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**STATE OF IOWA**

**Senate Journal**

**TUESDAY, FEBRUARY 28, 2006**

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## JOURNAL OF THE SENATE

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FIFTY-FIRST CALENDAR DAY  
THIRTIETH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, February 28, 2006

The Senate met in regular session at 8:33 a.m., President Lamberti presiding.

Prayer was offered by Tony Kruse, a seminary student from the Archdiocese of Dubuque, Iowa. He was the guest of Senator Hancock.

The Journal of Monday, January 27, 2006, was approved.

### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:43 a.m. until 9:00 a.m., Wednesday, March 1, 2006.

## APPENDIX

### CERTIFICATES OF RECOGNITION

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

Mr. and Mrs. Fred and Bernice Crovisier, Eagle Grove—For celebrating your 65th wedding anniversary. Senator Iverson (2/28/06).

Mr. and Mrs. Bill and Fran East, Stanhope—For celebrating your 60th wedding anniversary. Senator Iverson (2/28/06).

Iowa City West Trojans—For winning the Class 3-A State Wrestling Championship. Senator Dvorsky (2/28/06).

Mark Kist, Eagle Grove—For becoming the Class 1-A Iowa High School State Wrestling Champion in the 112 lb. weight class. Senator Iverson (2/28/06).

Kathryn Zegarac Lichty, Waterloo—For celebrating your 90th birthday. Senator Dotzler (2/28/06).

Robert Paulson, Mason City—For receiving the Silver Beaver Award. Senator Ragan (2/28/06).

Sean Ryan, Waterville—For achieving the rank of Eagle Scout, Boy Scout Troop 64. Senator Zieman (2/28/06).

Kelby Ryerson, Eagle Grove—For becoming the Class 1-A Iowa High School State Wrestling Champion in the 130 lb. weight class. Senator Iverson (2/28/06).

Anthony M. Schomer, Carter Lake—For achieving the rank of Eagle Scout. Senator Gronstal (2/28/06).

Mr. and Mrs. Leon and Joyce Sheldon, Webster City—For celebrating your 63rd wedding anniversary. Senator Iverson (2/28/06).

Mable Van Doren, Webster City—For celebrating your 95th birthday. Senator Iverson (2/28/06).

Michael Zweibahmer, Ossian—For achieving the rank of Eagle Scout. Senator Zieman (2/28/06).

### REPORTS OF COMMITTEE MEETINGS

#### HUMAN RESOURCES

**Convened:** February 27, 2006, 3:35 p.m.

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

**Members Absent:** None.

**Committee Business:** Approved SSBs 3083 and 3084 (as amended).

**Adjourned:** 3:50 p.m.

#### JUDICIARY

**Convened:** February 27, 2006, 4:10 p.m.

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

**Members Absent:** Larson.

**Committee Business:** Passed SFs 2096 and 2141 and approved SSBs 3002, 3033, 3089, 3093, 3199, 3200, 3201, and 3202.

**Adjourned:** 5:05 p.m.

#### AGRICULTURE

**Convened:** February 28, 2006, 9:45 a.m.

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

**Members Absent:** None.

**Committee Business:** Passed [SF 2135](#) and approved SSBs 3159 and 3208.

**Adjourned:** 10:00 a.m.

#### COMMERCE

**Convened:** February 28, 2006, 11:10 a.m.

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

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

**Committee Business:** Passed [HF 537](#) and approved [SSB 3213](#) (as amended).

**Adjourned:** 11:20 a.m.

**JUDICIARY**

**Convened:** February 28, 2006, 1:00 p.m.

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

**Members Absent:** Larson, McKibben, Quirnbach, and Warnstadt (all excused).

**Committee Business:** Presentation by the Institute for Justice on eminent domain.

**Adjourned:** 2:00 p.m.

**INTRODUCTION OF RESOLUTIONS**

**Senate Concurrent Resolution 104**, by Tinsman and McCoy, a concurrent resolution designating March 2006 as Iowa Women's History Month.

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

**Senate Resolution 119**, by Connolly, Courtney, Gronstal, Kibbie, Dvorsky, Bolkcom, Ragan, Stewart, Beall, Danielson, Dotzler, Warnstadt, Horn, Wood, Seng, Kreiman, Dearden, Rielly, Hancock, Schoenjahn, Fraise, McKibben, Quirnbach, Black, Lundby, Putney, Boettger, Behn, Johnson, McKinley, Mulder, Wieck, Seymour, Shull, Zaun, Zieman, Miller, Tinsman, and Angelo, a resolution honoring the life and work of Benjamin C. Duehr.

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

**Senate Resolution 120**, by Zaun, McCoy, Ward, Lamberti, Hatch, Dearden, and Shull, a resolution recognizing the Iowa premiere of Disney's The Lion King at the Civic Center of Greater Des Moines.

