

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, MAY 2, 2006

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JOURNAL OF THE SENATE

ONE HUNDRED FOURTEENTH CALENDAR DAY
SIXTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, May 2, 2006

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

Prayer was offered by the Reverend Reginald H. Merrill of Our Savior United Methodist Church in Manson, Iowa. He was the guest of Senator Beall.

The Journal of Monday, May 1, 2006, was approved.

UNFINISHED BUSINESS

[House File 2095](#)

On motion of Senator Dvorsky, [House File 2095](#), a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date, placed on the Unfinished Business Calendar on March 30, 2006, with report of committee without recommendation, was taken up for consideration.

Senator Miller withdrew amendment [S-5210](#), filed by him on April 19, 2006, to page 1 and to the title page of the bill.

Senator Connolly withdrew amendment [S-5005](#), filed by Senator Connolly, et. al., on February 14, 2006, to page 1 of the bill.

Senator Dvorsky 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. 2095](#)), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	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	

Nays, none.

Absent, none.

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

UNFINISHED BUSINESS
(Deferred April 25, 2006)

[House File 2332](#)

The Senate resumed consideration of [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, deferred April 25, 2006.

Senator Shull called up the following motion to reconsider filed by him from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment [S-5214](#) to [House File 2332](#) was adopted by the Senate on April 25, 2006.

The motion prevailed by a voice vote and amendment [S-5214](#) was taken up for consideration.

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

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that [House File 2095](#) be **immediately messaged** to the House.

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 May 1, 2006, **amended and passed** the following bill in which the concurrence of the Senate is asked:

[Senate File 2364](#), a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including the securities and regulated industries bureau, insurance premium taxes, the uniform securities Act, insurance division procedures, regulation of insurance companies and other entities including administrative penalties, motor vehicle service contracts, county and state mutual insurance associations, reciprocal or interinsurance insurers, consolidation, merger and reinsurance contracts, insurance holding company systems, and cemeteries. ([S-5242](#))

ALSO: That the House has on May 1, 2006, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 2794](#), a bill for an act relating to the policy and technical administration of the tax and related laws by the department of revenue, including administration of and tax exemptions under the income, sales, use, local option sales, and property taxes, updating the streamlined sales and use tax, and including effective and retroactive applicability date provisions.

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

The Senate stood at ease at 9:23 a.m. until the fall of the gavel.

The Senate resumed session at 11:09 a.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McKinley, until he returns, on request of Senator Mulder; Senator Dearden, until he returns, on request of Senator Seng; Senator McCoy, until he returns, on request of Senator Dvorsky; and Senator Warnstadt, until he returns, on request of Senator Beall.

BUSINESS PENDING

[House File 2332](#)

The Senate resumed consideration of [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, previously deferred.

Senator Shull offered amendment [S-5240](#), filed by Senators Shull and Kreiman from the floor to page 3 and to the title page of the bill, and moved its adoption.

Amendment [S-5240](#) 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. 2332](#)), the vote was:

Yeas, 46:

Angelo	Fraise	Kreiman	Seng
Beall	Gaskill	Lamberti	Seymour
Behn	Gronstal	Larson	Shull
Black	Hahn	Lundby	Stewart

Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	Miller	Ward
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirnbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dotzler	Kettering	Rielly	
Dvorsky	Kibbie	Schoenjahn	

Nays, none.

Absent, 4:

Dearden	McCoy	McKinley	Warnstadt
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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 File 2332](#) be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION (Regular Calendar)

[Senate Resolution 165](#)

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

1 [SENATE RESOLUTION 165](#)
2 By: Committee on Rules and Administration
3 A resolution honoring Senator Jeff Lamberti for his
4 years of service in the General Assembly.
5 WHEREAS, Senator Jeff Lamberti is retiring from
6 legislative office after having served two terms in
7 the House of Representatives and two terms in the
8 Senate; and
9 WHEREAS, Senator Lamberti served as President of
10 the Senate in 2004 and Co-president of the Senate in
11 2005 and 2006; and
12 WHEREAS, in his eight years in the Senate, Senator
13 Lamberti also served as chairperson of the Committee
14 on Appropriations and vice chairperson of the
15 Committee on the Judiciary; and
16 WHEREAS, Senator Lamberti has served on many other
17 standing committees throughout his 12 years of service
18 and has been an influential and devoted legislator in
19 this state; and

