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**STATE OF IOWA**

**Senate Journal**

**MONDAY, MARCH 13, 2006**

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## JOURNAL OF THE SENATE

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SIXTY-FOURTH CALENDAR DAY  
THIRTY-SEVENTH SESSION DAY

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

The Senate met in regular session at 1:10 p.m., President Lamberti presiding.

Prayer was offered by Spencer Keroff, pastor of the Assembly of God Church in Centerville, Iowa. He was the guest of Senator Kreiman.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Lucas Strittmatter.

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

### BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that [Senate File 2372](#) be referred from the Regular Calendar to the committee on **Ways and Means**.

The Senate stood at ease at 1:14 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:45 p.m., President Lamberti presiding.

### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2271](#).

**Senate File 2271**

On motion of Senator Connolly, **Senate File 2271**, 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, was taken up for consideration.

Senator Connolly asked and received unanimous consent that **House File 2465** be substituted for **Senate File 2271**.

**House File 2465**

On motion of Senator Connolly, **House File 2465**, 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, was taken up for consideration.

Senator Connolly 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. 2465**), 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.

## WITHDRAWN

Senator Connolly asked and received unanimous consent that [Senate File 2271](#) be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2306 and 2378.

[Senate File 2306](#)

On motion of Senator Dearden, [Senate File 2306](#), a bill for an act eliminating certain duties of the department of natural resources, was taken up for consideration.

Senator Dearden asked and received unanimous consent that [House File 2541](#) be **substituted** for [Senate File 2306](#).

[House File 2541](#)

On motion of Senator Dearden, [House File 2541](#), a bill for an act eliminating certain duties of the department of natural resources, was taken up for consideration.

Senator Dearden 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. 2541](#)), 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.

#### WITHDRAWN

Senator Dearden asked and received unanimous consent that [Senate File 2306](#) be **withdrawn** from further consideration of the Senate.

#### [Senate File 2378](#)

On motion of Senator Johnson, [Senate File 2378](#), a bill for an act providing for the conversion of cooperative associations, and providing for an 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. 2378](#)), 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.

CONSIDERATION OF RESOLUTIONS  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolutions 122 and 123.

**Senate Resolution 122**

On motion of Senator Johnson, **Senate Resolution 122**, a resolution supporting the proposal of Iowa State University to pursue the location of the national bio and agro-defense facility at the site of the current National Center for Animal Health in Ames, Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Johnson moved the adoption of **Senate Resolution 122**, which motion prevailed by a voice vote.

**Senate Resolution 123**

On motion of Senator Danielson, **Senate Resolution 123**, a resolution designating a Technology and Science Day in Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Danielson moved the adoption of **Senate Resolution 123**, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2378** and **House Files 2465** and **2541** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Joint Resolution 4](#).

[Senate Joint Resolution 4](#)

On motion of Senator Miller, [Senate Joint Resolution 4](#), a joint resolution designating the channel catfish as the official state fish for the State of Iowa, with report of committee recommending passage, was taken up for consideration.

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

[Senate Joint Resolution 4](#), a joint resolution designating the channel catfish as the official state fish for the State of Iowa.

WHEREAS, the channel catfish (*ictalurus punctatus*) is a native fish to Iowa's prairie streams and rivers inhabiting all 99 counties, and is one of the most abundant fish in Iowa lakes, streams, and rivers; and

WHEREAS, the channel catfish's appearance is easily recognizable by its slender scaleless body, deeply forked tail, fleshy whiskers, and sharp spines; and

WHEREAS, the channel catfish can be caught with a wide variety of tackle, most of which is inexpensive and available to all anglers; and

WHEREAS, the channel catfish is excellent table fare, with Iowa anglers reporting that they eat catfish more often than any other sport fish; and

WHEREAS, more Iowans participate in sport fishing than any other outdoor recreational sport with nearly one million anglers spending approximately \$400 million annually and generating \$1.2 billion in economic activity; and

WHEREAS, the channel catfish is the most preferred fish among Iowa anglers, reaching trophy size above 30 pounds and providing pole-bending action, with over four million caught annually; and

WHEREAS, the channel catfish is an important fish to Mississippi river commercial fishers with nearly 500,000 pounds of channel catfish marketed each year from the river; NOW THEREFORE, BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. STATE FISH DESIGNATED. The channel catfish (*ictalurus punctatus*) is designated and shall be officially known as the state fish of Iowa.

Sec. 2. APPROPRIATE REPRESENTATIONS. The director of the department of cultural affairs shall obtain appropriate pictures and other representations of the channel catfish and shall display the pictures and representations in an appropriate place in the state historical museum.

