

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, MARCH 16, 2006

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JOURNAL OF THE SENATE

SIXTY-SEVENTH CALENDAR DAY
FORTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 16, 2006

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

Prayer was offered by Anthony Menendez of Estherville, Iowa. He sang "Make Me a Channel of Your Peace." He was the guest of Senator Kibbie.

The Journal of Wednesday, March 15, 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 15, 2006, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2527, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of cultural affairs, the department of education, and the state board of regents and including effective and retroactive applicability dates.

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

House File 2734, a bill for an act relating to and making appropriations to the department of human services, the department of elder affairs, the Iowa department of public health, the department of veterans affairs and the Iowa veterans home, and the department of inspections and appeals, providing for fee increases, and including

other related provisions and appropriations, and providing effective dates.

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

House File 2743, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund.

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

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:38 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:42 a.m., President Pro Tempore McKibben presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 128](#), a resolution to honor the life and work of Norman Borlaug.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, and Ragan. Nays, none. Absent, 1: Lamberti.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION (Regular Calendar)

[Senate Resolution 128](#)

Senator Gronstal asked and received unanimous consent to take up the following resolution:

1 [SENATE RESOLUTION 128](#)
2 By: Gronstal and Iverson
3 A resolution to honor the life and work of Norman Borlaug.
4 WHEREAS, the contributions of Norman Borlaug to the
5 well-being of humanity cannot be overstated, as he has
6 through his life's work saved one billion people from
7 starvation to preserve 16 million square miles of
8 global wildlife habitat; and
9 WHEREAS, thanks to his vision and efforts 21st
10 century farmers are feeding 6.3 billion people on the
11 same farmland area that was inadequate to feed 1
12 billion people in 1900; and
13 WHEREAS, after winning the Nobel Peace Prize in
14 1970, Professor Borlaug continued to work tirelessly,
15 spending the next three decades working vigorously to
16 bring the Green Revolution to Africa; and
17 WHEREAS, as a result of his efforts in Africa, crop
18 yields have doubled and tripled and sometimes
19 quadrupled what traditional farming practices were
20 yielding; and
21 WHEREAS, at the age of 92 Professor Borlaug is
22 still active and well-recognized for his
23 contributions, having just been awarded the United
24 States National Science Medal; NOW THEREFORE,
25 BE IT RESOLVED BY THE SENATE, That the Senate, with
26 deepest respect, honors and expresses its thanks to
27 Professor Norman Borlaug, a Cresco, Iowa, native, who
28 has made it his life's work to feed the hungry and
29 uplift the poor, and in doing so has made the 21st
30 century a time of hope for billions of people.

Senator Kibbie moved the adoption of [Senate Resolution 128](#), which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Kibbie introduced Professor Norman Borlaug, a native of Cresco, Iowa, and winner of the Nobel Peace Prize in 1970. Mr. Borlaug has made it his life's work to find ways to use innovative farming practices to help feed the hungry throughout the world.

Mr. Borlaug was accompanied by Ken Quinn, president of the World Food Prize Foundation, and three high school students who are Borlaug/Ruan interns.

The Senate rose and expressed its welcome to all the guests and its appreciation of Mr. Borlaug's work in both feeding the hungry and in preserving global wildlife habitat.

The Senate stood at ease at 9:21 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:26 a.m., President Pro Tempore McKibben presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Lamberti, for the day, and Senator Miller, until he arrives, on request of Senator Zieman.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2332, 2251, 2363, and 2377.

[Senate File 2332](#)

On motion of Senator Hatch, [Senate File 2332](#), a bill for an act establishing an Iowa food policy council, was taken up for consideration.

Senator Hatch offered amendment [S-5078](#), filed by him from the floor to page 3 of the bill.

Senator Johnson asked and received unanimous consent that action on amendment [S-5078](#) and [Senate File 2332](#) be deferred.

[Senate File 2251](#)

On motion of Senator Beall, [Senate File 2251](#), a bill for an act directing the department of education and the Iowa department of public health to convene a healthy children task force and providing an effective date, was taken up for consideration.

Senator Wood withdrew amendment [S-5031](#), filed by him on March 8, 2006, to page 1 of the bill.

Senator Boettger withdrew amendment [S-5015](#), filed by her on February 27, 2006, to page 2 of the bill.

