

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, JANUARY 26, 2005

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JOURNAL OF THE SENATE

SEVENTEENTH CALENDAR DAY
ELEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 26, 2005

The Senate met in regular session at 8:33 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Lloyd Johnston, pastor of the First Baptist Church in Centerville, Iowa. He was the guest of Senator Kreiman.

The Journal of Tuesday, January 25, 2005, was approved.

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 January 25, 2005, **passed** the following bill in which the concurrence of the Senate is asked:

House File 102, a bill for an act relating to state income taxes by authorizing individuals, corporations, and financial institutions to elect to take the additional first-year depreciation allowance and the increased expensing allowance and to allow the additional first-year depreciation allowance and the increased expensing allowance which were deductible for a tax year for which a tax return was filed prior to a certain date to be deducted on the return filed for the subsequent tax year and including an effective date provision and a retroactive applicability date provision.

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

ADJOURNMENT

On motion of Senator Courtney, the Senate adjourned at 8:37 a.m. until 8:30 a.m., Thursday, January 27, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Ann Dea, Woodrow Wilson Junior High School, Council Bluffs—For receiving the Glass Apple Award. Senator Gronstal (1/26/05).

Erica MacBeth, Corse Elementary, Burlington Community School District—For receiving the Glass Apple Award. Senator Courtney (1/26/05).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: January 26, 2005, 3:05 p.m.

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

Members Absent: Black and Putney (both excused).

Committee Business: Passed [SF 30](#) (as amended).

Adjourned: 3:15 p.m.

EDUCATION

Convened: January 26, 2005, 1:00 p.m.

Members Present: Connolly and McKinley, Co-chairs; Angelo, Beall, Boettger, Brunkhorst, Dvorsky, Kreiman, Mulder, Quirnbach, Schoenjahn, Ward, and Wood.

Members Absent: Lamberti (excused).

Committee Business: Subcommittee assignments.

Recessed: 1:10 p.m.

Reconvened: 1:30 p.m.

Adjourned: 1:35 p.m.

GOVERNMENT OVERSIGHT

Convened: January 26, 2005, 9:35 a.m.

Members Present: Courtney, Co-chair; and Connolly.

Members Absent: Lundby, Co-chair; and Wieck (both excused).

Committee Business: Presentations by Iowa Lottery, Department of Inspections and Appeals, and Department of Public Safety.

Adjourned: 11:35 a.m.

LOCAL GOVERNMENT

Convened: January 26, 2005, 1:30 p.m.

Members Present: Quirnbach and Shull, Co-chairs; Houser, Kreiman, McCoy, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun.

Members Absent: Lundby (excused).

Committee Business: Passed [SF 24](#) (as amended).

Adjourned: 1:50 p.m.

WAYS AND MEANS

Convened: January 26, 2005, 2:05 p.m.

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

Members Absent: Connolly and Lamberti (both excused).

Committee Business: Passed [SF 32](#).

Adjourned: 2:10 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: January 26, 2005, 9:05 a.m.

Members Present: Putney and Stewart, Co-chairs; Dvorsky, McCoy, and Zieman.

Members Absent: Mulder (excused).

Committee Business: Presentations by Iowa Lottery, Department of Inspections and Appeals, and Department of Public Safety.

Adjourned: 11:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: January 26, 2005, 9:30 a.m.

Members Present: Gaskill and Seng, Co-chairs; Black, Hahn, Houser, and Schoenjahn.

Members Absent: None.

Committee Business: Presentation by Department of Agriculture.

Adjourned: 10:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: January 26, 2005, 9:40 a.m.

Members Present: Dotzler and Ward, Co-chairs; Behn, Danielson, and Rielly.

Members Absent: Brunkhorst (excused).

Committee Business: Presentations by Public Employment Relations Board and Iowa Finance Authority.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: January 26, 2005, 9:35 a.m.

Members Present: Boettger and Horn, Co-chairs; McKinley, Quirnbach, Shull, and Wood.

Members Absent: None.

Committee Business: Presentations by State Librarian and Department of Cultural Affairs.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: January 26, 2005, 9:35 a.m.

Members Present: Hatch and Tinsman, Co-chairs; Bolkcom, Johnson, Ragan, and Seymour.

Members Absent: None.

