File 2246

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

Senate File 2247

STATE GOVERNMENT: Brunkhorst and Kibbie, Co-chairs; Horn and Zieman

Senate File 2248

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

House File 537

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

SSB 3215

COMMERCE: McCoy and Wieck, Co-chairs; Rielly and Zieman

SSB 3216

ECONOMIC GROWTH: Brunkhorst and Hatch, Co-chairs; Danielson, Rielly, Seymour, and Shull

SSB 3217

STATE GOVERNMENT: Hatch and Zieman, Co-chairs; Wieck and Wood

SSB 3218

STATE GOVERNMENT: Hancock and Miller, Co-chairs; Hatch and Kettering

SSB 3219

STATE GOVERNMENT: Wood and Zieman, Co-chairs; Danielson and Wieck

SSB 3220

HUMAN RESOURCES: Ragan and Seymour, Co-chairs; Bolkcom and Johnson

FINAL COMMITTEE REPORTS OF BILL ACTION**AGRICULTURE**

Bill Title: *[SENATE FILE 2269 \(SSB 3075\)](#), a bill for an act relating to devices used for weighing and measuring, by providing for the regulation of the devices, motor fuel, and persons who service the devices, and providing for fees and penalties.

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.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Agriculture Committee on [Senate File 2269](#), and they were attached to the committee report.

APPROPRIATIONS

Bill Title: *[SENATE FILE 2273 \(SSB 3158\)](#), a bill for an act relating to financial and regulatory matters by making and revising appropriations for the fiscal year beginning July 1, 2005, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 18: Angelo, Dvorsky, Boettger, Connolly, Fraise, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Shull, Stewart, Ward, and Warnstadt. Nays, none. Absent, 6: Black, Bolkcom, Dotzler, Gaskill, Seymour, and Tinsman.

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 Appropriations Committee on [Senate File 2273](#), and they were attached to the committee report.

EDUCATION

Bill Title: *[SENATE FILE 2272 \(SSB 3107\)](#), a bill for an act relating to the duties and operations of the state board of education, the department of education, and local school boards.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Connolly, McKinley, Angelo, Beall, Boettger, Brunkhorst, Dvorsky, Kreiman, Larson, Mulder, Quirnbach, Schoenjahn, Ward, 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 Education Committee on [Senate File 2272](#), and they were attached to the committee report.

LOCAL GOVERNMENT

Bill Title: [SENATE FILE 2263 \(SSB 3132\)](#), a bill for an act requiring the county auditor to evidence approval of the name of a subdivision plat and requiring such statement for filing the subdivision plat with the county recorder.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2264 \(SSB 3133\)](#), a bill for an act relating to the duties of county recorders and county auditors concerning instruments affecting real estate and certain other filings recorded by the county recorder.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: [SENATE FILE 2265 \(SSB 3179\)](#), a bill for an act establishing a deferred retirement option plan for members of the statewide fire and police retirement system and including an implementation provision.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2266 \(SSB 3169\)](#), a bill for an act relating to horse racing by providing for minimum racing days and arbitration for resolving disputes on horse racing purses among representatives of horse breeds.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Horn, McKibben, Danielson, Hancock, Kettering, Kibbie, Miller, Wieck, Wood, and Ziemann. Nays, 5: Brunkhorst, Connolly, Hatch, Tinsman, and Ward. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2270 \(SSB 3155\)](#), a bill for an act providing for the confidentiality of certain records relating to charitable donations for the benefit of a government body.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Bill Title: *[SENATE FILE 2267](#) (formerly [SF 2121](#)), a bill for an act relating to safe motor vehicle operation, including penalties for certain motor vehicle violations causing death or serious injury and classroom instruction for driver education courses.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: McCoy, Putney, Beall, Danielson, Dearden, Fraise, Hahn, Kettering, Shull, Warnstadt, and Ziemann. Nays, none. Absent, 1: 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 Transportation Committee on [Senate File 2267](#), and they were attached to the committee report.

WAYS AND MEANS

Bill Title: [SENATE FILE 2268 \(SSB 3125\)](#), a bill for an act relating to financial transactions associated with agricultural production, by providing for tax credits and tax exemptions, and including effective and retroactive and other applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Bolkcom, Zieman, Danielson, Hahn, Larson, McKibben, McKinley, Miller, Quirnbach, Seng, Stewart, and Wieck. Nays, 3: Connolly, McCoy, and Zaun. Absent, 1: Dotzler.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2271](#) (formerly [SF 2093](#)), a bill for an act relating to the holding period for purposes of certain capital assets under the individual income tax and including effective and applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Zieman, Connolly, Danielson, Hahn, Larson, McCoy, McKibben, McKinley, Miller, Quirnbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 1: Dotzler.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5013	S.F. 2147	Bob Brunkhorst Jeff Angelo William A. Dotzler, Jr.
S-5014	S.F. 2051	James A. Seymour Amanda Ragan Jeff Angelo Robert E. Dvorsky