

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, MAY 3, 2006

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JOURNAL OF THE SENATE

ONE HUNDRED FIFTEENTH CALENDAR DAY
SIXTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, May 3, 2006

The Senate met in regular session at 8:51 a.m., President Kibbie presiding.

Prayer was offered by Reverend Steve Williams of Nevada, Iowa. He was the guest of Senator Putney.

The Journal of Tuesday, May 2, 2006, was approved.

The Senate stood at ease at 9:02 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:05 a.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 May 2, 2006, **concurred in the Senate amendment and passed** the following bill in which the concurrence of the House was asked:

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.

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

House File 2792, a bill for an act relating to education finances, including the funding of, operation of, and appropriation of moneys to the department of education, the department of management, and the state board of regents, providing for participation in an instructional support program by school districts, relating to education standards and services by providing for a statewide core curriculum and standards study, providing for adjusted additional property tax levy aid for school districts, allocating and restricting utilization of local option sales and services tax moneys under specified circumstances, providing for an equity in property taxation interim study, making an appropriation, providing for an increase in the number of years for which supplementary weighting for limited English proficient students may be obtained, and providing effective and applicability dates.

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

RECESS

On motion of Senator Lundby, the Senate recessed at 10:07 a.m. until the completion of a meeting of the committee on Appropriations.

RECONVENED

The Senate reconvened at 11:20 a.m., President Kibbie presiding.

RECESS

On motion of Senator Lundby, the Senate recessed at 11:21 a.m. until 1:45 p.m.

APPENDIX -- 1**REPORT OF COMMITTEE MEETING****APPROPRIATIONS**

Convened: May 3, 2006, 10:15 a.m.

Members Present: Angelo and Dvorsky, Co-chairs; Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt.

Members Absent: Black (excused).

Committee Business: Passed HF's 2002, 2769, and 2797.

Adjourned: 10:25 a.m.

INTRODUCTION OF BILL

Senate File 2410, by committee on Government Oversight, a bill for an act 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 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.

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

FINAL COMMITTEE REPORTS OF BILL ACTION**APPROPRIATIONS**

Bill Title: **HOUSE FILE 2002**, a bill for an act increasing the standing amount required to be appropriated, reverted, or transferred to the credit of the senior living trust fund and including effective and retroactive applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 23: Angelo, Dvorsky, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2769](#), a bill for an act relating to the community empowerment initiative and making appropriations.

Recommendation: DO PASS.

Final Vote: Ayes, 22: Angelo, Dvorsky, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, 1: Hatch. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [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.

Recommendation: DO PASS.

Final Vote: Ayes, 23: Angelo, Dvorsky, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNMENT OVERSIGHT

Bill Title: *[SENATE FILE 2410 \(SSB 3271\)](#), a bill for an act 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 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.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 4: Courtney, Wieck, Connolly, and Ward. Nays, none. 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 Government Oversight Committee on [Senate File 2410](#), and they were attached to the committee report.

AFTERNOON SESSION

The Senate reconvened at 2:50 p.m., President Kibbie presiding.

QUORUM CALL

Senator Lundby requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent, and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Connolly, for the day, on request of Senator Courtney.

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 3, 2006, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2377, a bill for an act relating to animal feeding operations, by providing for standards and evaluations by the department of natural resources. (**S-5270**)

UNFINISHED BUSINESS
(Deferred March 21, 2006)**House File 2706**

The Senate resumed consideration of **House File 2706**, a bill for an act providing for the confidentiality of certain records relating to charitable donations made to a foundation acting solely for the support of an institution governed by the state board of regents, to a private foundation as defined in section 509 of the Internal Revenue Code organized for the support of a government body, or to an endow Iowa qualified community foundation, as defined in section 15E.303,

organized for the support of a government body, deferred March 21, 2006.

Senator Quirnbach offered amendment [S-5264](#), filed by Senators Quirnbach and McKibben from the floor to page 1 of the bill, and moved its adoption.

Amendment [S-5264](#) was adopted by a voice vote.

Senator McKibben 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. 2706](#)), 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
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Connolly

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 2706](#) be **immediately messaged** to the House.

WITHDRAWN

Senator McKibben asked and received unanimous consent that [Senate File 2270](#) be **withdrawn** from further consideration of the Senate.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED[House File 2743](#)

Senator Seymour called up for consideration [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, amended by the Senate and further amended by the House in House amendment [S-5262](#) to Senate amendment [H-8617](#), filed May 2, 2006.

Senator Seymour 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.

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 170](#).

[Senate Resolution 170](#)

On motion of Senator Wieck, [Senate Resolution 170](#), 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, was taken up for consideration.

Senator Wieck moved the adoption of [Senate Resolution 170](#), which motion prevailed by a voice vote.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration [House File 2002](#).

[House File 2002](#)

On motion of Senator Dvorsky, [House File 2002](#), a bill for an act increasing the standing amount required to be appropriated, reverted, or transferred to the credit of the senior living trust fund and including effective and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

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. 2002](#)), 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
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Connolly

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

CONSIDERATION OF BILL
(Regular Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration [Senate File 2107](#).

[Senate File 2107](#)

On motion of Senator Miller, [Senate File 2107](#), a bill for an act allowing private landowners limited immunity from premises liability during urban deer control hunts, with report of committee recommending passage, was taken up for consideration.