Sec. 3. OFFICIAL REGISTER. The editor of the Iowa official register shall include an appropriate picture and commentary of the channel catfish in the Iowa official register, along with the pictures of the state rock, state flower, state bird, and state tree.

On the question "Shall the resolution be adopted?" ([S.J.R. 4](#)), the vote was:

Yeas, 45:

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

Nays, 5:

Brunkhorst	Kreiman	Tinsman
Iverson	McCoy	

Absent, none.



The resolution, having received a constitutional majority, was declared to have been adopted by the Senate and the title was agreed to.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2316, 2364, 2339, and 2333.

**Senate File 2316**

On motion of Senator Danielson, **Senate File 2316**, a bill for an act relating to the procedures for filing administrative rules, was taken up for consideration.

Senator Danielson 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. 2316**), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	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, 1:

Lundby

Absent, none.

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

**Senate File 2364**

On motion of Senator McCoy, **Senate File 2364**, a bill for an act 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, was taken up for consideration.

Senator McCoy 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. 2364**), 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 2339**

On motion of Senator Tinsman, **Senate File 2339**, a bill for an act relating to the crime victim compensation fund, 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. 2339**), 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 2333**

On motion of Senator Kibbie, **Senate File 2333**, a bill for an act relating to the transfer of veterans commemorative property placed in a cemetery, recodifying a provision regarding veteran markers, and providing a penalty, was taken up for consideration.

Senator Kibbie 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. 2333](#)), 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 Gronstal asked and received unanimous consent that [Senate Joint Resolution 4](#) and **Senate Files 2316, 2333, 2339, and 2364** be **immediately messaged** to the House.

#### CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2343, 2352, 2362, 2374, and 2376.

#### [Senate File 2343](#)

On motion of Senator Tinsman, [Senate File 2343](#), a bill for an act revising the membership requirements for the child advocacy board, 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. 2343](#)), 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 2352](#)

On motion of Senator Johnson, [Senate File 2352](#), a bill for an act relating to the regulation of all-terrain vehicles, and providing penalties for violations committed by snowmobile or all-terrain vehicle operators, 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. 2352](#)), 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 2362

On motion of Senator Tinsman, [Senate File 2362](#), a bill for an act relating to involuntary hospitalization proceedings for chronic substance abusers and persons with mental illness, 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. 2362](#)), 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 2374**

On motion of Senator Schoenjahn, **Senate File 2374**, a bill for an act containing various provisions relating to business entities, including limited partnerships, corporations, limited liability companies, cooperatives, and nonprofit corporations, was taken up for consideration.

Senator Schoenjahn offered amendment **S-5052**, filed by him from the floor to the title page of the bill, and moved its adoption.

Amendment **S-5052** was adopted by a voice vote.

Senator McKinley asked and received unanimous consent that action on **Senate File 2374** be **deferred**.

### **Senate File 2376**

On motion of Senator Rielly, **Senate File 2376**, a bill for an act relating to financial institutions including the regulation of state banks, bank holding companies, and industrial loan companies, and providing for penalties, was taken up for consideration.

Senator Rielly asked and received unanimous consent that **House File 2587** be **substituted** for **Senate File 2376**.

### **House File 2587**

On motion of Senator Rielly, **House File 2587**, a bill for an act relating to financial institutions including the regulation of state banks, bank holding companies, and industrial loan companies, and providing for penalties, was taken up for consideration.

Senator Beall asked and received unanimous consent that action on **House File 2587** be **deferred**.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2343, 2352, and 2362** be **immediately messaged** to the House.

## HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 13, 2006, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 2273**, 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.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2369 and 2320.

**Senate File 2369**

On motion of Senator Fraise, **Senate File 2369**, a bill for an act relating to requirements for open feedlot operations, by providing for nutrient management plans and operating permits, and providing an effective date and retroactive applicability, was taken up for consideration.

Senator Fraise 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. 2369**), 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 2320**

On motion of Senator Beall, **Senate File 2320**, a bill for an act relating to the development of an Iowa studies professional development plan and the establishment of an Iowa studies committee, was taken up for consideration.

Senator Beall offered amendment **S-5048**, filed by him from the floor to page 2 of the bill, and moved its adoption.

Amendment **S-5048** was adopted by a voice vote.

Senator Beall 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. 2320**), 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 Gronstal asked and received unanimous consent that **Senate Files 2320** and **2369** be **immediately messaged** to the House.

#### BUSINESS PENDING

#### [Senate File 2374](#)

The Senate resumed consideration of [Senate File 2374](#), a bill for an act containing various provisions relating to business entities, including limited partnerships, corporations, limited liability companies, cooperatives, and nonprofit corporations, previously deferred.