20 WHEREAS, Senator Lamberti is recognized for his
21 knowledge and work in the areas of appropriations,
22 state finance and tax policy, and civil and criminal
23 law; and
24 WHEREAS, Senator Lamberti has unselfishly given of
25 his time and efforts to further the interests of the
26 State of Iowa and to provide beneficial programs for
27 the citizens of Iowa; NOW THEREFORE,
28 BE IT RESOLVED BY THE SENATE, That the Senate
29 thanks Senator Jeff Lamberti for his years of
30 legislative service and wishes him the very best in

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1 the years ahead; and
2 BE IT FURTHER RESOLVED, That an official copy of
3 this resolution be prepared and presented to Senator
4 Lamberti.

Senator Lamberti addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Lamberti.

Senator Boettger moved the adoption of [Senate Resolution 165](#), which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

[Senate Resolution 163](#)

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

1 [SENATE RESOLUTION 163](#)
2 By: Committee on Rules and Administration
3 A resolution honoring Senator Doug Shull for his
4 years of service in the General Assembly.
5 WHEREAS, Senator Doug Shull is retiring from the
6 Senate after performing legislative service that has
7 spanned parts of three decades; and
8 WHEREAS, Senator Shull was initially elected to the
9 Iowa House of Representatives in 1978, serving from
10 1979 through 1983; and
11 WHEREAS, in 2002 Senator Shull was elected to the
12 Iowa Senate; and
13 WHEREAS, Senator Shull began his Senate service in
14 2003, serving as vice chairperson of the Committee on
15 Economic Growth and as the vice chairperson of the
16 Committee on Ways and Means and serving on the

17 Committees on Appropriations, State Government, and
18 Transportation, and the Education Appropriations
19 Subcommittee, becoming chair of that subcommittee in
20 2004; and
21 WHEREAS, in 2005 and 2006 Senator Shull served as
22 the co-chairperson of the Committee on Local
23 Government; and
24 WHEREAS, Senator Shull has served on many other
25 standing committees throughout his eight years of
26 service and has been an influential and devoted
27 legislator in this state; and
28 WHEREAS, Senator Shull is recognized for his
29 knowledge and work in the areas of public finance and
30 local government; and

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1 WHEREAS, Senator Shull has unselfishly given of his
2 time and efforts to further the interests of the State
3 of Iowa and to provide beneficial programs for the
4 citizens of Iowa; NOW THEREFORE,
5 BE IT RESOLVED BY THE SENATE, That the Senate
6 thanks Senator Doug Shull for his years of legislative
7 service and wishes him the very best in the years
8 ahead; and
9 BE IT FURTHER RESOLVED, That an official copy of
10 this resolution be prepared and presented to Senator
11 Shull.

Senator Shull addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Shull.

Senator Angelo moved the adoption of [Senate Resolution 163](#),
which motion prevailed by a voice vote.

RECESS

On motion of Senator Lundby, the Senate recessed at 12:00 p.m.
until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:50 p.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration [House File 2743](#).

[House File 2743](#)

On motion of Senator Seymour, [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, with report of committee without recommendation, was taken up for consideration.

Senator Seymour withdrew amendment [S-5245](#), filed by him from the floor to pages 1, 2, and 4-10 and to the title page of the bill.

Senator Seymour offered amendment [S-5253](#), filed by Senators Seymour and Bolckom from the floor to pages 1, 2, and 4-10 and to the title page of the bill, and moved its adoption.

Amendment [S-5253](#) was adopted by a voice vote.

Senator Mulder asked and received unanimous consent to withdraw amendment [S-5172](#), filed by Senators Mulder and Dvorsky on April 6, 2006, to page 2 of the bill.

Senator Hatch offered amendment [S-5219](#), filed by Senators Hatch and Dvorsky on April 24, 2006, to page 10 of the bill.

The Senate stood at ease at 2:10 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 2:19 p.m., President Kibbie presiding.

Senator Brunkhorst raised the point of order that amendment [S-5219](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-5219](#) out of order.

Senator Seymour 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. 2743](#)), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	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	

Nays, none.

Absent, none.