Senator Miller offered amendment [S-5127](#), filed by him on March 28, 2006, striking and replacing everything after the enacting clause and to the title page of the bill, and moved its adoption.

Amendment [S-5127](#) was adopted by a voice vote.

Senator Miller asked and received unanimous consent that [House File 2546](#) be substituted for [Senate File 2107](#).

[House File 2546](#)

On motion of Senator Miller, [House File 2546](#), a bill for an act allowing private landowners limited immunity from premises liability during urban deer control hunts, was taken up for consideration.

Senator Miller offered amendment [S-5128](#), filed by him on March 28, 2006, striking and replacing everything after the enacting clause and to the title page of the bill, and moved its adoption.

Amendment [S-5128](#) was adopted by a voice vote.

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?" ([H.F. 2546](#)), 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
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Connolly

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

WITHDRAWN

Senator Miller asked and received unanimous consent that [Senate File 2107](#) be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that [House File 2002](#) be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration [House File 2765](#).

House File 2765

On motion of Senator Wieck, **House File 2765**, a bill for an act concerning the military division of the department of public defense, with report of committee recommending passage, was taken up for consideration.

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. 2765**), 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
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Connolly

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 2765** be **immediately messaged** to the House.

MOTION TO RECONSIDER WITHDRAWN

[House File 2546](#)

Senator Kreiman withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which [H.F. 2546](#) passed the Senate on May 3, 2006.

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that [House File 2546](#) be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

[Senate File 2272](#)

Senator Brunkhorst called up for consideration [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, amended by the House in House amendment [S-5257](#), filed May 2, 2006.

Senator Gronstal offered amendment [S-5263](#), filed by him from the floor to pages 3, 5-9, and 12 of House amendment [S-5257](#), and moved its adoption.

Amendment [S-5263](#) was adopted by a voice vote.

Senator Brunkhorst moved that the Senate concur in the House amendment, as amended.

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

Senator Brunkhorst 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. 2272](#)), 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
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Connolly

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 2272](#) 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 3, 2006, **amended and passed** the following bill in which the concurrence of the Senate is asked:

[Senate File 2398](#), a bill for an act providing a sales tax exemption for purchases of solar energy equipment. ([S-5272](#))

ALSO: That the House has on May 3, 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 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. ([S-5271](#))

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 2332

Senator Wood called up for consideration **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, amended by the Senate and further amended by the House in House amendment [S-5271](#) to Senate amendment [H-8607](#), filed May 3, 2006.

Senator Wood moved that the Senate concur in the House amendment to the Senate amendment.

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

Senator Wood moved that the bill, as amended by the Senate, further 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?" ([H.F. 2332](#)), 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
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Connolly

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 2769](#).

[House File 2769](#)

On motion of Senator Angelo, [House File 2769](#), a bill for an act relating to the community empowerment initiative and making appropriations, with report of committee recommending passage, was taken up for consideration.

Senator Wood offered amendment [S-5275](#), filed by him from the floor to page 6 of the bill, and moved its adoption.

Amendment [S-5275](#) was adopted 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. 2769](#)), 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
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Connolly

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 2332** and **2769** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

[Senate File 2398](#)

Senator Danielson called up for consideration [Senate File 2398](#), a bill for an act providing a sales tax exemption for purchases of solar energy equipment, amended by the House in House amendment [S-5272](#), filed May 3, 2006.

Senator Danielson 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 Danielson 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. 2398](#)), 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
Courtney	Iverson	Mulder	Warnstadt
Danielson	Johnson	Putney	Wieck
Dotzler	Kettering	Quirnbach	Wood
Dvorsky	Kibbie	Ragan	Zaun
Fraise	Kreiman	Rielly	Zieman

Nays, 1:

Dearden

Absent, 1:

Connolly

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 2398](#) be **immediately messaged** to the House.

MOTION TO RECONSIDER WITHDRAWN

[House File 2791](#)

Senator Gronstal withdrew the motion to reconsider [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, filed by him on May 2, 2006, and found on page 1045 of the Senate Journal.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration [House File 2797](#).

[House File 2797](#)

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

Senator Kreiman asked and received unanimous consent to withdraw amendment [S-5268](#), filed by Senator Kreiman, et al., from the floor to pages 39 and 45 of the bill.

Senator Kreiman asked and received unanimous consent to withdraw amendment [S-5266](#), filed by Senators Kreiman and Ward from the floor to page 45 of the bill.

Senator Shull withdrew amendment [S-5273](#), filed by him from the floor to page 55 of the bill.

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. 2797](#)), the vote was:

Yeas, 47:

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

Nays, 2:

Brunkhorst Zaun

Absent, 1:

Connolly

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

IMMEDIATELY MESSAGED

President Lamberti asked and received unanimous consent that [House File 2791](#) be **immediately messaged** to the House.

The Senate stood at ease at 4:47 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:07 p.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration [Senate File 2400](#).

[Senate File 2400](#)

On motion of Senator Kettering, [Senate File 2400](#), a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, vertical infrastructure fund, the endowment for Iowa's health restricted capitals fund, and the endowment for Iowa's health account, and related matters, was taken up for consideration.

Senator Kettering offered amendment [S-5235](#), filed by Senators Kettering and Warnstadt on May 1, 2006, striking and replacing everything after the enacting clause and to the title page of the bill, and moved its adoption.