Senator Boettger offered amendment [S-5081](#), filed by her from the floor to page 2 of the bill, and moved its adoption.

Amendment [S-5081](#) was adopted by a voice vote.

With the adoption of amendment [S-5081](#), the Chair ruled amendment [S-5008](#), filed by Senator Boettger on February 22, 2006, to page 2 of the bill, out of order.

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. 2251](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Lamberti Miller

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

[Senate File 2363](#)

On motion of Senator Wood, [Senate File 2363](#), a bill for an act relating to water quality standards, was taken up for consideration.

Senator Wood withdrew amendment [S-5075](#), filed by him on March 15, 2006, to pages 3, 4, 8, and 10 of the bill.

Senator Wood offered amendment [S-5080](#), filed by him from the floor to pages 3, 4, 8, 10, and 13 of the bill, and moved its adoption.

Amendment [S-5080](#) was adopted by a voice vote.

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

On the question "Shall the bill pass?" ([S.F. 2363](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Lamberti Miller

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

[Senate File 2377](#)

On motion of Senator Wood, [Senate File 2377](#), a bill for an act relating to animal feeding operations, by providing for standards and evaluations by the department of natural resources, was taken up for consideration.

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

On the question "Shall the bill pass?" ([S.F. 2377](#)), the vote was:

Yeas, 36:

Angelo	Gronstal	Kreiman	Seymour
Beall	Hahn	Larson	Shull
Behn	Hancock	Lundby	Stewart
Black	Horn	McKibben	Tinsman
Boettger	Houser	McKinley	Ward
Brunkhorst	Iverson	Mulder	Wieck
Courtney	Johnson	Putney	Wood
Fraise	Kettering	Rielly	Zaun
Gaskill	Kibbie	Seng	Zieman

Nays, 12:

Bolkcom	Dearden	Hatch	Ragan
Connolly	Dotzler	McCoy	Schoenjahn
Danielson	Dvorsky	Quirnbach	Warnstadt

Absent, 2:

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 Warnstadt asked and received unanimous consent that **Senate Files 2251, 2363, and 2377** be **immediately messaged** to the House.

BUSINESS PENDING

[Senate File 2332](#)

The Senate resumed consideration of [Senate File 2332](#), a bill for an act establishing an Iowa food policy council, and amendment [S-5078](#), previously deferred.

Senator Hatch moved the adoption of amendment [S-5078](#), which motion prevailed by a voice vote.

Senator Hatch 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. 2332](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Lamberti Miller

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

CONSIDERATION OF BILLS (Regular Calendar)

Senator Warnstadt asked and received unanimous consent to take up for consideration Senate Files 2309 and 2085.

[Senate File 2309](#)

On motion of Senator Hatch, [Senate File 2309](#), a bill for an act relating to technology transfer and commercialization in certain core platform areas, was taken up for consideration.

Senator Hatch asked and received unanimous consent to withdraw amendment [S-5083](#), filed by Hatch and Brunkhorst from the floor to page 1 of the bill.

Senator Hatch 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. 2309](#)), the vote was:

Yeas, 44:

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

Nays, 4:

Angelo	Behn	McKinley	Zaun
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Absent, 2:

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.

[Senate File 2085](#)

On motion of Senator Wood, [Senate File 2085](#), a bill for an act providing criminal penalties for the failure of a vessel operator to offer assistance and information at the scene of a collision, accident, or casualty, with report of committee recommending passage, was taken up for consideration.

Senator Johnson offered amendment [S-5040](#), filed by him on March 9, 2006, to page 1 of the bill, and moved its adoption.

Amendment [S-5040](#) was adopted by a voice vote.

Senator Wood asked and received unanimous consent that [House File 2612](#) be **substituted** for [Senate File 2085](#).

[House File 2612](#)

On motion of Senator Wood, [House File 2612](#), a bill for an act providing criminal penalties for the failure of a vessel operator to offer assistance and information at the scene of a collision, accident, or casualty, was taken up for consideration.

Senator Hancock offered amendment [S-5060](#), filed by him on March 13, 2006, to page 1 and to the title page of the bill, and moved its adoption.

Amendment [S-5060](#) was adopted by a voice vote.

