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**STATE OF IOWA**

**Senate Journal**

**WEDNESDAY, MARCH 15, 2006**

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## JOURNAL OF THE SENATE

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SIXTY-SIXTH CALENDAR DAY  
THIRTY-NINTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, March 15, 2006

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

Prayer was offered by Pandit Krishna Pandey, priest of the Hindu Temple and Cultural Center in Madrid, Iowa. He was accompanied by Suren Gupta, chairman of the board of the Hindu temple. They were the guests of Senator Quirmbach.

The Journal of Tuesday, March 14, 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 March 14, 2006, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 2330**, a bill for an act prohibiting monitor vending machines and providing an excise tax and an effective date.

ALSO: That the House has on March 14, 2006, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 2747**, a bill for an act relating to prohibiting monitor vending machines and providing an effective date.

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

The Senate stood at ease at 8:50 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:30 a.m., President Pro Tempore McKibben presiding.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Rielly asked and received unanimous consent to take up for consideration [Senate Resolution 126](#).

[Senate Resolution 126](#)

On motion of Senator Connolly, [Senate Resolution 126](#), a resolution declaring March 15, 2006, as a day to recognize and honor Iowa's community colleges on their 40th anniversary, was taken up for consideration.

Senator Connolly moved the adoption of [Senate Resolution 126](#), which motion prevailed by a voice vote.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Dearden, until he arrives, on request of Senator Gronstal; and Senator Lamberti, until he arrives, on request of Senator Angelo.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Rielly asked and received unanimous consent to take up for consideration [Senate File 2221](#) and [House File 2177](#).

[Senate File 2221](#)

On motion of Senator Brunkhorst, [Senate File 2221](#), a bill for an act extending the reduction in the foundation property tax levy for reorganized and dissolved districts, extending supplementary weighting for whole grade sharing, providing supplementary weighting for shared school district operational functions, and providing effective and applicability dates, was taken up for consideration.

Senator Brunkhorst offered amendment [S-5043](#), filed by him on March 9, 2006, to page 3 of the bill.

Senator Connolly asked and received unanimous consent that action on amendment [S-5043](#) and [Senate File 2221](#) be deferred.

### [House File 2177](#)

On motion of Senator Kreiman, [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, with report of committee recommending passage, was taken up for consideration.

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?" ([H.F. 2177](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Dearden                      Lamberti

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

## WITHDRAWN

Senator Kreiman asked and received unanimous consent that [Senate File 2263](#) be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Rielly asked and received unanimous consent to take up for consideration [Senate File 2264](#).

[Senate File 2264](#)

On motion of Senator Kreiman, [Senate File 2264](#), 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, was taken up for consideration.

Senator Kreiman offered amendment [S-5029](#), filed by him on March 7, 2006, to pages 6 and 7 of the bill, and moved its adoption.

Amendment [S-5029](#) 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. 2264](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Dearden                      Lamberti

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 2264](#) and [House File 2177](#) be **immediately messaged** to the House.

#### CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2270](#).

#### [Senate File 2270](#)

On motion of Senator Iverson, [Senate File 2270](#), a bill for an act providing for the confidentiality of certain records relating to charitable donations for the benefit of a government body, was taken up for consideration.

Senator Iverson offered amendment [S-5069](#), filed by Senator McKibben on March 14, 2006, to page 1 and to the title page of the bill.

Senator Quirnbach asked and received unanimous consent that action on amendment [S-5069](#) and [Senate File 2270](#) be **deferred**.

#### RECESS

On motion of Senator Gronstal, the Senate recessed at 11:11 a.m. until 4:00 p.m.

**APPENDIX -- 1****CERTIFICATES OF RECOGNITION**

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

Myrtle Braun, LeMars—For celebrating your 100th birthday. Senator Mulder (3/15/06).

Danielle Durbala, Spirit Lake—For receiving the Gold Award, Girl Scout Troop 158. Senator Lamberti (3/15/06).

Alyssa Geinitz, Spirit Lake—For receiving the Gold Award, Girl Scout Troop 158. Senator Lamberti (3/15/06).

Katie Hansen, Spirit Lake—For receiving the Gold Award, Girl Scout Troop 158. Senator Lamberti (3/15/06).

Ryan Hetzler, Wilton—For earning a spot on the Eastern Iowa Hawkeye Boys' Basketball All-Conference First Team. Senator Hahn (3/15/06).

