

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, APRIL 25, 2006

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JOURNAL OF THE SENATE

ONE HUNDRED SEVENTH CALENDAR DAY
SIXTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 25, 2006

The Senate met in regular session at 8:38 a.m., President Lamberti presiding.

Prayer was offered by the Honorable Dave Mulder, member of the Senate from Sioux County, Sioux Center, Iowa.

The Journal of Monday, April 24, 2006, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:43 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:15 p.m., President Lamberti presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

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 April 25, 2006, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2217, a bill for an act requiring the department of human services to maintain compliance with privacy laws applicable to mental health, mental retardation, developmental disabilities, and brain injury services data. (**S-5223**)

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:16 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:22 p.m., President Lamberti presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Fraise, until he returns, on request of Senator Gronstal.

UNFINISHED BUSINESS
(Deferred April 10, 2006)

[House File 2716](#)

The Senate resumed consideration of **[House File 2716](#)**, a bill for an act relating to civil actions for personal injury or death, including certain evidentiary requirements, deferred April 10, 2006.

Senator Brunkhorst asked and received unanimous consent to withdraw amendment **[S-5215](#)**, filed by Senators Brunkhorst and Kreiman on April 24, 2006, to page 1 and to the title page of the bill.

Senator Brunkhorst offered amendment **[S-5222](#)**, filed by Senators Brunkhorst and Kreiman from the floor to page 1 and to the title page of the bill, and moved its adoption.

Amendment **[S-5222](#)** 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?" ([H.F. 2716](#)), the vote was:

Yeas, 49:

Angelo	Gaskill	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt
Brunkhorst	Houser	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:

Fraise

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

WITHDRAWN

Senator Kreiman asked and received unanimous consent that [Senate File 2356](#) be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [House File 2716](#) be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:32 p.m. until fall of the gavel.

RECONVENED

The Senate reconvened at 3:26 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 April 25, 2006, **adopted the conference committee and passed [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.

ALSO: That the House has on April 25, 2006, **concurred in the Senate amendment and passed** the following bill in which the concurrence of the House was asked:

[House File 2686](#), a bill for an act providing for technical and substantive changes relating to the Iowa communications network, and relating to funding of the network.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Dearden, until he returns, on request of Senator Gronstal.

CONFERENCE COMMITTEE REPORT RECEIVED

[House File 2282](#)

A conference committee report, signed by the following Senate and House members, was filed April 24, 2006, on **[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:

On the part of the Senate:

DAVE MULDER, Co-chair
HERMAN C. QUIRMBACH, Co-chair
DARYL BEALL
JOHN PUTNEY
DOUG SHULL
STEVE WARNSTADT

On the part of the House:

RALPH C. WATTS, Chair
JACK DRAKE
MARY GASKILL
GERI D. HUSER
DAWN E. PETTENGILL

CONFERENCE COMMITTEE REPORT CONSIDERED

[House File 2282](#)

Senator Mulder called up the conference committee report on [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, filed on April 24, 2006, and moved its adoption.

The motion prevailed by a voice vote, and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Mulder 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. 2282](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Dearden Fraise

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

UNFINISHED BUSINESS

[House File 2332](#)

On motion of Senator Wood, [House File 2332](#), a bill for an act relating to child support, including processing and disbursement of support payments, modification of support based upon permanency orders of the juvenile court, income withholding and information sharing under the child support recovery program and providing for applicability and retroactive applicability, placed on the Unfinished Business Calendar on March 30, 2006, with report of committee recommending passage, was taken up for consideration.

Senator Shull offered amendment [S-5214](#), filed by him on April 24, 2006, to pages 1 and 3 and to the title page of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 30, nays 10.

Amendment [S-5214](#) was adopted.

Senator Wood offered amendment [S-5220](#), filed by him from the floor to page 2 and to the title page of the bill, and moved its adoption.

Amendment [S-5220](#) was adopted by a voice vote.

Senator Kreiman asked and received unanimous consent that action on [House File 2332](#) be **deferred**.

UNFINISHED BUSINESS
(Deferred April 18, 2006)[House File 2362](#)

The Senate resumed consideration of [House File 2362](#), a bill for an act providing for reassignment of a salvage certificate of title for a motor vehicle, and amendment [S-5154](#), deferred April 18, 2006.