Senator Schoenjahn 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. 2374](#)), 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, as amended, was agreed to.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2330](#).

**[Senate File 2330](#)**

On motion of Senator McKibben, [Senate File 2330](#), a bill for an act prohibiting monitor vending machines and providing an effective date, with report of committee on State Government recommending passage, was taken up for consideration.

([Senate File 2330](#) was deferred.)

The Senate stood at ease at 4:35 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:35 p.m., President Lamberti presiding.

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 March 13, 2006, **passed** the following bills in which the concurrence of the House was asked:

**[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.

[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.

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

ALSO: That the House has on March 13, 2006, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 2464](#), 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 and attached to **companion** [Senate File 2287](#).

[House File 2492](#), a bill for an act relating to the costs of services provided to persons with mental retardation whose service costs are a state responsibility.

Read first time and referred to committee on **Human Resources**.

[House File 2493](#), a bill for an act providing for the establishment of a viral hepatitis program and study.

Read first time and referred to committee on **Human Resources**.

[House File 2509](#), a bill for an act relating to financial education for applicants for and participants in the family investment program.

Read first time and referred to committee on **Human Resources**.

[House File 2565](#), a bill for an act requiring the department of human services to implement an electronic payment system for the state child care assistance program.

Read first time and referred to committee on **Human Resources**.

[House File 2567](#), a bill for an act creating a multidimensional treatment level foster care program.

Read first time and referred to committee on **Human Resources**.

[House File 2569](#), a bill for an act relating to the operation of all-terrain vehicles on the highway for limited purposes.

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

[House File 2588](#), a bill for an act relating to the criminal and abuse registry checks required of a person employed by a licensed health care facility.

Read first time and referred to committee on **Human Resources**.

[House File 2644](#), a bill for an act relating to department of human services' technical requirements involving individual development accounts, family investment program limited benefit plans, paternity establishment definitions, and the state child care assistance program, and including effective date and retroactive applicability provisions.

Read first time and attached to companion [Senate File 2336](#).

[House File 2697](#), a bill for an act relating to the confinement of a prisoner in a municipal holding facility or county jail.

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

[House File 2712](#), 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 and attached to companion [Senate File 2265](#).

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 2374](#) be **immediately messaged** to the House.

## BUSINESS PENDING

**Senate File 2330**

The Senate resumed consideration of **Senate File 2330**, a bill for an act prohibiting monitor vending machines and providing an effective date, previously deferred.

Senator Horn offered amendment **S-5045**, filed by Senator Horn, et al., from the floor striking and replacing everything after the enacting clause and to the title page of the bill.

Senator Gronstal offered amendment **S-5055**, filed by him from the floor to pages 1-4 of amendment **S-5045**, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment **S-5055** (to amendment **S-5045**) be adopted?" (**S.F. 2330**), the vote was:

Yeas, 22:

Beall	Dotzler	Kibbie	Seng
Black	Dvorsky	McCoy	Stewart
Bolkcom	Fraise	Quirnbach	Warnstadt
Connolly	Gronstal	Ragan	Wood
Courtney	Hancock	Rielly	
Danielson	Horn	Schoenjahn	

Nays, 28:

Angelo	Hatch	Larson	Seymour
Behn	Houser	Lundby	Shull
Boettger	Iverson	McKibben	Tinsman
Brunkhorst	Johnson	McKinley	Ward
Dearden	Kettering	Miller	Wieck
Gaskill	Kreiman	Mulder	Zaun
Hahn	Lamberti	Putney	Zieman

Absent, none.

Amendment **S-5055** lost.

Senator Lundby withdrew amendment **S-5056**, filed by her from the floor to pages 1-4 of amendment **S-5045**.

Senator Dotzler withdrew amendment [S-5061](#), filed by him from the floor to pages 1–4 of amendment [S-5045](#).

Senator Lundby offered amendment [S-5062](#), filed by her from the floor to pages 1–4 of amendment [S-5045](#), and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5062](#) (to amendment [S-5045](#)) be adopted?” ([S.F. 2330](#)), the vote was:

Yeas, 41:

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

Nays, 9:

Angelo	Horn	McCoy
Courtney	Kettering	Warnstadt
Dotzler	Kreiman	Zieman

Absent, none.

Amendment [S-5062](#) was adopted.

With the adoption of [S-5062](#), the Chair ruled the following amendments to amendment [S-5045](#), out of order:

[S-5053](#), filed by Senator McCoy, et al., from the floor to pages 1–4; and [S-5051](#), filed by Senator Lundby from the floor to pages 1–4.