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 File 2743](#) be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration [Senate Resolution 161](#).

[Senate Resolution 161](#)

On motion of Senator Dvorsky, [Senate Resolution 161](#), a resolution to recognize the centennial of the city of Tiffin, Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved the adoption of [Senate Resolution 161](#), which motion prevailed by a voice vote.

HOUSE AMENDMENT CONSIDERED

[Senate File 2364](#)

Senator McCoy called up for consideration [Senate File 2364](#), a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including the securities and regulated industries bureau, insurance premium taxes, the uniform securities Act, insurance division procedures, regulation of insurance companies and other entities including administrative penalties, motor vehicle service contracts, county and state mutual insurance associations, reciprocal or interinsurance insurers, consolidation, merger and reinsurance contracts, insurance holding company systems, and cemeteries, amended by the House in House amendment [S-5242](#), filed May 2, 2006.

Senator McCoy 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 McCoy 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. 2364](#)), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	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	

Nays, none.

Absent, none.

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 [Senate File 2364](#) be **immediately messaged** to the House.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration [House File 2789](#).

[House File 2789](#)

On motion of Senator Angelo, [House File 2789](#), a bill for an act relating to assessing court costs, providing for indigent defense, and making appropriations to the judicial branch and department of inspections and appeals, with report of committee recommending passage, was taken up for consideration.

Senator Angelo asked and received unanimous consent to withdraw amendment [S-5237](#), filed by Senators Angelo and Dvorsky on May 1, 2006, to pages 1 and 3-5 and to the title page of the bill.

Senator Angelo offered amendment [S-5243](#), filed by Senators Angelo and Dvorsky from the floor to pages 1 and 3-5 and to the title page of the bill.

Senator Hancock withdrew amendment [S-5250](#), filed by him from the floor to pages 1-3 of amendment [S-5243](#).

Senator Connolly withdrew amendment [S-5254](#), filed by him from the floor to page 2 of amendment [S-5243](#).

Senator Angelo moved the adoption of amendment [S-5243](#), which motion prevailed by a voice vote.

Senator Angelo 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. 2789](#)), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	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	

Nays, none.

Absent, none.

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 File 2789](#) be **immediately messaged** to the House.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration [Senate File 2408](#).

Senate File 2408

On motion of Senator Miller, **Senate File 2408**, a bill for an act relating to elderly income tax relief by providing for an elderly taxpayer income tax exclusion and the phasing out of the income tax on social security benefits and including effective and applicability date provisions, was taken up for consideration.

Senator Miller 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. 2408**), the vote was:

Yeas, 46:

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

Nays, 4:

Bolkcom	Dearden	Mulder	Quirmbach
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Absent, none.

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **Senate File 2408** be **immediately messaged** to the House.

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 May 2, 2006, **amended and passed** the following bill in which the concurrence of the Senate is asked:

[Senate File 2272](#), a bill for an act relating to the duties and operations of the state board of education, the department of education, and local school boards and including effective and applicability provisions. ([S-5257](#))

RECESS

On motion of Senator Lundby, the Senate recessed at 3:20 p.m. until the completion of a meeting of the committee on Ways and Means.

APPENDIX -- 1

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 27, 2006, when the votes were taken on Senate Files 2404, 2405, and 2406, and on May 2, 2006, when the vote was taken on [House File 2332](#). Had I been present, I would have voted "Yea" on all.

PAUL McKINLEY

CERTIFICATES OF RECOGNITION

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

Tyler Cahill, Donahue—For your achievement at Junior State History Day. Senator Wood (5/2/06).

Devin C. Christoffel, LeMars—For achieving the rank of Eagle Scout. Senator Mulder (5/2/06).

Jane Condon of Calhoun County Department of Public Health, Rockwell City—For being one of the 100 Great Iowa Nurses for 2006. Senator Beall (5/2/06).

Blaire Dinsdale—For being a member of the 2006 Drake Relays Champion 4 x 800 Meter Relay Team. Senator Putney (5/2/06).

Brooke Dinsdale—For being a member of the 2006 Drake Relays Champion 4 x 800 Meter Relay Team. Senator Putney (5/2/06).