Senator Angelo withdrew amendment [S-5211](#), filed by him on April 19, 2006, to pages 1 and 6 of amendment [S-5154](#).

Senator Angelo offered amendment [S-5218](#), filed by him on April 24, 2006, to pages 1 and 6 of amendment [S-5154](#), and moved its adoption.

A nonrecord roll call was requested.

The ayes were 11, nays 32.

Amendment [S-5218](#) lost.

Senator Hahn offered amendment [S-5221](#), filed by him from the floor to pages 1 and 6 of amendment [S-5154](#), and moved its adoption.

Amendment [S-5221](#) was adopted by a voice vote.

Senator Dotzler moved the adoption of amendment [S-5154](#), as amended, which motion prevailed by a voice vote.

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?" ([H.F. 2362](#)), the vote was:

Yeas, 49:

Angelo	Gaskill	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt
Brunkhorst	Houser	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:

Fraise

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 **House Files 2282** and **2362** be **immediately messaged** to the House.

The Senate stood at ease at 4:08 p.m. until the fall of the gavel.

The Senate resumed session at 5:00 p.m., President Lamberti presiding.

HOUSE AMENDMENT CONSIDERED

[Senate File 2217](#)

Senator Kreiman called up for consideration [Senate File 2217](#), a bill for an act requiring the department of human services to maintain compliance with privacy laws applicable to mental health, mental retardation, developmental disabilities, and brain injury services data, amended by the House in House amendment [S-5223](#), filed April 25, 2006.

Senator Kreiman moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Kreiman moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2217](#)), the vote was:

Yeas, 49:

Angelo	Gaskill	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt
Brunkhorst	Houser	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:

Fraise

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 2217](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:10 p.m. until 11:00 a.m., Wednesday, April 26, 2006.

APPENDIX

BILL ASSIGNED TO COMMITTEE

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

[H.F. 2765](#) Government Oversight

PRESENTATION OF VISITORS

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

Eighteen students from Titonka Middle School in Titonka, Iowa, accompanied by teacher Randy Tjaden and chaperone Mike Kadow. Senators Gaskill and Kibbie.

CERTIFICATES OF RECOGNITION

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

Steve Frankel, Bettendorf—For your outstanding commitment to the legal profession and your community. Senator Tinsman (4/25/06).

Stella Holcomb, Sioux City—For celebrating your 100th birthday. Senator Warnstadt (4/25/06).

Emily Kawaler, Ames—For earning a perfect ACT score. Senator Quirnbach (4/25/06).

Harold Koester, Gladbrook—Honoring your service in the United States Army from 1942–1945. Senator Putney (4/25/06).

Maxine McElvenny, Waterloo—For celebrating your 90th birthday. Senator Dotzler (4/25/06).

Anna Mae Mohler, Burlington—For celebrating your 90th birthday. Senator Courtney (4/25/06).

Mr. and Mrs. James Rudendall, Waterloo—For celebrating your 50th wedding anniversary. Senator Dotzler (4/25/06).

LaRue D. Taylor, Garner—For celebrating your 90th birthday. Senator Gaskill (4/25/06).

Ollie Wright, Wapello—For celebrating your 90th birthday. Senator Courtney (4/25/06).

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: April 25, 2006, 1:17 p.m.

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

Members Absent: None.

Committee Business: Approved SRs 156, 157, 159, and 160 and [HCR 112](#).

Adjourned: 1:20 p.m.

WAYS AND MEANS

Convened: April 25, 2006, 1:25 p.m.

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

Members Absent: Larson (excused).

Committee Business: Passed HF's 2751, 2764, 2770, 2774, and 2786.

Adjourned: 2:20 p.m.

INTRODUCTION OF RESOLUTIONS

[Senate Resolution 159](#), by Warnstadt, Larson, Lamberti, Gronstal, Miller, and Kreiman, a resolution urging the General Assembly to continue the work begun during the 2006 Legislative Session in determining the proper manner for the Iowa court system to recognize civil judgments, decrees, and orders issued by the Meskwaki Tribal Court.

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

[Senate Resolution 160](#), by Putney and McCoy, a resolution honoring Dwayne McAninch for his pioneering work in revolutionizing the construction industry.