Master Gunnery Sergeant Ted T.J. Hogan, Holy Cross—For 30 years of outstanding service to Iowa and our nation as a United States Marine. Senator Hancock (3/15/06).

Mary Alice McClure, Council Bluffs—For your induction into the Thomas Jefferson Hall of Fame. Senator Gronstal (3/15/06).

Katie Michelson, Spirit Lake—For receiving the Gold Award, Girl Scout Troop 158. Senator Lamberti (3/15/06).

Ross Petersen, Durant—For earning a spot on the Eastern Iowa Hawkeye Boys' Basketball All-Conference First Team. Senator Hahn (3/15/06).

Nicole Seemann, Spirit Lake—For receiving the Gold Award, Girl Scout Troop 158. Senator Lamberti (3/15/06).

Jake Soy, Durant—For earning a spot on the Eastern Iowa Hawkeye Boys' Basketball All-Conference First Team. Senator Hahn (3/15/06).

Terry Stewart, Dubuque—For retiring from the City of Dubuque Fire Department. Senator Connolly (3/15/06).

**COMMUNICATION RECEIVED**

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

## IOWA UTILITIES BOARD

Second Statewide Telecommunications Competition Survey for Retail Local Voice Services in Iowa. Report received on March 15, 2006.

## PRESENTATION OF VISITORS

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

Family and friends of Senator Kibbie in recognition of his legislative work in the establishment of community colleges in Iowa.

Community College honor students from the Des Moines Area Community College's Boone, Ankeny, and Urban campuses. Senators Beall and Kibbie.

## REPORTS OF COMMITTEE MEETINGS

## APPROPRIATIONS

**Convened:** March 15, 2006, 11:30 a.m.

**Members Present:** Angelo and Dvorsky, Co-chairs; Black, Boettger, Bolcom, Connolly, Dotzler, Fraise, Gaskill, Horn, Johnson, Kettering, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt.

**Members Absent:** Hatch and Lamberti (both excused).

**Committee Business:** Passed SFs 2312 (as amended), 2315, and 2338.

**Recessed:** 11:35 a.m.

**Reconvened:** 11:55 a.m.

**Adjourned:** 12:05 p.m.

## TRANSPORTATION

**Convened:** March 15, 2006, 2:05 p.m.

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

**Members Absent:** Danielson and Dearden (both excused).

**Committee Business:** Passed [HF 2525](#).

**Adjourned:** 2:15 p.m.

#### **WAYS AND MEANS**

**Convened:** March 15, 2006, 1:10 p.m.

**Members Present:** Bolkcom and Ziemann, Co-chairs; Connolly, Dotzler, Hahn, McKinley, Miller, Seng, Stewart, Wieck, and Zaun.

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

**Committee Business:** Subcommittee assignments.

**Adjourned:** 1:15 p.m.

#### **INTRODUCTION OF RESOLUTION**

**Senate Resolution 127**, by Ragan, a resolution to recognize the sesquicentennial of the city of Osage, Iowa.

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

#### **FINAL COMMITTEE REPORTS OF BILL ACTION**

##### **APPROPRIATIONS**

**Bill Title:** **SENATE FILE 2315** (formerly **SF 2284**), a bill for an act relating to the sale of certain farmland by Iowa state university of science and technology to the department of natural resources and providing for the appropriation and use of proceeds from the sale.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 18: Angelo, Dvorsky, Black, Bolkcom, Connolly, Dotzler, Gaskill, Johnson, Kettering, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Ward, and Warnstadt. Nays, 4: Boettger, Fraise, Horn, and Tinsman. Absent, 2: Hatch and Lamberti.

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

##### **ALSO:**

**Bill Title:** **SENATE FILE 2338 (SSB 3118)**, a bill for an act modifying provisions relating to utilization of indirect cost reimbursements in appropriations to the office of grants enterprise management of the department of management, and making an appropriation.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 22: Angelo, Dvorsky, Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Horn, Johnson, Kettering, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, 2: Hatch and Lamberti.

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

#### STATE GOVERNMENT

**Bill Title:** [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.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Horn, McKibben, Black, Brunkhorst, Connolly, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, Wood, and Zieman. Nays, none. Absent, 1: Danielson.

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

#### TRANSPORTATION

**Bill Title:** [HOUSE FILE 2525](#), a bill for an act relating to policies and duties of the state department of transportation, including placement of official signs on primary highways, inspection of bridges, administrative duties, motor vehicle registration and titling, driver licensing, licensing and regulation of vehicle-related businesses, vehicle braking requirements, vehicle length restrictions, proof of financial responsibility requirements, and persons with disabilities parking permits, and including effective dates.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: McCoy, Putney, Beall, Fraise, Hahn, Kettering, Shull, Ward, Warnstadt, and Zieman. Nays, none. Absent, 2: Danielson and Dearden.