Brooke Dinsdale—For setting a Drake Relays Record of 2:10:35 in the girls 800 meter event and for recording the second fastest 800 clocking ever by an Iowa girl. Senator Putney (5/2/06).

Diane Ferry, Eldridge—For your achievement at Senior State History Day. Senator Wood (5/2/06).

Cory Greenleaf, Eldridge—For your achievement at Junior State History Day. Senator Wood (5/2/06).

Kristyn Griesbach, Eldridge—For your achievement at Junior State History Day. Senator Wood (5/2/06).

Erin Guzman—For being a member of the 2006 Drake Relays Champion 4 x 800 Meter Relay Team. Senator Putney (5/2/06).

Coleen Haatvedt of Trinity Health Systems and Iowa Health Systems/Northwoods Living, Fort Dodge—For being one of the 100 Great Iowa Nurses for 2006. Senator Beall (5/2/06).

Larry Kisor, Sioux City—For your retirement after more than three decades as a high school band director. Senator Warnstadt (5/2/06).

Clarence Kruse, Hampton—For celebrating your 80th birthday. Senator Ragan (5/2/06).

Chelsea Kvidera—For being a member of the 2006 Drake Relays Champion 4 x 800 Meter Relay Team. Senator Putney (5/2/06).

Sean Lovellette, Eldridge—For your achievement at Junior State History Day. Senator Wood (5/2/06).

Kirstin Marriot, Eldridge—For your achievement at Junior State History Day. Senator Wood (5/2/06).

Reverend Reginald H. Merrill, Pastor of Our Savior United Methodist Church in Manson and Pomeroy—For serving as the Pastor of the Day in the Iowa Senate. Senator Beall (5/2/06).

Matt Pacha, Eldridge—For your achievement at Junior State History Day. Senator Wood (5/2/06).

Jeremy P. Rhodes, LeMars—For achieving the rank of Eagle Scout. Senator Mulder (5/2/06).

Andrew J. Schmitz, LeMars—For achieving the rank of Eagle Scout. Senator Mulder (5/2/06).

Sibley-Ocheyedan FFA—For receiving the prestigious National Chapter Award at the 2006 Iowa FFA Leadership Conference. Senator Johnson (5/2/06).

Donald Stachour, Sibley—For celebrating your 90th birthday. Senator Johnson (5/2/06).

Nicholas H. Swalve, LeMars—For achieving the rank of Eagle Scout. Senator Mulder (5/2/06).

Nolan Swanson, Eldridge—For your achievement at Junior State History Day. Senator Wood (5/2/06).

REPORT OF COMMITTEE MEETING

GOVERNMENT OVERSIGHT

Convened: May 2, 2006, 12:05 p.m.

Members Present: Courtney and Wieck, Co-chairs; Connolly and Ward.

Members Absent: None.

Committee Business: CIETC hearings.

Adjourned: 1:10 p.m.

INTRODUCTION OF BILL

[Senate File 2409](#), by committee on Ways and Means, a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including effective and retroactive applicability date provisions.

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

SUBCOMMITTEE ASSIGNMENTS

[Senate File 2407](#)

APPROPRIATIONS: Boettger and Connolly, Co-chairs; Angelo and Dvorsky

[House File 2794](#)

WAYS AND MEANS: Connolly and Zieman, Co-chairs; Bolcom and Hahn

FINAL COMMITTEE REPORTS OF BILL ACTION

GOVERNMENT OVERSIGHT

Bill Title: [HOUSE FILE 2765](#), a bill for an act concerning the military division of the department of public defense.

Recommendation: DO PASS.

Final Vote: Ayes, 4: Courtney, Wieck, Connolly, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: *[SENATE FILE 2409 \(SSB 3279\)](#), a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

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

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 2409](#), and they were attached to the committee report.

RECONVENED

The Senate reconvened at 4:28 p.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration [Senate File 2409](#).

[Senate File 2409](#)

On motion of Senator Seng, [Senate File 2409](#), a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including effective and retroactive applicability date provisions, was taken up for consideration.

Senator Bolkcom withdrew amendment [S-5255](#), filed by him from the floor to page 2 of the bill.

Senator Bolkcom offered amendment [S-5258](#), filed by him from the floor to pages 2-4 of the bill, and moved its adoption.

Amendment [S-5258](#) was adopted by a voice vote.