Amendment [S-5235](#) was adopted by a voice vote.

With the adoption of amendment [S-5235](#), the Chair ruled the following amendments out of order:

Amendment [S-5226](#), filed by Senator Hancock on April 26, 2006, to pages 3 and 4 of the bill; and

Amendment [S-5177](#), filed by Senator Stewart on April 10, 2006, to page 17 of the bill.

Senator Kettering asked and received unanimous consent that [House File 2782](#) be substituted for [Senate File 2400](#).

[House File 2782](#)

On motion of Senator Kettering, [House File 2782](#), a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, vertical infrastructure fund, the endowment for Iowa's health restricted capitals fund, and the

endowment for Iowa's health account, and related matters, was taken up for consideration.

Senator Warnstadt offered amendment [S-5265](#), filed by Senators Warnstadt and Kettering from the floor to pages 1-8, 11-21, 24, 25, 31-38, and 41 and to the title page of the bill.

Senator Warnstadt offered amendment [S-5277](#), filed by Senators Warnstadt and Kettering from the floor to pages 1-3, 7, 9, 14, 15, 18, 19, and 22 of amendment [S-5265](#), and moved its adoption.

Amendment [S-5277](#) was adopted by a voice vote.

Senator Lundby asked and received unanimous consent that action on amendment [S-5265](#) and [House File 2782](#) be deferred.

MOTIONS TO RECONSIDER WITHDRAWN

[House File 2351](#)

Senator Lundby withdrew the motion to reconsider [House File 2351](#), a bill for an act relating to government authority, including eminent domain authority and condemnation procedures, and other properly related matters, and including effective and applicability provisions, filed by her on April 12, 2006, found on page 899 of the Senate Journal.

[House File 2351](#)

Senator Gronstal withdrew the motion to reconsider [House File 2351](#), a bill for an act relating to government authority, including eminent domain authority and condemnation procedures, and other properly related matters, and including effective and applicability provisions, filed by him on April 12, 2006, found on page 899 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that [House File 2351](#) be immediately messaged to the House.

BUSINESS PENDING

[House File 2782](#)

The Senate resumed consideration of [House File 2782](#), a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, vertical infrastructure fund, the endowment for Iowa's health restricted capitals fund, the technology reinvestment fund, the endowment for Iowa's health account, and related matters and providing an immediate effective date, and amendment [S-5265](#), previously deferred.

Senator Warnstadt moved the adoption of amendment [S-5265](#), which motion prevailed by a voice vote.

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. 2782](#)), the vote was:

Yeas, 46:

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

Nays, 2:

Brunkhorst	Zaun
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Present, 1:

Putney

Absent, 1:

Connolly

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 2782](#) be **immediately messaged** to the House.

WITHDRAWN

Senator Kettering asked and received unanimous consent that [Senate File 2400](#) be **withdrawn** from further consideration of the Senate.

HOUSE AMENDMENT CONSIDERED

[Senate File 2377](#)

Senator Wood called up for consideration [Senate File 2377](#), a bill for an act relating to animal feeding operations, by providing for standards and evaluations by the department of natural resources, amended by the House in House amendment [S-5270](#), filed May 3, 2006.

Senator Wood 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 Wood 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. 2377](#)), the vote was:

Yeas, 38:

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

Nays, 11:

Bolkcom	Dotzler	McCoy	Schoenjahn
Danielson	Dvorsky	Quirnbach	Warnstadt
Dearden	Hatch	Ragan	

Absent, 1:

Connolly

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 2377](#) be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

CONSIDERATION OF BILL (Regular Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration [Senate File 2410](#).

Senate File 2410

On motion of Senator Wieck, **Senate File 2410**, a bill for an act 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 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, with report of committee without recommendation, was taken up for consideration.

Senator Courtney offered amendment **S-5276**, filed by him from the floor to pages 1-4, 6, 7, 9, and 12-19 and to the title page of the bill, and moved its adoption.

Amendment **S-5276** was adopted by a voice vote.

Senator Gronstal offered amendment **S-5274**, filed by him from the floor to page 19 and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment **S-5274** be adopted?" (**S.F. 2410**), the vote was:

Yeas, 23:

Beall	Dvorsky	Kibbie	Schoenjahn
Bolkcom	Fraise	Kreiman	Seng
Courtney	Gronstal	McCoy	Stewart
Danielson	Hancock	Quirnbach	Warnstadt
Dearden	Hatch	Ragan	Wood
Dotzler	Horn	Rielly	

Nays, 25:

Angelo	Iverson	McKinley	Ward
Behn	Johnson	Miller	Wieck
Boettger	Kettering	Mulder	Zaun
Brunkhorst	Lamberti	Putney	Zieman

Gaskill	Larson	Seymour
Hahn	Lundby	Shull
Houser	McKibben	Tinsman

Absent, 2:

Black	Connolly
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Amendment [S-5274](#) lost.

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?" ([S.F. 2410](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Black	Connolly
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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 [Senate File 2410](#) be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration [House Joint Resolution 2006](#).

[House Joint Resolution 2006](#)

On motion of Senator Lundby, [House Joint Resolution 2006](#), a joint resolution nullifying administrative rules relating to the mandatory reporting of certain acts or omissions by persons licensed by the Iowa board of dental examiners and providing an effective date, with report of committee recommending passage, was taken up for consideration.