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

## AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President Pro Tempore McKibben presiding.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Miller, until he returns, on request of Senator Brunkhorst.

UNFINISHED BUSINESS  
(Deferred March 14, 2006)**Senate File 2353**

The Senate resumed consideration of **Senate File 2353**, a bill for an act relating to debt management, mortgage bankers and brokers, delayed deposit services, regulated loans, and industrial loans, and providing for fees and penalties, and the motion to reconsider the vote on **S-5028** to **Senate File 2353**, deferred March 14, 2006.

Senator Stewart withdrew his motion to reconsider.

With the withdrawal of the motion to reconsider, the Chair ruled amendment **S-5068**, filed by Senator Bolkcom on March 14, 2006, to page 2 of amendment **S-5028**, out of order.

Senator Bolkcom offered amendment **S-5072**, filed by him from the floor to page 21 of the bill, and moved its adoption.

Amendment **S-5072** was adopted by a voice vote.

Senator Stewart 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. 2353**), the vote was:

Yeas, 47:

Angelo	Fraise	Kreiman	Seng
Beall	Gaskill	Larson	Seymour

Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Mulder	Warnstadt
Connolly	Houser	Putney	Wieck
Courtney	Iverson	Quirnbach	Wood
Danielson	Johnson	Ragan	Zaun
Dotzler	Kettering	Rielly	Zieman
Dvorsky	Kibbie	Schoenjahn	

Nays, none.

Absent, 3:

Dearden	Lamberti	Miller
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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 2353](#) be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:17 p.m. until 8:30 a.m., Thursday, March 16, 2006.

**APPENDIX -- 2****INTRODUCTION OF RESOLUTION**

**Senate Resolution 128**, by Gronstal and Iverson, a resolution to honor the life and work of Norman Borlaug.

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

**STUDY BILLS RECEIVED****SSB 3256 Appropriations**

Creating a show Iowa Program and fund, reducing the aggregate limit of certain investment tax credits, making appropriations, and providing an effective date.

**SSB 3257 Ways and Means**

Creating a recreational class of property for purposes of property assessment and taxation.

**SUBCOMMITTEE ASSIGNMENTS****Senate Resolution 125**

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

**Senate Resolution 127**

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

**House File 2528**

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

**House File 2569**

TRANSPORTATION: Fraise and Shull, Co-chairs; Beall and Zieman

[SSB 3256](#)

APPROPRIATIONS: Hatch and Johnson, Co-chairs; Dotzler and Gaskill

[SSB 3257](#)

WAYS AND MEANS: Miller and Quirnbach, Co-chairs; Bolkcom and Zieman

### FINAL COMMITTEE REPORT OF BILL ACTION

#### APPROPRIATIONS

**Bill Title:** [SENATE FILE 2312 \(SSB 3137\)](#), a bill for an act providing hardship grants on behalf of veterans seriously injured in a combat zone, providing an income tax exclusion, and including an effective date and retroactive applicability provision.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-5074](#).

**Final Vote:** Ayes, 22: Angelo, Dvorsky, Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Horn, Johnson, Kettering, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, 2: Hatch and Lamberti.

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

#### AMENDMENTS FILED

<a href="#"><u>S-5070</u></a>	<a href="#"><u>S.F. 2305</u></a>	Hubert Houser
<a href="#"><u>S-5071</u></a>	<a href="#"><u>S.F. 2370</u></a>	Herman C. Quirnbach
<a href="#"><u>S-5072</u></a>	<a href="#"><u>S.F. 2353</u></a>	Joe Bolkcom
<a href="#"><u>S-5073</u></a>	<a href="#"><u>S.F. 2323</u></a>	Thomas G. Courtney
<a href="#"><u>S-5074</u></a>	<a href="#"><u>S.F. 2313</u></a>	Appropriations
<a href="#"><u>S-5075</u></a>	<a href="#"><u>S.F. 2363</u></a>	Frank B. Wood
<a href="#"><u>S-5076</u></a>	<a href="#"><u>H.F. 2245</u></a>	John P. Kibbie
<a href="#"><u>S-5077</u></a>	<a href="#"><u>S.F. 2314</u></a>	Jeff Danielson