Senator Seng 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. 2409](#)), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	Lundby	Stewart
Black	Hahn	McCoy	Tinsman
Boettger	Hancock	McKibben	Ward
Bolkcom	Hatch	McKinley	Warnstadt
Brunkhorst	Horn	Miller	Wieck
Connolly	Houser	Mulder	Wood
Courtney	Iverson	Putney	Zaun
Danielson	Johnson	Ragan	Zieman

Dearden	Kettering	Rielly
Dotzler	Kibbie	Schoenjahn
Dvorsky	Kreiman	Seng

Nays, 1:

Quirnbach

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that [Senate File 2409](#) be **immediately messaged** to the House.

RECESS

On motion of Senator Lundby, the Senate recessed at 4:38 p.m. until 6:30 p.m.

EVENING SESSION

The Senate reconvened at 7:35 p.m., President Kibbie 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 May 2, 2006, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 2797](#), a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, reducing, and transferring appropriations, providing for salaries and compensation of state employees, providing for fees and penalties, providing tax exemptions, and providing for properly related matters, and including effective and retroactive applicability date provisions.

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

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 2540

Senator Seng called up for consideration **House File 2540**, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources and providing fees, amended by the Senate and further amended by the House in House amendment **S-5236** to Senate amendment **H-8587**, filed May 1, 2006.

Senator Seng 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.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: **HOUSE FILE 2731**, a bill for an act relating to a targeted jobs withholding tax credit to be used for funding improvements in certain urban renewal areas.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration **House File 2731**.

House File 2731

On motion of Senator Bolkcom, **House File 2731**, a bill for an act relating to a targeted jobs withholding tax credit to be used for funding improvements in certain urban renewal areas, with report of committee recommending passage, was taken up for consideration.

Senator Bolkcom 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. 2731**), the vote was:

Yeas, 47:

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

Nays, 3:

Brunkhorst	Miller	Zaun
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Absent, none.

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **House Files 2540** and **2731** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration [House File 2527](#).

[House File 2527](#)

On motion of Senator Boettger, [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, with report of committee without recommendation, was taken up for consideration.

Senator Boettger offered amendment [S-5259](#), filed by Senators Boettger and Horn from the floor to pages 2, 4, 5-7, 10, 11, 16-19, 21, 22, 24, 27, 29, and 36 of the bill.

Senator Shull called for the following division of amendment [S-5259](#):

Division [S-5259](#) A: Page 5, line 49 through page 7, line 8; and
Division [S-5259](#) B: Page 1, line 1 through page 5, line 48, and page 7, lines 9-30.

Senator Boettger moved the adoption of amendment [S-5259A](#).

A nonrecord roll call was requested.

The ayes were 11, nays 32.

Amendment [S-5259A](#) lost.

Senator Lundby asked and received unanimous consent that action on amendment [S-5259B](#) and [House File 2527](#) be **deferred**.

The Senate stood at ease at 8:10 p.m. until the fall of the gavel.

The Senate resumed session at 8:18 p.m., President Kibbie presiding.

BUSINESS PENDING

[House File 2527](#)

The Senate resumed consideration of [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, and [S-5259B](#), previously deferred.

Senator Boettger moved the adoption of amendment [S-5259B](#), which motion prevailed by a voice vote.

Senator Zaun asked and received unanimous consent to withdraw amendment [S-5234](#), filed by Senator Zaun, et al., on May 1, 2006, to pages 7 and 25 of the bill.

Senator McKinley asked and received unanimous consent to withdraw amendment [S-5224](#), filed by Senators McKinley and Brunkhorst on April 25, 2006, to page 15 of the bill.

Senator Boettger 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. 2527](#)), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	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	

Nays, none.

Absent, none.

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

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 May 2, 2006, **passed** the following bills in which the concurrence of the House was asked:

[Senate File 2408](#), a bill for an act relating to elderly income tax relief by providing for an elderly taxpayer income tax exclusion and the phasing out of the income tax on social security benefits and including effective and applicability date provisions.

[Senate File 2409](#), a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including effective and retroactive applicability date provisions.

