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**STATE OF IOWA**

**Senate Journal**

**TUESDAY, APRIL 11, 2006**

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# JOURNAL OF THE SENATE

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NINETY-THIRD CALENDAR DAY  
FIFTY-FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, April 11, 2006

The Senate met in regular session at 8:34 a.m., President Pro Tempore McKibben presiding.

Prayer was offered by Larry McGuire, pastor of the Community of Christ Church in Cedar Rapids, Iowa. He was the guest of Senator Horn.

The Journal of Monday, April 10, 2006, was approved.

## CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Connolly asked and received unanimous consent to take up for consideration Senate Resolutions 130 and 150.

### Senate Resolution 130

On motion of Senator Quirnbach, Senate Resolution 130, a resolution honoring The Madrid Homes on its centennial year, with report of committee recommending passage, was taken up for consideration.

Senator Quirnbach moved the adoption of Senate Resolution 130, which motion prevailed by a voice vote.

## SPECIAL GUESTS

Senator Quirnbach introduced Keith Kudej, president and CEO of The Madrid Homes, and Lou Galetich, chairman of the Centennial Committee for The Madrid Homes.

The Senate rose and expressed its welcome.

**Senate Resolution 150**

On motion of Senator Beall, **Senate Resolution 150**, a resolution requesting that the United States Postal Service issue a commemorative stamp honoring Iowa composer Karl L. King, with report of committee recommending passage, was taken up for consideration.

Senator Beall moved the adoption of **Senate Resolution 150**, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Beall introduced to the Senate chamber members of the Karl L. King Municipal Band and Duane "Ole" Oleson, general manager and 51-year announcer for the band.

The Senate rose and expressed its welcome.

The Senate stood at ease at 8:52 a.m. until the fall of the gavel.

The Senate resumed session at 9:13 a.m., President Lamberti presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:15 a.m. until the fall of the gavel.

## RECONVENED

The Senate reconvened at 11:08 a.m., President Lamberti presiding.

UNFINISHED BUSINESS  
(Deferred April 10, 2006)**Senate File 2383**

The Senate resumed consideration of **Senate File 2383**, a bill for an act providing for state petroleum replacement, by providing for renewable fuel including ethanol blended fuel and biodiesel blended fuel, providing incentives for infrastructure used to store and dispense renewable fuel, income tax credits, and an appropriation, providing penalties, making penalties applicable, and providing an applicability date, deferred April 10, 2006.

Senator Johnson offered amendment **S-5180**, filed by Senators Johnson and Rielly on April 10, 2006, striking and replacing everything after the enacting clause and to the title page of the bill, and moved its adoption.

Amendment **S-5180** was adopted by a voice vote.

Senator Johnson asked and received unanimous consent that **House File 2754** be substituted for **Senate File 2383**.

**House File 2754**

On motion of Senator Johnson, **House File 2754**, a bill for an act providing for state petroleum replacement, by providing for renewable fuel including ethanol blended fuel and biodiesel blended fuel, providing incentives for infrastructure used to store and dispense renewable fuel, income tax credits, and an appropriation, providing penalties, making penalties applicable, and providing an applicability date, was taken up for consideration.

Senator Rielly offered amendment **S-5182**, filed by Senators Rielly and Johnson on April 10, 2006, to pages 1, 3-7, 11-25, 28-32, 34, 37-41, 48, 50, and 52 of the bill.

Senator Rielly offered amendment [S-5188](#), filed by Senators Rielly and Johnson from the floor to pages 3 and 5-7 of amendment [S-5182](#), and moved its adoption.

Amendment [S-5188](#) was adopted by a voice vote.

Senator Zieman offered amendment [S-5186](#), filed by Senator Zieman, et al., from the floor to pages 9-12 of amendment [S-5182](#), and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5186](#) (to amendment [S-5182](#)) be adopted?" ([H.F. 2754](#)), the vote was:

Yeas, 16:

Angelo	Hahn	McKinley	Tinsman
Behn	Iverson	Miller	Ward
Brunkhorst	Kettering	Putney	Wieck
Gaskill	Lamberti	Seymour	Zieman

Nays, 34:

Beall	Dvorsky	Kreiman	Schoenjahn
Black	Fraise	Larson	Seng
Boettger	Gronstal	Lundby	Shull
Bolkcom	Hancock	McCoy	Stewart
Connolly	Hatch	McKibben	Warnstadt
Courtney	Horn	Mulder	Wood
Danielson	Houser	Quirnbach	Zaun
Dearden	Johnson	Ragan	
Dotzler	Kibbie	Rielly	

Absent, none.

Amendment [S-5186](#) lost.

Senator Johnson offered amendment [S-5183](#), filed by Senators Johnson and Rielly on April 10, 2006, to pages 10, 11, and 15 and to the title provisions of amendment [S-5182](#), and moved its adoption.

Amendment [S-5183](#) was adopted by a voice vote.

Senator Rielly moved the adoption of amendment [S-5182](#), as amended, which motion prevailed by a voice vote.

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?" ([H.F. 2754](#)), the vote was:

Yeas, 49:

Angelo	Gaskill	Larson	Seymour
Beall	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:

Behn

Absent, none.

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

#### WITHDRAWN

Senator Johnson asked and received unanimous consent that **Senate Files 2380, 2383, and 2385** be **withdrawn** from further consideration of the Senate.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [House File 2754](#) be **immediately messaged** to the House.

#### RECESS

On motion of Senator Gronstal, the Senate recessed at 12:15 p.m. until 1:30 p.m.

## AFTERNOON SESSION

The Senate reconvened at 2:30 p.m., President Lamberti presiding.