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

[House Joint Resolution 2006](#), a joint resolution nullifying administrative rules relating to the mandatory reporting of certain acts or omissions by persons licensed by the Iowa board of dental examiners and providing an effective date.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. 650 Iowa administrative code, rule 10.6, subrule 4, and rule 30.4, subrule 24, first unnumbered paragraph, relating to the mandatory reporting of certain acts or omissions by persons licensed by the Iowa board of dental examiners, are nullified.

Sec. 2. EFFECTIVE DATE. This joint resolution, being deemed of immediate importance, takes effect upon enactment.

On the question "Shall the resolution be adopted?" ([H.J.R. 2006](#)), the vote was:

Yeas, 45:

Angelo	Hahn	McCoy	Shull
Beall	Hancock	McKibben	Stewart
Behn	Hatch	McKinley	Tinsman
Black	Horn	Miller	Ward
Boettger	Houser	Mulder	Warnstadt
Bolkcom	Iverson	Putney	Wieck

Brunkhorst	Johnson	Quirnbach	Wood
Courtney	Kettering	Ragan	Zaun
Danielson	Kreiman	Rielly	Zieman
Dotzler	Lamberti	Schoenjahn	
Gaskill	Larson	Seng	
Gronstal	Lundby	Seymour	

Nays, 4:

Dearden	Dvorsky	Fraise	Kibbie
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Absent, 1:

Connolly

The resolution, having received a constitutional majority, was declared to have been adopted by the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that [House Joint Resolution 2006](#) 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 2459](#).

[House File 2459](#)

On motion of Senator Ward, [House File 2459](#), a bill for an act relating to and making appropriations to the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters, and providing effective and retroactive applicability dates, with report of committee without recommendation, was taken up for consideration.

Senator Ward offered amendment [S-5267](#), filed by Senators Ward and Dotzler from the floor to pages 3, 4, 6, and 10–12 of the bill, and moved its adoption.

Amendment [S-5267](#) was adopted by a voice vote.

Senator Ward 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. 2459](#)), the vote was:

Yeas, 44:

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

Nays, 5:

Brunkhorst	Kreiman	Zaun
Kettering	McKinley	

Absent, 1:

Connolly

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 2459](#) 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 3, 2006, **concurred in the Senate amendment and passed** the following bills in which the concurrence of the House was asked:

[House File 2546](#), a bill for an act allowing private landowners limited immunity from premises liability during urban deer control hunts.

[House File 2706](#), a bill for an act providing for the confidentiality of certain records relating to charitable donations made to a foundation acting solely for the support of an institution governed by the state board of regents, to a private foundation as defined in section 509 of the Internal Revenue Code organized for the support of a government body, or to an endow Iowa qualified community foundation, as defined in section 15E.303, organized for the support of a government body.

[House File 2769](#), a bill for an act relating to the community empowerment initiative and making appropriations.

ALSO: That the House has on May 3, 2006, **concurred in the Senate amendment to the House amendment, and passed** the following bill in which the concurrence of the House was 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.

ALSO: That the House has on May 3, 2006, **receded from the House amendment to the Senate amendment, and passed** the following bill in which the concurrence of the House was 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.

ALSO: That the House has on May 3, 2006, **amended and passed** the following bill in which the concurrence of the Senate is asked:

[Senate File 2399](#), a bill for an act relating to renewable energy including the renewable energy tax credit and the wind energy production tax credit and including an effective date. ([S-5280](#))

HOUSE AMENDMENT CONSIDERED

Senate File 2268

Senator Stewart called up for consideration **Senate File 2268**, a bill for an act relating to financial transactions associated with agricultural production, by providing for tax credits and tax exemptions, and including effective and retroactive and other applicability dates, amended by the House in House amendment **S-5200**, filed April 18, 2006.

Senator Stewart 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 Stewart 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. 2268**), the vote was:

Yeas, 47:

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
Courtney	Iverson	Mulder	Warnstadt
Danielson	Johnson	Putney	Wieck
Dotzler	Kettering	Quirnbach	Wood
Dvorsky	Kibbie	Ragan	Zieman
Fraise	Kreiman	Rielly	

Nays, 2:

Dearden Zaun

Absent, 1:

Connolly

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 2268](#) 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 2734](#).

[House File 2734](#)

On motion of Senator Tinsman, [House File 2734](#), a bill for an act relating to and making appropriations to the department of human services, the department of elder affairs, the Iowa department of public health, the department of veterans affairs and the Iowa veterans home, and the department of inspections and appeals, providing for fee increases, and including other related provisions and appropriations, and providing effective dates, with report of committee without recommendation, was taken up for consideration.

Senator Tinsman offered amendment [S-5269](#), filed by Senators Tinsman and Hatch from the floor to pages 1-6, 10, 12, 14-17, 19, 20, 22-25, 27, 30, 32, 34, 35, 37, 39-41, 47, 48, 50-55, 57, and 59-67 and to the title page of the bill.

Senator Hatch offered amendment [S-5279](#), filed by Senators Hatch and Tinsman from the floor to pages 2, 6, 7, 9, and 28 of amendment [S-5269](#), and moved its adoption.

Amendment [S-5279](#) was adopted by a voice vote.

Senator Tinsman moved the adoption of amendment [S-5269](#), as amended, which motion prevailed by a voice vote.