Committee Business: Presentations by Legislative Services Agency and Department of Human Services regarding the Medicaid program.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: January 26, 2005, 9:30 a.m.

Members Present: Fraise and McKibben, Co-chairs; Hancock, Kreiman, and Miller.

Members Absent: Iverson (excused).

Committee Business: Presentation by Department of Management.

Adjourned: 10:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: January 26, 2005, 9:40 a.m.

Members Present: Kettering and Warnstadt, Co-chairs; Angelo, Beall, Dearden, and Zaun.

Members Absent: None.

Committee Business: Presentation by Department of Transportation.

Adjourned: 10:30 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 2, by Angelo, Behn, Johnson, Hahn, McKibben, Boettger, Seymour, Brunkhorst, and McKinley, a joint resolution proposing an amendment to the Constitution of the State of Iowa to define marriage.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate Resolution 5, by committee on Ethics, a resolution relating to the Senate Rules Governing Lobbyists and their interactions with the Senate and members of the Senate during the Eighty-First General Assembly.

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

[Senate Resolution 6](#), by committee on Ethics, a resolution relating to the Senate Code of Ethics governing the conduct of members of the Senate in relation to their senatorial duties during the Eighty-first General Assembly.

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

[Senate Resolution 7](#), by Miller and Warnstadt, a resolution commending Iowans for their military service in Iraq and supporting their quick return home.

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

INTRODUCTION OF BILLS

[Senate File 70](#), by Quirnbach, a bill for an act relating to state and local regulation of smoking.

Read first time under Rule 28 and referred to committee on **State Government.**

[Senate File 71](#), by committee on Agriculture, a bill for an act relating to an appropriation from the environment first fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local governmental units, and providing an effective date.

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

[Senate File 72](#), by Bolckcom, a bill for an act relating to the recycling and disposal of cell phones, providing penalties, and providing an effective date.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment.**

[Senate File 73](#), by Courtney, a bill for an act relating to drainage and levee districts, by providing for their administration, expenses associated with the administration, and the assessment of moneys.

Read first time under Rule 28 and referred to committee on **Local Government**.

[Senate File 74](#), by committee on Commerce, a bill for an act relating to financial institutions, by prohibiting the deceptive use of name, and providing remedies and penalties.

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

[Senate File 75](#), by committee on Appropriations, a bill for an act allocating funding appropriated to assist individuals assigned to active duty military service and providing effective and applicability date provisions.

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

[Senate File 76](#), by committee on Ways and Means, a bill for an act relating to income tax deductions for donations made for tsunami relief and including effective and retroactive applicability date provisions.

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

STUDY BILLS RECEIVED

[SSB 1059](#) Commerce

Relating to the deregulation of communications services including determining comparable services, considering market forces, providing for expedited deregulation proceedings, eliminating accounting plan requirements, eliminating reporting requirements to the general assembly, and providing effective and retroactive applicability dates.

SSB 1060 Ways and Means

Relating to the sales and use tax exemption for central office equipment and transmission equipment used in telecommunications operations.

SSB 1061 Ways and Means

Relating to state income taxes by authorizing individuals, corporations, and financial institutions to elect to take the additional first-year depreciation allowance and the increased expensing allowance which were deductible for a tax year for which a tax return was filed prior to a certain date to be deducted on the return filed for the subsequent tax year and including an effective date provision and a retroactive applicability date provision.

SSB 1062 Ways and Means

Creating a credit from withholding for certain businesses moving operations to Iowa and providing effective and retroactive applicability dates.

SSB 1063 Economic Growth

Relating to procedures and policies adopted by the state board of regents regarding technology transfer issues.

SSB 1064 Economic Growth

Relating to tax credit certificates issued by the Iowa capital investment board.

SSB 1065 Ways and Means

Relating to the establishment of an industrial processing exemption study committee including an effective date.

SSB 1066 Education

Authorizing the boards of directors of school districts and community colleges to create, and expend moneys for the operational support of, a school-based or community-college-based organization.

SSB 1067 Education

Relating to the compulsory school attendance age.

SSB 1068 Education

Relating to the responsibilities of the department of education, including the accreditation of schools and the development of long-range plans by the division of libraries and information services.

SSB 1069 Commerce

Relating to negotiable instruments, by providing for liabilities among certain parties, and providing a statute of limitations.