ALSO: That the House has on May 2, 2006, **concurred in the Senate amendment and passed** the following bill in which the concurrence of the House was asked:

[House File 2789](#), a bill for an act relating to assessing court costs and modifying fines, providing for indigent defense, and making appropriations to the judicial branch, attorney general, department of corrections, and department of inspections and appeals.

ALSO: That the House has on May 2, 2006, **insisted** on its amendment to **[House File 2540](#)**, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources and providing fees, and the conference committee on the part of the House are: the Representative from Keokuk, Representative De Boef, Chair; the Representative from Pottawattamie, Representative Drake; the Representative from Kossuth, Representative Mertz; the Representative from Boone, Representative Olson, Donovan; the Representative from Polk, Representative Raecker.

ALSO: That the House has on May 2, 2006, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2769, a bill for an act relating to the community empowerment initiative and making appropriations.

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

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 2540** on the part of the Senate: Senators Angelo and Seng, Co-chairs; Senators Black, Dvorsky, Gaskill, and Johnson.

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **House Files 2527** and **2540** be **immediately messaged** to the House.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: **HOUSE FILE 2794**, a bill for an act relating to the policy and technical administration of the tax and related laws by the department of revenue, including administration of and tax exemptions under the income, sales, use, local option sales, and property taxes, updating the streamlined sales and use tax, and including effective and retroactive applicability date provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT **S-5260**.

Final Vote: Ayes, 14: Bolkcom and Ziemann, Co-chairs; Connolly, Danielson, Dotzler, Hahn, McCoy, McKibben, McKinley, Miller, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 2: Larson and Quirnbach.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration **House File 2794**.

House File 2794

On motion of Senator Ziemann, **House File 2794**, a bill for an act relating to the policy and technical administration of the tax and related laws by the department of revenue, including administration of and tax exemptions under the income, sales, use, local option sales, and property taxes, updating the streamlined sales and use tax, and including effective and retroactive applicability date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Bolckcom offered amendment **S-5260**, filed by the committee on Ways and Means from the floor to pages 4 and 5 of the bill, and moved its adoption.

Amendment **S-5260** lost by a voice vote.

Senator Ziemann 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. 2794**), the vote was:

Yeas, 50:

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

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that [House File 2794](#) be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration [House File 2791](#).

[House File 2791](#)

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

Senator Kettering 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. 2791](#)), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	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	

Nays, none.

Absent, none.

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

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration [House File 2780](#).

[House File 2780](#)

On motion of Senator Tinsman, [House File 2780](#), a bill for an act relating to persons with mental illness, mental retardation, developmental disabilities, or brain injury by addressing purposes and quality standards for services and other support available for such persons, establishing basic financial eligibility standards, addressing state and county financial responsibility for the cost of the services and other support, changing the name of a departmental division, providing for an increase in the reimbursement of certain service providers, and providing effective and applicability dates, with report of committee recommending passage, was taken up for consideration.

Senator Tinsman offered amendment [S-5261](#), filed by Senators Tinsman and Ragan from the floor to pages 1, 8-11, and 18 of the bill, and moved its adoption.

Amendment [S-5261](#) was adopted by a voice vote.

Senator Tinsman 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. 2780](#)), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kreiman	Rielly
Beall	Gaskill	Lamberti	Schoenjahn
Behn	Gronstal	Larson	Seng
Black	Hahn	Lundby	Seymour
Boettger	Hancock	McCoy	Shull
Bolkcom	Hatch	McKibben	Stewart

Brunkhorst	Horn	McKinley	Tinsman
Connolly	Houser	Miller	Ward
Courtney	Iverson	Mulder	Warnstadt
Danielson	Johnson	Putney	Wieck
Dearden	Kettering	Quirnbach	Wood
Dotzler	Kibbie	Ragan	Zieman

Nays, 2:

Fraise Zaun

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that [House File 2780](#) be **immediately messaged** to the House.

RECESS

On motion of Senator Lundby, the Senate recessed at 9:39 p.m. until the fall of the gavel.

RECONVENED

The Senate reconvened at 9:50 p.m., President Kibbie 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 May 2, 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 2743](#), a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund. ([S-5262](#))

ADJOURNMENT

On motion of Senator Lundby, the Senate adjourned at 9:51 p.m. until 8:45 a.m., Wednesday, May 3, 2006.