Senator Boettger withdrew amendment [S-5239](#), filed by her on May 2, 2006, to page 64 of the bill.

Senator Hatch asked and received unanimous consent to withdraw amendment [S-5241](#), filed by Senator Hatch, et al., on May 2, 2006, to page 64 of the bill.

Senator Gronstal withdrew amendment [S-5244](#), filed by him on May 2, 2006, to page 64 and to the title page of the bill.

Senator Brunkhorst withdrew amendment [S-5256](#), filed by him on May 2, 2006, to page 66 of the bill.

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. 2734](#)), the vote was:

Yeas, 43:

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

Nays, 6:

Brunkhorst	Kreiman	Miller
Kettering	McKinley	Zaun

Absent, 1:

Connolly

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 2734](#) be **immediately messaged** to the House.

RECESS

On motion of Senator Lundby, the Senate recessed at 7:57 p.m. until 9:00 p.m.

RECONVENED

The Senate reconvened at 9:15 p.m., President Kibbie presiding.

QUORUM CALL

Senator Lundby requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 38 present, 12 absent, and a quorum present.

HOUSE MESSAGE RECEIVED

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 3, 2006, **concurred in the Senate amendment and passed** the following bill in which the concurrence of the House was asked:

House File 2351, a bill for an act relating to government authority, including eminent domain authority and condemnation procedures, and other properly related matters, and including effective and applicability provisions.

HOUSE AMENDMENT CONSIDERED

Senate File 2399

Senator Miller called up for consideration **Senate File 2399**, a bill for an act relating to renewable energy including the renewable energy tax credit and the wind energy production tax credit and including an effective date, amended by the House in House amendment **S-5280**, filed May 3, 2006.

Senator Miller 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 Miller 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. 2399](#)), 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
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Connolly

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 2399](#) be **immediately messaged** to the House.

The Senate stood at ease at 9:30 p.m. until the fall of the gavel for the purpose of a meeting of the committee on Appropriations.

The Senate resumed session at 9:52 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 3, 2006, **adopted the conference committee report and passed [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.

CONFERENCE COMMITTEE REPORT RECEIVED**[House File 2540](#)**

A conference committee report, signed by the following Senate and House members, was filed May 3, 2006, on **[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:

On the part of the Senate:

JEFF ANGELO, Co-chair
ROBERT E. DVORSKY
E. THURMAN GASKILL
DAVID JOHNSON

On the part of the House:

BETTY R. DE BOEF, Chair
JACK DRAKE
J. SCOTT RAECKER

**EXPLANATION REGARDING
CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT: I was necessarily absent from the Senate chamber on May 3, 2006, when the Conference Committee Report on **[House File 2540](#)** was signed. Had I been present, I would have approved and signed the Conference Committee Report.

DENNIS H. BLACK

CONFERENCE COMMITTEE REPORT CONSIDERED**[House File 2540](#)**

Senator Seng called up the conference committee report on **[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, filed on May 3, 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 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?" ([H.F. 2540](#)), the vote was:

Yeas, 47:

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

Nays, 2:

Kreiman Zaun

Absent, 1:

Connolly

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 2540](#) be **immediately messaged** to the House.

The Senate stood at ease at 10:02 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:44 p.m., President Kibbie presiding.

RECESS

On motion of Senator Lundby, the Senate recessed at 10:45 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 11:09 p.m., President Kibbie presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: [SENATE FILE 2411 \(SSB 3268\)](#), a bill for an act relating to local governments by creating a local government innovation commission and fund, creating a center for governing excellence, and including an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 22: Angelo, Dvorsky, Boettger, Bolkcom, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, 2: Black and Connolly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration [Senate File 2411](#).

[Senate File 2411](#)

On motion of Senator Angelo, [Senate File 2411](#), a bill for an act relating to local governments by creating a local government innovation commission and fund, creating a center for governing excellence, and including an effective date, was taken up for consideration.

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?" ([S.F. 2411](#)), 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
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Connolly

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 2411](#) be **immediately messaged** to the House.

MOTIONS TO RECONSIDER WITHDRAWN

[House File 2797](#)

Senator Courtney withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which [House File 2797](#) passed the Senate on May 3, 2006.

[House File 2557](#)

Senator Lundby withdrew the motion to reconsider **[House File 2557](#)**, a bill for an act relating to and making appropriations to the judicial branch, filed by her on April 18, 2006, found on page 934 of the Senate Journal.

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: **[HOUSE FILE 2792](#)**, a bill for an act relating to education finances, including the funding of, operation of, and appropriation of moneys to the department of education, the department of management, and the state board of regents, providing for participation in an instructional support program by school districts, relating to education standards and services by providing for a statewide core curriculum and standards study, providing for adjusted additional property tax levy aid for school districts, allocating and restricting utilization of local option sales and services tax moneys under specified circumstances, providing for an equity in property taxation interim study, making an appropriation, providing for an increase in the number of years for which supplementary weighting for limited English proficient students may be obtained, and providing effective and applicability dates.

Recommendation: DO PASS.

Final Vote: Ayes, 19: Angelo, Dvorsky, Black, Boettger, Fraise, Gaskill, Horn, Johnson, Kettering, Lamberti, Miller, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, 5: Bolkom, Connolly, Dotzler, Hatch, and Putney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration **[House File 2792](#)**.