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

STUDY BILLS RECEIVED

[SSB 3270](#) **Ways and Means**

Relating to financial transactions involving businesses by providing certain businesses with withholding tax credits to fund improvements in urban renewal areas and by providing a limitation on the amount of interest charged by certain businesses on loans secured by a motor vehicle certificate of title and providing for penalties.

[SSB 3271](#) **Government Oversight**

Relating to government accountability and concerning service contract requirements, contractual requirements for certain entities receiving public moneys, requirements for joint agreements involving governmental entities, additional review by the auditor of the state, the authority of the citizens' aide, establishment of a whistleblower board, and the authority of the legislative oversight committee, and including an implementation provision and making penalties applicable.

[SSB 3272](#) **Ways and Means**

Relating to the percentage of actual value at which residential property and certain commercial property are assessed for purposes of property taxation and providing an annual appropriation for the specified number of years to replace commercial property revenues lost to counties and cities.

SSB 3273 Rules and Administration

To legalize participation in an instructional support program by the Winterset community school district, and providing an effective date.

SSB 3274 Rules and Administration

To legalize actions taken and proceedings conducted by the Walnut Community School District which relates to erroneously certified instructional support levy and providing an effective date.

SSB 3275 Rules and Administration

To legalize participation in an instructional support program by the Waterloo community school district, and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS**Senate Resolution 159**

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

Senate Resolution 160

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

House File 2765

GOVERNMENT OVERSIGHT: Courtney and Wieck, Co-chairs; Connolly and Ward

House File 2770

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

House File 2791

APPROPRIATIONS: Bolkcom and Kettering, Co-chairs; Dvorsky and Shull

SSB 3270

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

SSB 3271

GOVERNMENT OVERSIGHT: Courtney and Wieck, Co-chairs; Connolly and Ward

SSB 3272

WAYS AND MEANS: Bolkcom and Miller, Co-chairs; Connolly, Quirnbach, Wieck, and Ziemann

SSB 3273

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

SSB 3274

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

SSB 3275

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

FINAL COMMITTEE REPORTS OF BILL ACTION**RULES AND ADMINISTRATION**

Bill Title: SENATE RESOLUTION 156, a resolution honoring the Wartburg College wrestling team.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Lundby, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 157, a resolution recognizing the Make-A-Wish Foundation of Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Lundby, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 159](#), a resolution urging the General Assembly to continue the work begun during the 2006 Legislative Session in determining the proper manner for the Iowa court system to recognize civil judgments, decrees, and orders issued by the Meskwaki Tribal Court.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Lundby, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 160](#), a resolution honoring Dwayne McAninch for his pioneering work in revolutionizing the construction industry.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Lundby, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE CONCURRENT RESOLUTION 112](#), a concurrent resolution designating May 2006 as Motorcycle Safety Awareness Month.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Lundby, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: [HOUSE FILE 2751](#), a bill for an act relating to eligibility for the military service property tax credit and exemption and including effective and applicability date provisions.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2764](#), a bill for an act authorizing a school district to share its portion of incremental property taxes with a contiguous school district.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [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.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Bolkcom, Zieman, Connolly, Danielson, Dotzler, McCoy, Miller, Quirnbach, Seng, Stewart, and Wieck. Nays, 4: Hahn, McKibben, McKinley, and Zaun. Absent, 1: Larson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2774](#), a bill for an act relating to trust and agency funds by allowing city contributions for pension and related employee benefits pursuant to contracted public safety services.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2786](#), a bill for an act relating to civil actions and the foreclosure of real estate mortgages, and providing fees and applicability provisions.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

<u>S-5220</u>	<u>H.F. 2332</u>	Frank B. Wood
<u>S-5221</u>	<u>H.F. 2362</u>	James F. Hahn
<u>S-5222</u>	<u>H.F. 2716</u>	Bob Brunkhorst
		Keith A. Kreiman
<u>S-5223</u>	<u>S.F. 2217</u>	House
<u>S-5224</u>	<u>H.F. 2527</u>	Paul McKinley
		Bob Brunkhorst
<u>S-5225</u>	<u>H.F. 2592</u>	Joe Bolkcom