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

On the question "Shall the bill pass?" ([H.F. 2612](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Lamberti Miller

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

WITHDRAWN

Senator Wood asked and received unanimous consent that [Senate File 2085](#) be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2309 and 2332** and [House File 2612](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 11:35 a.m. until 1:00 p.m., Monday, March 20, 2006.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Mr. and Mrs. Les and Imogene Crouthamel, Webster City—For celebrating your 60th wedding anniversary. Senator Iverson (3/16/06).

Mr. and Mrs. Monroe and Gladys Newcomb, Clarion—For celebrating your 60th wedding anniversary. Senator Iverson (3/16/06).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: March 16, 2006, 11:40 a.m.

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

Members Absent: Brunkhorst, Hahn, and Houser (all excused).

Committee Business: Passed [HF 2635](#).

Adjourned: 11:45 a.m.

RULES AND ADMINISTRATION

Convened: March 16, 2006, 8:35 a.m.

Members Present: Gronstal and Iverson, Co-chairs; Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, and Ragan.

Members Absent: Lamberti (excused).

Committee Business: Approved [SR 128](#).

Adjourned: 8:40 a.m.

INTRODUCTION OF RESOLUTIONS

[Senate Resolution 129](#), by Seymour and Ragan, a resolution to recognize the month of May 2006 as Heart Health Month.

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

[Senate Resolution 130](#), by Quirnbach and Behn, a resolution honoring The Madrid Homes on its centennial year.

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

STUDY BILL RECEIVED

[SSB 3258](#) **Appropriations**

Establish an individual training account program within the department of workforce development for the training of unemployed persons and making an appropriation.

SUBCOMMITTEE ASSIGNMENTS

[Senate Resolution 128](#)

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

[Senate Resolution 129](#)

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

[Senate Resolution 130](#)

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

[Senate File 2370](#)

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

[House File 2346](#)

(Reassignment)

EDUCATION: Brunkhorst and Wood, Co-chairs; McKinley and Schoenjahn

[House File 2396](#)

(Reassignment)

EDUCATION: Beall and Boettger, Co-chairs; Mulder and Wood

[House File 2463](#)

HUMAN RESOURCES: Kreiman and Tinsman, Co-chairs; Boettger and Quirnbach

House File 2505

BUSINESS AND LABOR RELATIONS: Behn and Horn, Co-chairs; Seng and Shull

House File 2747

WAYS AND MEANS: Connolly and Ziemann, Co-chairs; Dotzler and Hahn

SSB 3258

APPROPRIATIONS: Hatch and Tinsman, Co-chairs; Dotzler and Ward

FINAL COMMITTEE REPORT OF BILL ACTION

AGRICULTURE

Bill Title: HOUSE FILE 2635, a bill for an act relating to drainage and levee districts by providing for the publication of notice and the letting of bids.**Recommendation:** DO PASS.**Final Vote:** Ayes, 11: Fraise, Johnson, Black, Courtney, Gaskill, Hancock, Kibbie, Mulder, Putney, Ragan, and Rielly. Nays, none. Absent, 3: Brunkhorst, Hahn, and Houser.**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

<u>S-5078</u>	<u>S.F. 2332</u>	Jack Hatch
<u>S-5079</u>	<u>S.F. 2231</u>	Jeff Danielson
<u>S-5080</u>	<u>S.F. 2363</u>	Frank B. Wood
<u>S-5081</u>	<u>S.F. 2251</u>	Nancy J. Boettger
<u>S-5082</u>	<u>S.F. 2305</u>	Hubert Houser
<u>S-5083</u>	<u>S.F. 2309</u>	Jack Hatch
		Bob Brunkhorst
<u>S-5084</u>	<u>S.F. 2314</u>	Jeff Danielson
<u>S-5085</u>	<u>S.F. 2297</u>	John Putney
<u>S-5086</u>	<u>S.F. 2217</u>	Keith A. Kreiman
<u>S-5087</u>	<u>S.F. 2337</u>	Jeff Danielson
<u>S-5088</u>	<u>S.F. 2337</u>	Jeff Danielson
<u>S-5089</u>	<u>S.F. 2194</u>	Brad Zaun
<u>S-5090</u>	<u>S.F. 2231</u>	Jeff Danielson