APPENDIX -- 2**MOTION TO RECONSIDER**

MR. PRESIDENT: I move to reconsider the vote by which [House File 2791](#) passed the Senate on May 2, 2006.

MICHAEL E. GRONSTAL

REPORTS OF COMMITTEE MEETINGS**GOVERNMENT OVERSIGHT**

Convened: May 2, 2006, 7:00 p.m.

Members Present: Courtney and Wieck, Co-chairs; Connolly and Ward.

Members Absent: None.

Committee Business: Passed [SSB 3271](#) (without recommendation).

Recessed: 7:05 p.m.

Reconvened: 7:25 p.m.

Adjourned: 7:30 p.m.

ALSO:

Convened: May 2, 2006, 9:40 p.m.

Members Present: Courtney and Wieck, Co-chairs; and Ward.

Members Absent: Connolly (excused).

Committee Business: Passed LSB 6731xc.

Adjourned: 9:45 p.m.

WAYS AND MEANS

Convened: May 2, 2006, 3:30 p.m.

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

Members Absent: Quirnbach (excused).

Committee Business: Passed HF's 2731 and 2794 (as amended).

Recessed: 4:00 p.m.

Reconvened: 4:05 p.m.

Adjourned: 4:15 p.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 170](#), by committee on Government Oversight, a resolution conferring authority upon the standing Committee on Government Oversight to conduct an investigation into the compensation levels, use of public moneys, personnel, operations, funding, and oversight of the Central Iowa Employment and Training Consortium, the Iowa Department of Workforce Development, and all matters reasonably related thereto.

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

FINAL COMMITTEE REPORT OF BILL ACTION

GOVERNMENT OVERSIGHT

Bill Title: [SENATE RESOLUTION 170](#) (LSB 6731xc), a resolution conferring authority upon the standing Committee on Government Oversight to conduct an investigation into the compensation levels, use of public moneys, personnel, operations, funding, and oversight of the Central Iowa Employment and Training Consortium, the Iowa Department of Workforce Development, and all matters reasonably related thereto.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 3: Courtney, Wieck, and Ward. Nays, none. Absent, 1: Connolly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5239	H.F. 2734	Nancy J. Boettger
S-5240	H.F. 2332	Doug Shull
		Keith A. Kreiman

<u>S-5241</u>	<u>H.F. 2734</u>	Jack Hatch Michael E. Gronstal Mary Lundby Maggie Tinsman David Johnson Amanda Ragan
<u>S-5242</u>	<u>S.F. 2364</u>	House
<u>S-5243</u>	<u>H.F. 2789</u>	Jeff Angelo Robert E. Dvorsky
<u>S-5244</u>	<u>H.F. 2734</u>	Michael E. Gronstal
<u>S-5245</u>	<u>H.F. 2743</u>	James A. Seymour
<u>S-5246</u>	<u>S.F. 2361</u>	Michael Connolly
<u>S-5247</u>	<u>S.F. 2361</u>	Michael Connolly
<u>S-5248</u>	<u>S.F. 2361</u>	Michael Connolly
<u>S-5249</u>	<u>S.F. 2361</u>	Michael Connolly
<u>S-5250</u>	<u>H.F. 2789</u>	Tom Hancock
<u>S-5251</u>	<u>S.F. 2361</u>	Michael Connolly
<u>S-5252</u>	<u>S.F. 2361</u>	Michael Connolly
<u>S-5253</u>	<u>H.F. 2743</u>	James A. Seymour Joe Bolkom
<u>S-5254</u>	<u>H.F. 2789</u>	Michael Connolly
<u>S-5255</u>	<u>S.F. 2409</u>	Joe Bolkom
<u>S-5256</u>	<u>H.F. 2734</u>	Bob Brunkhorst
<u>S-5257</u>	<u>S.F. 2272</u>	House
<u>S-5258</u>	<u>S.F. 2409</u>	Joe Bolkom
<u>S-5259</u>	<u>H.F. 2527</u>	Nancy J. Boettger Wally E. Horn
<u>S-5260</u>	<u>H.F. 2794</u>	Ways and Means
<u>S-5261</u>	<u>H.F. 2780</u>	Maggie Tinsman Amanda Ragan
<u>S-5262</u>	<u>H.F. 2743</u>	House