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

## INTRODUCTION OF BILLS

[Senate File 2285](#), by committee on Judiciary, a bill for an act relating to the distribution of a presentence investigation report in a criminal proceeding.

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

[Senate File 2286](#), by committee on Judiciary, a bill for an act relating to the judicial branch and court administration and procedure and providing a penalty.

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

[Senate File 2287](#), by committee on Human Resources, a bill for an act authorizing an approved nursing education program to initiate criminal and child and dependent adult abuse record checks of students and prospective students regarding the students' involvement with the clinical education component of the program.

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

[Senate File 2288](#), by committee on Judiciary, a bill for an act providing for a postsecondary education subsidy upon a finding of paternity.

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

[Senate File 2289](#), by committee on Transportation, a bill for an act relating to identification of publicly owned motor vehicles used by persons who provide off-site or in-home medical or mental health services.

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

[Senate File 2290](#), by committee on Judiciary, a bill for an act relating to the payment of costs of reasonable attorney fees and other expenses related to certain paternity and adoption proceedings.

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

[Senate File 2291](#), by committee on Judiciary, a bill for an act relating to the victim compensation fund and mileage reimbursement.

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

[Senate File 2292](#), by committee on Agriculture, a bill for an act relating to farm tenancies.

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

[Senate File 2293](#), by committee on Agriculture, a bill for an act providing for the regulation of packers and the purchase of swine from producers, and providing for penalties.

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

[Senate File 2294](#), by committee on Agriculture, a bill for an act precluding certain enforcement actions by the department of natural resources or the attorney general based on detrimental reliance.

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

[Senate File 2295](#), by committee on Human Resources, a bill for an act providing for various technical and substantive changes relating to health licensing and related public health matters.

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

[Senate File 2296](#), by committee on Judiciary, a bill for an act 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.

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

[Senate File 2297](#), by committee on Transportation, a bill for an act relating to obstructions in highways and providing penalties.

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

[Senate File 2298](#), by committee on Judiciary, a bill for an act relating to family foster care home licensing requirements.

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

STUDY BILLS RECEIVED

**SSB 3234**      **Transportation**

Establishing prelicensing and continuing education requirements for used motor vehicle dealers.

**SSB 3235**      **Judiciary**

Containing various provisions relating to business entities, including limited partnerships, corporations, limited liability companies, cooperatives, and nonprofit corporations.

**SSB 3236**      **Judiciary**

Relating to medical malpractice including insurance-related matters and civil actions for personal injury or death.

**SSB 3237**      **Agriculture**

Providing for conversion of cooperative associations and providing for an effective date.

**SSB 3238**      **Natural Resources and Environment**

Relating to animal feeding operations, by providing for standards and evaluations by the department of natural resources.

**SSB 3239**      **Commerce**

Relating to the regulation of state banks and bank holding companies including attestation and publication requirements, the removal and service of officers, directors, and employees, and offers to purchase stock, and increasing civil penalties.



**SSB 3240      Agriculture**

Relating to requirements for open feedlot operations, by providing for nutrient management plans and operating permits, and providing an effective date and retroactive applicability.

**SSB 3241      Local Government**

Relating to annexation and severance of territory, and providing an effective date.

**SSB 3242      Commerce**

Requiring development of a simplified application process and uniform application for small employer group health insurance coverage.

**SSB 3243      Local Government**

Relating to local government innovation, creating a local government innovation commission and fund, creating a center for governing excellence, and including an effective date.

**SUBCOMMITTEE ASSIGNMENTS****Senate Concurrent Resolution 104**

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

**Senate Resolution 117**

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

**Senate Resolution 118**

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

**Senate Resolution 119**

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

[Senate File 2237](#)

LOCAL GOVERNMENT: Quirnbach and Shull, Co-chairs; Putney and Stewart

[Senate File 2258](#)

ECONOMIC GROWTH: Brunkhorst and Hatch, Co-chairs

[Senate File 2259](#)

WAYS AND MEANS: Quirnbach and Ziemann, Co-chairs; McCoy and Zaun

[Senate File 2279](#)

JUDICIARY: Horn and Miller, Co-chairs; Brunkhorst and Schoenjahn

[Senate File 2280](#)

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

[Senate File 2281](#)

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

[Senate File 2282](#)

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

[Senate File 2284](#)

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

[House File 2232](#)

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

[House File 2284](#)

EDUCATION: Schoenjahn and Ward, Co-chairs; Mulder and Wood

[SSB 3234](#)

TRANSPORTATION: Danielson and Ward, Co-chairs; Fraise and Hahn

[SSB 3235](#)

JUDICIARY: Boettger and Schoenjahn, Co-chairs; Hancock and Zaun

[SSB 3236](#)

JUDICIARY: Brunkhorst and Kreiman, Co-chairs; McKibben and Warnstadt

[SSB 3237](#)