SUBCOMMITTEE ASSIGNMENTS**Senate Concurrent Resolution 1**

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

Senate Concurrent Resolution 2

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

Senate File 14

NATURAL RESOURCES AND ENVIRONMENT: Lundby and Seng, Co-chairs; Putney and Wood

Senate File 53

EDUCATION: Angelo and Dvorsky, Co-chairs; Beall and McKinley

Senate File 59

EDUCATION: Brunkhorst and Connolly, Co-chairs; Dvorsky and McKinley

[Senate File 62](#)

STATE GOVERNMENT: Black and Ziemann, Co-chairs; Tinsman and Wood

[Senate File 63](#)

STATE GOVERNMENT: Connolly and Miller, Co-chairs; Hatch and Ward

[Senate File 66](#)

STATE GOVERNMENT: Brunkhorst and Kibbie, Co-chairs; Connolly and Kettering

[Senate File 67](#)

STATE GOVERNMENT: Brunkhorst and Kibbie, Co-chairs; Connolly and Kettering

[House File 102](#)

WAYS AND MEANS: Connolly, Chair; Hahn, Stewart, and Zaun

[SSB 1059](#)

COMMERCE: McKinley and Warnstadt, Co-chairs; Angelo, Behn, Courtney, and McCoy

[SSB 1060](#)

WAYS AND MEANS: Danielson and Wieck, Co-chairs; Miller and Quirnbach

[SSB 1061](#)

WAYS AND MEANS: Connolly and Hahn, Co-chairs; Stewart and Zaun

[SSB 1062](#)

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

[SSB 1063](#)

ECONOMIC GROWTH: Danielson, Chair; Hatch, McKinley, and Shull

[SSB 1064](#)

ECONOMIC GROWTH: Stewart, Chair; Brunkhorst, Rielly, and Seymour

[SSB 1065](#)

WAYS AND MEANS: Hahn and McCoy, Co-chairs; Dotzler and McKinley

[SSB 1066](#)

EDUCATION: Boettger and Connolly, Co-chairs; Dvorsky and Mulder

SSB 1067

EDUCATION: Angelo and Quirnbach, Co-chairs; Brunkhorst and Wood

SSB 1068

EDUCATION: Connolly and McKinley, Co-chairs; Dvorsky and Ward

SSB 1069

COMMERCE: Kettering and Rielly, Co-chairs; Stewart and Zaun

FINAL COMMITTEE REPORTS OF BILL ACTION**AGRICULTURE**

Bill Title: *[SENATE FILE 71 \(SSB 1024\)](#), a bill for an act relating to an appropriation from the environment first fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local governmental units, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Fraise, Johnson, Courtney, Gaskill, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, Ragan, and Rielly. Nays, none. Absent, 2: Black and Brunkhorst.

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 Agriculture Committee on [Senate File 71](#), and they were attached to the committee report.

APPROPRIATIONS

Bill Title: *[SENATE FILE 75](#) (formerly [SF 30](#)), a bill for an act allocating funding appropriated to assist individuals assigned to active duty military service and providing effective and applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

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

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 Appropriations Committee on [Senate File 75](#), and they were attached to the committee report.

COMMERCE

Bill Title: *[SENATE FILE 74 \(SSB 1001\)](#), a bill for an act relating to financial institutions, by prohibiting the deceptive use of name, and providing remedies and penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Behn, Warnstadt, Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, McCoy, McKinley, Rielly, Stewart, Zaun, and Zieman. Nays, none. Absent, 2: Iverson and Wieck.

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 Commerce Committee on [Senate File 74](#), and they were attached to the committee report.

ETHICS

Bill Title: [SENATE RESOLUTION 5 \(SSB 1021\)](#), a resolution relating to the Senate Rules Governing Lobbyists and their interactions with the Senate and members of the Senate during the Eighty-First General Assembly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Kibbie, Lamberti, Connolly, Dearden, McKibben, and Mulder. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 6 \(SSB 1022\)](#), a resolution relating to the Senate Code of Ethics governing the conduct of members of the Senate in relation to their senatorial duties during the Eighty-first General Assembly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Kibbie, Lamberti, Connolly, Dearden, McKibben, and Mulder. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: [SENATE FILE 76](#) (formerly [SF 32](#)), a bill for an act relating to income tax deductions for donations made for tsunami relief and including effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.