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**STATE OF IOWA**

**Senate Journal**

**WEDNESDAY, APRIL 19, 2006**

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## JOURNAL OF THE SENATE

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ONE HUNDRED FIRST CALENDAR DAY  
FIFTY-NINTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, April 19, 2006

The Senate met in regular session at 8:37 a.m., President Kibbie presiding.

Prayer was offered by Father Steve Brodersen of the Sacred Heart Catholic Church in Boone, Iowa. He was the guest of Senator Behn.

The Journal of Tuesday, April 18, 2006, was approved.

The Senate stood at ease at 8:40 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:52 a.m., President Kibbie presiding.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he arrives, on request of Senator Lundby.

### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration [House File 2521](#).

#### [House File 2521](#)

On motion of Senator Putney, [House File 2521](#), a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory

authority, and other properly related matters and providing an effective date, with report of committee without recommendation, was taken up for consideration.

Senator Stewart offered amendment [S-5201](#), filed by Senators Stewart and Putney on April 18, 2006, to pages 1, 8, 14–16, and 18 of the bill, and moved its adoption.

Amendment [S-5201](#) was adopted by a voice vote.

Senator Beall withdrew amendment [S-5190](#), filed by him on April 11, 2006, to page 9 of the bill.

Senator Putney 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. 2521](#)), the vote was:

Yeas, 48:

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

Nays, 1:

Kreiman

Absent, 1:

Houser

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

HOUSE AMENDMENT TO  
SENATE AMENDMENT CONSIDERED

[House File 2282](#)

Senator Mulder called up for consideration [House File 2282](#), a bill for an act relating to the election of mayor and city council members in a city governed by the council-manager-at-large form of city government, amended by the Senate and further amended by the House in House amendment [S-5167](#) to Senate amendment [H-8422](#), filed April 5, 2006.

Senator Mulder moved that the Senate concur and vote “No” in the House amendment to the Senate amendment.

The motion lost by a voice vote and the Senate **refused to concur** in the House amendment to the Senate amendment.

UNFINISHED BUSINESS

[House File 2686](#)

On motion of Senator Wieck, [House File 2686](#), a bill for an act providing for technical and substantive changes relating to the Iowa communications network, placed on the Unfinished Business Calendar on March 30, 2006, with report of committee recommending passage, was taken up for consideration.

Senator Angelo offered amendment [S-5209](#), filed by him from the floor to pages 1 and 2 and to the title page of the bill, and moved its adoption.

Amendment [S-5209](#) was adopted by a voice vote.

Senator Wieck 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. 2686](#)), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Houser

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 Lundby asked and received unanimous consent that **House Files 2282** and **2521** be **immediately messaged** to the House.

#### RECESS

On motion of Senator Lundby, the Senate recessed at 10:15 a.m. until the fall of the gavel.

#### AFTERNOON SESSION

The Senate reconvened at 2:38 p.m., President Kibbie 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 April 19, 2006, **concurred in the Senate amendment and passed** the following bill in which the concurrence of the House was asked:

**House File 2515**, a bill for an act relating to obstructions in highways and providing penalties.

ALSO: That the House has on April 19, 2006, insisted on its amendment to **House File 2282**, a bill for an act relating to the election of mayor and city council members in a city governed by the council-manager-at-large form of city government, and the conference committee members on the part of the House are: the Representative from Dallas, Representative Watts, Chair; the Representative from Pottawattamie, Representative Drake; the Representative from Wapello, Representative Gaskill; the Representative from Polk, Representative Huser; the Representative from Benton, Representative Pettengill.

ALSO: That the House has on April 19, 2006, appointed the conference committee to **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, and the conference committee members on the part of the House are: the Representative from Dickinson, Representative May, Chair; the Representative from Adair, Representative Baudler; the Representative from Jasper, Representative Bell; the Representative from Buena Vista, Representative Freeman; the Representative from Story, Representative Heddens.

ALSO: That the House has on April 19, 2006, **amended the Senate amendment, concurred in the Senate amendment as amended, and passed** the following bill in which the concurrence of the Senate is asked:

**House File 711**, a bill for an act relating to judicial branch procedures involving the appointment process of certain officers and judges and applications for further review at the appellate level, and providing for temporary delays in filling judgeships. (**S-5212**)

ALSO: That the House has on April 19, 2006, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 2770**, a bill for an act relating to economic development by creating a technology and commercialization resource organization, providing tax incentives under the high quality job creation Act, and providing an exempt activity for foreign corporations, and including effective and retroactive applicability date provisions.

**Read first time and passed on file.**

[House File 2791](#), a bill for an act concerning community foundations and economic development relating to the endow Iowa tax credit, the allocation of gambling tax revenues, the distribution of county endowment moneys, making an appropriation, and providing an effective date.

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

#### APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on [House File 2282](#) on the part of the Senate: Senators Mulder and Quirnbach, Co-chairs; Senators Beall, Putney, Shull, and Warnstadt.

#### IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that [House File 2282](#) be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Lundby, the Senate adjourned at 2:40 p.m. until 9:30 a.m., Thursday, April 20, 2006.

**APPENDIX****CERTIFICATES OF RECOGNITION**

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

Mr. and Mrs. Roger and Char Auestad, Story City—For celebrating your 50th wedding anniversary. Senator Iverson (4/19/06)

William Ebert, Burlington—For celebrating your 90th birthday. Senator Courtney (4/19/06)

Mr. and Mrs. Donald and Elaine Elkin, Webster City—For celebrating your 65th wedding anniversary. Senator Iverson (4/19/06)

Ben Hecht and Matt Rohert, Iowa City—For being named Volvo for Life Friendship Award finalists. Senator Dvorsky (4/19/06)

Mr. and Mrs. Welby and Darlene Marshall, Maxwell—For celebrating your 60th wedding anniversary. Senator Iverson (4/19/06)

Shannon Mulligan, Dubuque—For winning the 2006 Iowa Energy Poster Contest. Senator Connolly (4/19/06)

Mr. and Mrs. Richard and Bonnie Odle, Green Mountain—For celebrating your 50th wedding anniversary. Senator McKibben (4/19/06)

Mr. and Mrs. Obed and Elnora Ritland, Story City—For celebrating your 60th wedding anniversary. Senator Iverson (4/19/06)

Garrett Schubert, Story City—For achieving the rank of Eagle Scout, Boy Scout Troop 101. Senator Iverson (4/19/06)

Mary Uppinghouse, Burlington—For celebrating your 90th birthday. Senator Courtney (4/19/06)

**STUDY BILL RECEIVED****SSB 3269 Appropriations**

Relating to the establishment of a heroes' welcome project within the department of veterans affairs, and providing an appropriation.

## SUBCOMMITTEE ASSIGNMENT

[SSB 3269](#)

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

## MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which [House File 2686](#) passed the Senate on April 19, 2006.

ROBERT E. DVORSKY

## REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 2290](#), the following correction was made:

1. Title, line 3: "proceedings" corrected to "proceedings".

MICHAEL E. MARSHALL  
Secretary of the Senate

## 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 resolution and 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 19th day of April, 2006:

[Senate Joint Resolution 2001](#) and Senate Files 2262, 2290, 2292, 2318, and 2322.

MICHAEL E. MARSHALL  
Secretary of the Senate

## AMENDMENTS FILED

<a href="#">S-5209</a>	<a href="#">H.F. 2686</a>	Jeff Angelo
<a href="#">S-5210</a>	<a href="#">H.F. 2095</a>	David Miller
<a href="#">S-5211</a>	<a href="#">H.F. 2362</a>	Jeff Angelo
<a href="#">S-5212</a>	H.F. 711	House