## BILL REASSIGNED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that [House File 2789](#) be reassigned from the committee on Ways and Means to the committee on **Appropriations**.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 2:31 p.m. until 8:30 a.m., Wednesday, April 12, 2006.

**APPENDIX****BILLS ASSIGNED TO COMMITTEE**

President Lamberti announced the assignment of the following bills to committee:

<a href="#">H.C.R. 112</a>	Rules and Administration
<a href="#">H.F. 2788</a>	Ways and Means

**REPORT OF COMMITTEE MEETING****WAYS AND MEANS**

**Convened:** April 11, 2006, 9:50 a.m.

**Members Present:** Bolkcom and Ziemann, Co-chairs; Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKibben, McKinley, Quirnbach, Seng, Stewart, Wieck, and Zaun.

**Members Absent:** Miller (excused).

**Committee Business:** Passed SFs 2256 and 2269 and HF's 2461, 2748, 2768, and 2777.

**Adjourned:** 10:25 a.m.

**PRESENTATION OF VISITORS**

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

Ruthven-Ayrshire high school students. Senator Kibbie.

**INTRODUCTION OF BILL**

**Senate File 2402**, by committee on Ways and Means, a bill for an act relating to state tax benefits for use of soy-based transformer fluid by electric utilities and including applicability date provisions.

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



## SUBCOMMITTEE ASSIGNMENTS

[House File 2319](#)

APPROPRIATIONS: Ragan and Tinsman, Co-chairs; Angelo and Dvorsky

[House File 2751](#)

WAYS AND MEANS: McKibben and Stewart, Co-chairs; Larson and Seng

[House File 2786](#)

WAYS AND MEANS: Dotzler and Miller, Co-chairs; McCoy and McKibben

[House File 2788](#)

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

## FINAL COMMITTEE REPORTS OF BILL ACTION

## WAYS AND MEANS

**Bill Title:** \*[SENATE FILE 2402](#) (formerly [SF 2256](#)), a bill for an act relating to state tax benefits for use of soy-based transformer fluid by electric utilities and including applicability date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, Larson, McKibben, McKinley, Quirnbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 2: McCoy and Miller.

**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 Ways and Means Committee on [Senate File 2402](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** [HOUSE FILE 2461](#), a bill for an act updating the Code references to the Internal Revenue Code and including retroactive applicability and effective date provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, McKibben, McKinley, Quirnbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 3: Larson, McCoy, and Miller.

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

**ALSO:**

**Bill Title:** [HOUSE FILE 2748](#), a bill for an act providing for the retention of fees by licensing boards, and the bureau of radiological health, under the purview of the Iowa department of public health, providing for the nontransferability of specified fees, and providing effective dates.

**Recommendation:** DO PASS.

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

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

**ALSO:**

**Bill Title:** [HOUSE FILE 2768](#), a bill for an act authorizing the state medical examiner to collect and retain fees for medical examiner facility expenses and services related to tissue recovery and making an appropriation.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, McCoy, McKibben, McKinley, Quirnbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 2: Larson and Miller.

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

**ALSO:**

**Bill Title:** [HOUSE FILE 2777](#), a bill for an act relating to certification to the county auditor of the amount of loans, advances, indebtedness, or bonds issued or incurred for urban renewal purposes.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, McKibben, McKinley, Quirnbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 3: Larson, McCoy, and Miller.

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

**BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 11th day of April, 2006:

Senate Files 2320, 2327, 2343, 2344, and 2358.

MICHAEL E. MARSHALL  
Secretary of the Senate

**BILLS SIGNED BY THE GOVERNOR**

A communication was received announcing that on April 11, 2006, the Governor approved and transmitted to the Secretary of State the following bills:

[Senate File 2087](#) – Relating to an increase in per diem paid to trustees of sanitary districts.

[Senate File 2275](#) – Relating to debt cancellation coverage offered by banks and credit unions.

[Senate File 2299](#) – Relating to credit unions and other financial organizations by providing for public funds requirements, membership qualifications, and preservation of records.

[Senate File 2304](#) – Relating to indigent defense claims and the reimbursement of costs in juvenile cases paid by a county.

[Senate File 2338](#) – 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.

[Senate File 2353](#) – Relating to debt management, mortgage bankers and brokers, delayed deposit services, regulated loans, and industrial loans, and providing for fees and penalties.

### WITHDRAWAL OF GOVERNOR'S APPOINTEE

The following letter from the Governor was received in the office of the Secretary of the Senate on April 11, 2006:

I submitted the name of Amanda Styron to serve on the Iowa Great Places Advisory Board on April 3, 2006. I am withdrawing her name from further consideration by the Senate.

Sincerely,  
THOMAS J. VILSACK  
Governor

### APPOINTMENT

The following appointee was submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

#### BY THE GOVERNOR

IOWA GREAT PLACES ADVISORY BOARD (Sec. 303.3c(2a))  
Sara Greenwood, Ames

#### TERM

05/01/2006 – 04/30/2008

### AMENDMENTS FILED

<u>S-5186</u>	<u>H.F. 2754</u>	Mark Zieman Steve Kettering E. Thurman Gaskill Jerry Behn
<u>S-5187</u>	<u>S.F. 2361</u>	Jeff Danielson
<u>S-5188</u>	<u>H.F. 2754</u>	Tom Rielly David Johnson
<u>S-5189</u>	<u>H.F. 2351</u>	Bob Brunkhorst Keith A. Kreiman
<u>S-5190</u>	<u>H.F. 2521</u>	Daryl Beall