[House File 2792](#)

On motion of Senator Dvorsky, **[House File 2792](#)**, a bill for an act relating to education finances, including the funding of, operation of, and appropriation of moneys to the department of education, the department of management, and the state board of regents, providing for participation in an instructional support program by school districts, relating to education standards and services by providing

for a statewide core curriculum and standards study, providing for adjusted additional property tax levy aid for school districts, allocating and restricting utilization of local option sales and services tax moneys under specified circumstances, providing for an equity in property taxation interim study, making an appropriation, providing for an increase in the number of years for which supplementary weighting for limited English proficient students may be obtained, and providing effective and applicability dates, with report of committee recommending passage, was taken up for consideration.

Senator Wood offered amendment [S-5282](#), filed by him from the floor to pages 1, 18, 20, 24-27, and 29-31 of the bill, and moved its adoption.

Amendment [S-5282](#) was adopted by a voice vote.

Senator Larson offered amendment [S-5278](#), filed by Senator Larson, et. al., from the floor to page 25 and to the title page of the bill, and moved its adoption.

Amendment [S-5278](#) was adopted by a voice vote.

Senator Gronstal offered amendment [S-5281](#), filed by Senators Gronstal and Lundby from the floor to page 32 and to the title page of the bill, and moved its adoption.

Amendment [S-5281](#) was adopted by a voice vote.

Senator Wieck offered amendment [S-5283](#), filed by Senators Wieck and Courtney from the floor to page 32 of the bill, and moved its adoption.

Amendment [S-5283](#) was adopted by a voice vote.

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. 2792](#)), 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
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Connolly

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 2557, 2792, and 2797** be **immediately messaged** to the House.

INTRODUCTION OF RESOLUTION

[Senate Concurrent Resolution 106](#), by committee on Rules and Administration, a Senate concurrent resolution to provide for adjournment sine die.

Read first time and **placed on calendar**.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration [Senate Concurrent Resolution 106](#).

Senate Concurrent Resolution 106

On motion of Senator Lundby, **Senate Concurrent Resolution 106**, a Senate concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Lundby moved the adoption of **Senate Concurrent Resolution 106**, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **Senate Concurrent Resolution 106** be **immediately messaged** to the House.

FINAL ADJOURNMENT

By virtue of **Senate Concurrent Resolution 106**, duly adopted, the day of May 3, 2006, having arrived, President Kibbie declared the 2006 Regular Session of the Eighty-first General Assembly adjourned sine die.

APPENDIX -- 2**EXPLANATION OF VOTE**

MR. PRESIDENT: I was necessarily absent from the Senate chamber on May 3, 2006, when the vote was taken on [Senate File 2410](#). Had I been present, I would have voted "Yea."

DENNIS H. BLACK

REPORTS OF COMMITTEE MEETINGS**APPROPRIATIONS**

Convened: May 3, 2006, 8:00 p.m.

Members Present: Angelo and Dvorsky, Co-chairs; Black, Boettger, Fraise, Gaskill, Horn, Johnson, Kettering, Lamberti, Miller, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt.

Members Absent: Bolkom, Connolly, Dotzler, Hatch, and Putney (all excused).

Committee Business: Passed [HF 2792](#).

Adjourned: 8:05 p.m.

ALSO:

Convened: May 3, 2006, 9:35 p.m.

Members Present: Angelo and Dvorsky, Co-chairs; Boettger, Bolkom, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt.

Members Absent: Black and Connolly (both excused).

Committee Business: Approved [SSB 3268](#) (as amended).

Adjourned: 9:40 p.m.

INTRODUCTION OF BILL

[Senate File 2411](#), by committee on Appropriations, a bill for an act relating to local governments by creating a local government innovation commission and fund, creating a center for governing excellence, and including an effective date.

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

SUBCOMMITTEE ASSIGNMENT

House File 2792

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

AMENDMENTS FILED

<u>S-5263</u>	<u>S.F. 2272</u>	Michael E. Gronstal
<u>S-5264</u>	<u>H.F. 2706</u>	Herman C. Quirnbach
		Larry McKibben
<u>S-5265</u>	<u>H.F. 2782</u>	Steve Warnstadt
		Steve Kettering
<u>S-5266</u>	<u>H.F. 2797</u>	Keith A. Kreiman
		Pat Ward
<u>S-5267</u>	<u>H.F. 2459</u>	Pat Ward
		William A. Dotzler, Jr.
<u>S-5268</u>	<u>H.F. 2797</u>	Keith A. Kreiman
		Pat Ward
		Michael E. Gronstal
<u>S-5269</u>	<u>H.F. 2734</u>	Jack Hatch
		Maggie Tinsman
<u>S-5270</u>	<u>S.F. 2377</u>	House
<u>S-5271</u>	<u>H.F. 2332</u>	House
<u>S-5272</u>	<u>S.F. 2398</u>	House
<u>S-5273</u>	<u>H.F. 2797</u>	Doug Shull
<u>S-5274</u>	<u>S.F. 2410</u>	Michael E. Gronstal
<u>S-5275</u>	<u>H.F. 2769</u>	Frank B. Wood
<u>S-5276</u>	<u>S.F. 2410</u>	Thomas G. Courtney
<u>S-5277</u>	<u>H.F. 2782</u>	Steve Warnstadt
		Steve Kettering
<u>S-5278</u>	<u>H.F. 2797</u>	Charles W. Larson, Jr.
		Jack Hatch
		Tom Rielly
		Michael E. Gronstal
		Steve Warnstadt
		Daryl Beall
		Brad Zaun
		Dave Mulder
		Mark Zieman
		Jerry Behn
		E. Thurman Gaskill