Senator Horn moved the adoption of amendment [S-5045](#), which motion prevailed by a voice vote.

With the adoption of amendment [S-5045](#), the Chair ruled the following amendments out of order:

[S-5059](#), filed by Senator Zieman from the floor striking and replacing everything after the enacting clause and to the title page of the bill;

[S-5046](#), filed by Senator McKibben from the floor to page 1 and to the title page of the bill; and

[S-5058](#), filed by Senator Dotzler from the floor to page 1 of the bill.

Senator McKibben 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. 2330](#)), the vote was:

Yeas, 40:

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

Nays, 10:

Angelo	Horn	McCoy	Zieman
Courtney	Kettering	Schoenjahn	
Dotzler	Kreiman	Wood	

Absent, none.

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

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 2330](#) be **immediately messaged** to the House.

#### CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2272 and 2208.



**Senate File 2272**

On motion of Senator Brunkhorst, **Senate File 2272**, 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, was taken up for consideration.

Senator Connolly withdrew amendment **S-5035**, filed by him on March 8, 2006, to the title page of the bill.

With the withdrawal of amendment **S-5035**, the Chair ruled amendment **S-5047**, filed by Senators Putney and Connolly from the floor to page 1 of amendment **S-5035**, out of order.

President Pro Tempore McKibben took the chair at 8:05 p.m.

Senator Brunkhorst offered amendment **S-5026**, filed by Senators Brunkhorst and Wood on March 7, 2006, to page 2 of the bill, and moved its adoption.

Amendment **S-5026** was adopted by a voice vote.

Senator Brunkhorst offered amendment **S-5050**, filed by Senators Brunkhorst and Connolly from the floor to pages 3, 4, 7, 10, and 12-14 of the bill, and moved its adoption.

Amendment **S-5050** was adopted by a voice vote.

With the adoption of amendment **S-5050**, the Chair ruled amendment **S-5034**, filed by Senator Brunkhorst on March 8, 2006, to page 12 of the bill, out of order.

Senator Putney withdrew amendment **S-5033**, filed by him on March 8, 2006, to pages 3 and 9 of the bill.

Senator Putney offered amendment **S-5039**, filed by Senators Putney and Connolly on March 9, 2006, to pages 3, 9, 14, and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5039](#) be adopted?” ([S.F. 2272](#)), the vote was:

Yeas, 35:

Angelo	Gronstal	Lamberti	Quirmbach
Behn	Hahn	Larson	Seymour
Black	Hancock	Lundby	Shull
Boettger	Hatch	McCoy	Stewart
Connolly	Houser	McKibben	Ward
Danielson	Iverson	McKinley	Wieck
Dearden	Johnson	Miller	Zaun
Dotzler	Kettering	Mulder	Zieman
Gaskill	Kibbie	Putney	

Nays, 15:

Beall	Dvorsky	Ragan	Tinsman
Bolkcom	Fraise	Rielly	Warnstadt
Brunkhorst	Horn	Schoenjahn	Wood
Courtney	Kreiman	Seng	

Absent, none.

Amendment [S-5039](#) was adopted.

Senator Dvorsky asked and received unanimous consent that action on [Senate File 2272](#) be deferred.

### [Senate File 2208](#)

On motion of Senator Kreiman, [Senate File 2208](#), a bill for an act relating to access to certain burial sites located on private property, was taken up for consideration.

Senator Kreiman offered amendment [S-5054](#), filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment [S-5054](#) was adopted by a voice vote.

Senator Kreiman 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. 2208](#)), the vote was:

Yeas, 49:

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	
Fraise	Lamberti	Seng	

Nays, 1:

Angelo

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 Gronstal asked and received unanimous consent that [Senate File 2208](#) be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:28 p.m. until 8:30 a.m., Tuesday, March 14, 2006.

## APPENDIX

### CERTIFICATES OF RECOGNITION

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

Larry Croghan, Dubuque—For receiving the Iowa Girls' High School Athletic Union Golden Plaque Award. Senator Connolly (3/13/06).

Loren DeJong, MOC/FV Dutch—For advancing to the 2006 Boys' State Basketball Tourney to defend your State Championship. Senator Mulder (3/13/06).

Coach Ben Gerleman, George/Little Rock Mustangs—For defeating the #1 seed and advancing to the Final Four of the 2006 Boys' State Basketball Tourney. Senator Mulder (3/13/06).

### PRESENTATION OF VISITORS

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

Girl Scout Troop 1289 from Hoover Elementary School in Bettendorf, Iowa, accompanied by Michelle Bonin. Senator Tinsman.