AGRICULTURE: Hancock and Johnson, Co-chairs; Gaskill and Ragan

[SSB 3238](#)

NATURAL RESOURCES AND ENVIRONMENT: Houser and Wood, Co-chairs; Black and Johnson

[SSB 3239](#)

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

[SSB 3240](#)

AGRICULTURE: Fraise and Houser, Co-chairs; Kibbie and Mulder

[SSB 3241](#)

LOCAL GOVERNMENT: McCoy and Shull, Co-chairs; Putney and Rielly

[SSB 3242](#)

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

[SSB 3243](#)

LOCAL GOVERNMENT: Quirmbach and Shull, Co-chairs

**FINAL COMMITTEE REPORTS OF BILL ACTION**

**AGRICULTURE**

**Bill Title:** [SENATE FILE 2292 \(SSB 3159\)](#), a bill for an act relating to farm tenancies.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Fraise, Johnson, Black, Brunkhorst, Courtney, Gaskill, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, Ragan, and Rielly. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** [SENATE FILE 2293](#) (formerly [SF 2135](#)), a bill for an act providing for the regulation of packers and the purchase of swine from producers, and providing for penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Fraise, Johnson, Black, Brunkhorst, Courtney, Gaskill, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, Ragan, and Rielly. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** [SENATE FILE 2294 \(SSB 3208\)](#), a bill for an act precluding certain enforcement actions by the department of natural resources or the attorney general based on detrimental reliance.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Fraise, Johnson, Black, Brunkhorst, Courtney, Gaskill, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, Ragan, and Rielly. Nays, none. Absent, none.

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

**COMMERCE**

**Bill Title:** [HOUSE FILE 537](#), a bill for an act relating to the investment of public funds by the treasurer of state, state agencies, and political subdivisions including the investment of public funds not covered by federal deposit insurance in certificates of deposit.

**Recommendation:** DO PASS.

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

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

**HUMAN RESOURCES**

**Bill Title:** [SENATE FILE 2287 \(SSB 3083\)](#), a bill for an act authorizing an approved nursing education program to initiate criminal and child and dependent adult abuse record checks of students and prospective students regarding the students' involvement with the clinical education component of the program.

**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 2295 \(SSB 3084\)](#), a bill for an act providing for various technical and substantive changes relating to health licensing and related public health matters.

**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 2295](#), and they were attached to the committee report.

**JUDICIARY**

**Bill Title:** [SENATE FILE 2285 \(SSB 3089\)](#), a bill for an act relating to the distribution of a presentence investigation report in a criminal proceeding.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, McKibben, Quirnbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: Larson.

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

**ALSO:**

**Bill Title:** [SENATE FILE 2286 \(SSB 3202\)](#), a bill for an act relating to the judicial branch and court administration and procedure and providing a penalty.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, McKibben, Quirnbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: Larson.

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

**ALSO:**

**Bill Title:** [SENATE FILE 2288 \(SSB 3201\)](#), a bill for an act providing for a postsecondary education subsidy upon a finding of paternity.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, McKibben, Quirnbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: Larson.

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

**ALSO:**

**Bill Title:** [SENATE FILE 2290 \(SSB 3093\)](#), a bill for an act relating to the payment of costs of reasonable attorney fees and other expenses related to certain paternity and adoption proceedings.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, McKibben, Quirnbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: Larson.

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

**ALSO:**

**Bill Title:** [SENATE FILE 2291](#) (formerly [SF 2096](#)), a bill for an act relating to the victim compensation fund and mileage reimbursement.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, McKibben, Quirnbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: Larson.

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

**ALSO:**

**Bill Title:** \*[SENATE FILE 2296 \(SSB 3200\)](#), a bill for an act 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.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, McKibben, Quirnbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: Larson.

**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 2296](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*[SENATE FILE 2298](#) (formerly [SF 2141](#)), a bill for an act relating to family foster care home licensing requirements.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, McKibben, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: Larson.

**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 2298](#), and they were attached to the committee report.

**TRANSPORTATION**

**Bill Title:** [SENATE FILE 2289](#) (formerly [SF 2159](#)), a bill for an act relating to identification of publicly owned motor vehicles used by persons who provide off-site or in-home medical or mental health services.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: McCoy, Putney, Beall, Danielson, Dearden, Fraise, Hahn, Kettering, Shull, Ward, Warnstadt, and Zieman. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** \*[SENATE FILE 2297](#) ([SSB 1100](#)), a bill for an act relating to obstructions in highways and providing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: McCoy, Putney, Beall, Danielson, Dearden, Fraise, Hahn, Kettering, Shull, Ward, Warnstadt, and Zieman. 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 Transportation Committee on [Senate File 2297](#), and they were attached to the committee report.

**AMENDMENT FILED**[S-5016](#)[S.F. 2273](#)

Robert E. Dvorsky  
Jeff Angelo