Hubert Houser
 James F. Hahn
 David Johnson
 William A. Dotzler, Jr.
 Dennis H. Black
 Wally E. Horn
 Roger Stewart
 Dick L. Dearden
 Gene Fraise
 Thomas G. Courtney
 Joe Bolkcom
 Matt McCoy
 John P. Kibbie
 Jeff Danielson
 Joe M. Seng
 Brian Schoenjahn
 Frank B. Wood
 Tom Hancock
 Herman C. Quirnbach
 Keith A. Kreiman
 Amanda Ragan
 Jack Hatch
 Maggie Tinsman
 House
 Michael E. Gronstal
 Mary Lundby
 Frank B. Wood
 Ron Wieck
 Thomas G. Courtney

<u>S-5279</u>	<u>H.F. 2734</u>
<u>S-5280</u>	<u>S.F. 2399</u>
<u>S-5281</u>	<u>H.F. 2792</u>
<u>S-5282</u>	<u>H.F. 2792</u>
<u>S-5283</u>	<u>H.F. 2792</u>

SENATE REPORTS RECEIVED
SUBSEQUENT TO ADJOURNMENT

The following is a record of Senate reports received after the close of the 2006 Regular Session.

HOUSE MESSAGES RECEIVED

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 bills in which the concurrence of the House was asked:

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.

House File 2558, a bill for an act relating to and making appropriations to the justice system, providing for a fee, and providing an effective date.

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 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.

ALSO: That the House has on May 3, 2006, **adopted** the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 106, a Senate concurrent resolution to provide for adjournment sine die.

ALSO: That the House has on May 3, 2006, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2410, a bill for an act 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 state, the authority of the citizens' aide, employment rights of employees making a disclosure of information, and the authority of the legislative oversight committee, and including an implementation provision and making penalties applicable.

ALSO: That the House has on May 3, 2006, **concurred in the Senate amendment and passed** the following bills in which the concurrence of the House was asked:

House File 2459, a bill for an act relating to and making appropriations to the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters, and providing effective and retroactive applicability dates.

House File 2734, a bill for an act relating to and making appropriations to the department of human services, the department of elder affairs, the Iowa department of public health, the department of veterans affairs and the Iowa veterans home, the department of human rights, and the department of inspections and appeals, providing for fee increases, and including other related provisions and appropriations, and including effective, applicability, and retroactive applicability date provisions.

House File 2782, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, vertical infrastructure fund, the endowment for Iowa's health restricted capitals fund, the technology reinvestment fund, the endowment for Iowa's health account, the public transit infrastructure grant fund, the Iowa great places program fund, and related matters and providing immediate, retroactive, and future effective dates.

ALSO: That the House has on May 4, 2006, **concurred in the Senate amendment and passed** the following bill in which the concurrence of the House was asked:

[House File 2792](#), a bill for an act relating to government operations and finances, including the funding of, operation of, and appropriation of moneys to the department of education, the department of management, the department of veterans affairs, and the state board of regents, providing for participation in an instructional support program by school districts, relating to education standards and services by providing for a statewide core curriculum and standards study, providing for adjusted additional property tax levy aid for school districts, allocating and restricting utilization of local option sales and services tax moneys under specified circumstances, providing for an equity in property taxation interim study, making an appropriation, providing for an increase in the number of years for which supplementary weighting for limited English proficient students may be obtained, and providing effective and applicability dates.

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 2364](#), the following corrections were made:

1. Page 17, line 23: insert comma after the year "2005,".
2. Page 25, line 31: insert a period after the words "NEW PARAGRAPH."
3. Page 51, line 7: hyphenate the words "third-party".

ALSO:

Pursuant to Senate Rule 21, I report that in enrolling [Senate File 2399](#), the following correction was made:

1. Page 5, line 9: the words "multi-county" should be written as "multicounty". No hyphen.

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 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 3rd day of May, 2006:

Senate Files 2076, 2183, 2217, 2249, 2268, 2272, 2312, 2333, 2362, 2363, 2364, 2377, 2390, 2391, 2398, 2399, 2402, 2408, 2409, and 2410.

MICHAEL E. MARSHALL
Secretary of the Senate

SENATE BILLS APPROVED AND VETOED
SUBSEQUENT TO ADJOURNMENT

The following is a record of action by the Governor transmitted to the Secretary of State after the close of the 2006 Regular Session:

SENATE BILLS APPROVED

[Senate File 2183](#) – Relating to the certification of enterprise zones and incentives and assistance under the enterprise zone program and including effective date and retroactive applicability provisions. Approved May 30, 2006.

[Senate File 2217](#) – Relating to health and human services programs and procedures involving compliance with privacy laws applicable to mental health, mental retardation, developmental disabilities, and brain injury services data, medical assistance program eligibility, creation of an electronic health records system task force, foster parent training, young adults transitioning from foster care, and persons with a developmental disability or other special need and the persons' families, and involuntary hospitalization proceedings. Approved June 2, 2006.