### INTRODUCTION OF BILL

[Senate File 2387](#), by committee on Appropriations, a bill for an act relating to the housing trust fund and making appropriations.

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

### SUBCOMMITTEE ASSIGNMENTS

#### [Senate File 2325](#)

WAYS AND MEANS: Bolkcom and McKibben, Co-chairs; Hahn and Stewart

#### [Senate File 2331](#)

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

#### [Senate File 2338](#)

APPROPRIATIONS: Connolly and Gaskill, Co-chairs; Angelo and Dvorsky

[Senate File 2357](#)

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs; Fraise and Miller

[Senate File 2372](#)

WAYS AND MEANS: Danielson and Miller, Co-chairs; Dotzler and Zaun

[House File 2161](#)

APPROPRIATIONS: Angelo and Connolly, Co-chairs; Horn and Kettering

[House File 2233](#)

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

[House File 2282](#)

LOCAL GOVERNMENT: Mulder and Schoenjahn, Co-chairs; Rielly and Zaun

[House File 2330](#)

HUMAN RESOURCES: Hatch and Tinsman, Co-chairs; Bolkcom and Seymour

[House File 2337](#)

JUDICIARY: Kreiman and Larson, Co-chairs; Dvorsky and Ward

[House File 2397](#)

JUDICIARY: Kreiman and McKibben, Co-chairs; Zaun and Dvorsky

[House File 2398](#)

JUDICIARY: Boettger and Hancock, Co-chairs; Kreiman and Larson

[House File 2521](#)

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

[House File 2564](#)

HUMAN RESOURCES: Boettger and Kreiman, Co-chairs; Ragan and Seymour

[House File 2635](#)

AGRICULTURE: Gaskill and Ragan, Co-chairs; Houser and Rielly

## FINAL COMMITTEE REPORT OF BILL ACTION

## APPROPRIATIONS

**Bill Title:** \*[SENATE FILE 2387 \(SSB 3249\)](#), a bill for an act relating to the housing trust fund and making appropriations.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 21: Angelo, Dvorsky, Black, Boettger, Bolkom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, 3: Lamberti, Miller, and Putney.

**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 2387](#), and they were attached to the committee report.

## AMENDMENTS FILED

<a href="#">S-5044</a>	<a href="#">S.F. 2314</a>	Tom Hancock Mark Zieman
<a href="#">S-5045</a>	<a href="#">S.F. 2330</a>	Wally E. Horn Mark Zieman Ron Wieck Steve Kettering Matt McCoy
<a href="#">S-5046</a>	<a href="#">S.F. 2330</a>	Larry McKibben
<a href="#">S-5047</a>	<a href="#">S.F. 2272</a>	John Putney Michael Connolly
<a href="#">S-5048</a>	<a href="#">S.F. 2320</a>	Daryl Beall
<a href="#">S-5049</a>	<a href="#">S.F. 2300</a>	Gene Fraise
<a href="#">S-5050</a>	<a href="#">S.F. 2272</a>	Bob Brunkhorst Michael Connolly
<a href="#">S-5051</a>	<a href="#">S.F. 2330</a>	Mary Lundby
<a href="#">S-5052</a>	<a href="#">S.F. 2374</a>	Brian Schoenjahn
<a href="#">S-5053</a>	<a href="#">S.F. 2330</a>	Matt McCoy William A. Dotzler, Jr. Wally E. Horn Thomas G. Courtney Jeff Danielson
<a href="#">S-5054</a>	<a href="#">S.F. 2208</a>	Keith A. Kreiman
<a href="#">S-5055</a>	<a href="#">S.F. 2330</a>	Michael E. Gronstal

<a href="#">S-5056</a>	<a href="#">S.F. 2330</a>	Mary Lundby
<a href="#">S-5057</a>	<a href="#">S.F. 2350</a>	Gene Fraise
<a href="#">S-5058</a>	<a href="#">S.F. 2330</a>	William A. Dotzler, Jr.
<a href="#">S-5059</a>	<a href="#">S.F. 2330</a>	Mark Ziemann
<a href="#">S-5060</a>	<a href="#">H.F. 2612</a>	Tom Hancock
<a href="#">S-5061</a>	<a href="#">S.F. 2330</a>	William A. Dotzler, Jr.
<a href="#">S-5062</a>	<a href="#">S.F. 2330</a>	Mary Lundby
<a href="#">S-5063</a>	<a href="#">S.F. 2353</a>	Roger Stewart
<a href="#">S-5064</a>	<a href="#">S.F. 2194</a>	Keith A. Kreiman