[Senate File 2249](#) – Relating to the rights and responsibilities of a person providing family foster care. Approved June 2, 2006.

[Senate File 2268](#) – Relating to financial transactions associated with agricultural production, by providing for tax credits and tax exemptions, and including effective and retroactive and other applicability dates. Approved June 2, 2006.

[Senate File 2272](#) – Relating to the duties and operations of the state board of education, the department of education, the board of educational examiners, and local school boards. Approved June 1, 2006.

[Senate File 2312](#) – Providing grants on behalf of veterans seriously injured in a combat zone, providing income tax exclusions, and including an effective date and retroactive applicability provision. Approved May 8, 2006.

[Senate File 2333](#) – Relating to the transfer of veterans commemorative property placed in a cemetery, recodifying a provision regarding veteran markers, and providing a penalty. Approved May 8, 2006.

[Senate File 2362](#) – Relating to involuntary hospitalization proceedings for chronic substance abusers and persons with mental illness. Approved May 24, 2006.

[Senate File 2363](#) – Relating to water quality standards. Approved May 31, 2006.

[Senate File 2364](#) – 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 including fees and an appropriation, 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. Approved May 24, 2006.

[Senate File 2390](#) – Relating to the sales and use tax exemption for central office equipment and transmission equipment used in telecommunications operations. Approved June 2, 2006.

[Senate File 2391](#) – Relating to the assessment for property taxation purposes of machinery, equipment, and fixtures used at concrete mixing facilities and hot mix asphalt facilities and including effective date and retroactive applicability date provisions. Approved May 31, 2006.

[Senate File 2398](#) – Providing a sales tax exemption for purchases of solar energy equipment. Approved May 30, 2006.

[Senate File 2399](#) – Relating to renewable energy including the renewable energy tax credit and the wind energy production tax credit and including effective dates. Approved May 30, 2006.

[Senate File 2402](#) – Relating to state tax benefits for use of soy-based transformer fluid by electric utilities and including applicability date provisions. Approved May 30, 2006.

[Senate File 2408](#) – 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. Approved May 22, 2006.

[Senate File 2409](#) – Allowing individual income tax credits for contributions made to certain school tuition organizations and including effective and retroactive applicability date provisions. Approved June 2, 2006.

[Senate File 2410](#) – 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 state, the authority of the citizens' aide, employment rights of employees making a disclosure of information, and the authority of the legislative oversight committee, and including an implementation provision and making penalties applicable. Approved June 1, 2006.

GOVERNOR'S VETO MESSAGES

June 2, 2006

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit [Senate File 2076](#), an act relating to confinement feeding operations and by providing for manure management plans.

I am keenly aware of the importance of the livestock industry in Iowa and the tremendous economic impact it contributes to the health of Iowa's economy. Iowa has witnessed unprecedented growth in the swine industry across the state with new permitted and nonpermitted facilities. I have serious concerns, however, with the policy changes established in section two of the bill. The new language would allow a person renting land for crop production to spread manure without express permission or knowledge of the landowner. Current law limits the authority to execute written agreements for manure application to the owner of the land. This bill would create real opportunity for friction between neighbors, which is contrary to Iowa values.

I cannot accept section two of the bill as it will weaken landowners' rights to make decisions concerning their own land. A landowner is in the best position to determine what is applied to their land, not a renter of the land. Tenants can still negotiate and contract with landowners for the right to apply manure to rented land.

This office supports section one of the bill as it would help streamline the process of filing manure management plans, and for this reason I will ask the Department of Natural Resources to expedite electronic filing of manure management plans.

For the reasons stated above, I disapprove of [Senate File 2076](#).

Sincerely,
THOMAS J. VILSACK
Governor

May 31, 2006

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit [Senate File 2377](#), an act relating to animal feeding operations, by providing for standards and evaluations by the Department of Natural Resources.

[SF 2377](#) is an attempt to pre-empt a proposed rule by the Department of Natural Resources, which defines the circumstances in which the DNR would have authority to deny a construction permit or require modifications of a manure management plan. The passage of [SF 2377](#) represents a significant step backward in the state's ability to protect the environment at a time when we are making great strides and significant investments toward improving water quality.

The discussion on the proposed "department evaluation" administrative rules has prompted spirited debate regarding the potential implications of the DNR having this authority. The facts, however, are that in the last four years more than 2,000 new livestock confinement facilities have been constructed in Iowa. Had these rules been in place during this growth in the industry, less than 1 percent of these operations would have been affected and only in areas where the potential environmental impact was obvious, as defined by rule. The DNR proposed rule is a step toward being able to control a handful of operations that could adversely impact Iowa's natural resources.

Given the record number of new livestock operations being constructed, the citizens of Iowa are becoming more vocal in demanding protection of the environment. The General Assembly has previously charged the DNR with the primary responsibility of protecting the environment and managing water resources in this state. If the General Assembly no longer wishes for the DNR to carry out that mandate, it should address the issue directly instead of attempting to undermine the ability of the Department to perform its core mission through this legislation.

The fact that [SF 2377](#) would prevent reasonable additional protection of Iowa's environment, and could also result in weakening existing rule authority, makes this bill unacceptable. For the above reasons, I hereby respectfully disapprove [Senate File 2377](#).

Sincerely,
THOMAS J. VILSACK
Governor

