

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, JANUARY 27, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

EIGHTEENTH CALENDAR DAY
TWELFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 27, 2005

The Senate met in regular session at 8:34 a.m., President Lamberti presiding.

Prayer was offered by the Most Reverend Jerome Hanus, archbishop of the archdiocese of Dubuque. He was the guest of Senators Connolly and Hancock.

The Journal of Wednesday, January 26, 2005, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:47 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:52 a.m., President Lamberti presiding.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 75](#).

[Senate File 75](#)

On motion of Senator Warnstadt, [Senate File 75](#), a bill for an act allocating funding appropriated to assist individuals assigned to active duty military service and providing effective and applicability date provisions, was taken up for consideration.

Senator Warnstadt 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. 75](#)), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Larson

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

President Pro Tempore McKibben took the chair at 9:00 a.m.

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolutions 5 and 6.

Senate Resolution 5

On motion of Senator Lamberti, [Senate Resolution 5](#), 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, was taken up for consideration.

Senator Lamberti moved the adoption of [Senate Resolution 5](#), which motion prevailed by a voice vote.

Senate Resolution 6

On motion of Senator Kibbie, [Senate Resolution 6](#), 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, was taken up for consideration.

Senator Kibbie moved the adoption of [Senate Resolution 6](#), which motion prevailed by a voice vote.

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Covened: January 27, 2005, 8:40 a.m.

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

Members Absent: Hahn (excused).

Committee Business: Approved SRs 3 and 7.

Adjourned: 8:45 a.m.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 7](#), a resolution commending Iowans for their military service in Iraq and supporting their quick return home.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Kibbie, Lamberti, and Ragan. Nays, none. Absent, 1: Hahn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Resolution 7](#).

[Senate Resolution 7](#)

On motion of Senator Miller, [Senate Resolution 7](#), a resolution commending Iowans for their military service in Iraq and supporting their quick return home, with report of committee recommending passage, was taken up for consideration.

Senator Miller moved the adoption of [Senate Resolution 7](#), which motion prevailed by a voice vote.

President Lamberti took the chair at 9:14 a.m.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 74 and 57.

[Senate File 74](#)

On motion of Senator Kettering, [Senate File 74](#), a bill for an act relating to financial institutions, by prohibiting the deceptive use of name, and providing remedies and penalties, was taken up for consideration.

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

On the question "Shall the bill pass?" ([S.F. 74](#)), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman

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

Nays, none.

Absent, 1:

Larson

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

Senate File 57

On motion of Senator Schoenjahn, [Senate File 57](#), a bill for an act authorizing the appointment of a nine-member city zoning board of adjustment, was taken up for consideration.

Senator Schoenjahn 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. 57](#)), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Larson

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 57, 74, and 75** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:35 a.m. until 1:00 p.m., Monday, January 31, 2005.

APPENDIX**COMMUNICATION RECEIVED**

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

AGENCY ICN REPORT

Iowa Communications Network (ICN) Usage report for FY 2004, pursuant to Iowa Code section 8D.10, was received from the following agency:

IOWA NATIONAL GUARD — Report received on January 27, 2005.

PRESENTATION OF VISITORS

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

Twenty student senators from Iowa Central Community College in Fort Dodge, accompanied by Dave Drissel and Rick Sandquist. Senator Beall.

REPORTS OF COMMITTEE MEETINGS**ECONOMIC GROWTH**

Convened: January 27, 2005, 3:00 p.m.

Members Present: Brunkhorst and Hatch, Co-chairs; Beall, Behn, Danielson, Dotzler, Hahn, McKinley, Ragan, Rielly, Seymour, Shull, Stewart, and Zaun.

Members Absent: None.

Committee Business: Presentations by Department of Cultural Affairs and Fund of Funds.

Adjourned: 3:50 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: January 27, 2005, 3:10 p.m.

Members Present: Black and Houser, Co-chairs; Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Putney, Schoenjahn, Seng, and Wood.

Members Absent: Miller (excused).

Committee Business: Presentation by DNR.

Adjourned: 3:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: January 27, 2005, 9:40 a.m.

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

Members Absent: None.

Committee Business: Presentation by Department of Administrative Services.

Recessed: 9:45 a.m.

Reconvened: 9:50 a.m.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: January 27, 2005, 9:55 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: 10:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: January 27, 2005, 9:45 a.m.

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

Members Absent: Brunkhorst (excused).

Committee Business: Presentations by representatives from University of Iowa, Iowa State University, and University of Northern Iowa.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: January 27, 2005, 9:45 a.m.

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

Members Absent: None.

Committee Business: Presentations by Board of Educational Examiners, IPTV, and Department of Education.

Adjourned: 10:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: January 27, 2005, 9:50 a.m.

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

Members Absent: Johnson (excused).

Committee Business: Presentation on the ABCD Initiative and review of the Department of Public Health budget.

Adjourned: 11:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: January 27, 2005, 9:45 a.m.

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

Members Absent: Iverson (excused).

Committee Business: Presentation by the judicial branch.

Adjourned: 11:10 a.m.

INTRODUCTION OF BILLS

[Senate File 77](#), by Warnstadt and Wieck, a bill for an act allowing cities and counties to create enterprise zones near modes of transportation.

Read first time under Rule 28 and referred to committee on **Economic Growth**.

[Senate File 78](#), by committee on Local Government, a bill for an act relating to the exemption from city taxes of land included in an application for voluntary annexation or in a city's involuntary annexation petition and including effective and applicability date provisions.

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

[Senate File 79](#), by Bolckcom, a bill for an act relating to condemnation of agricultural land for recreational trails and providing an effective date.

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

[Senate File 80](#), by Bolckcom, a bill for an act allowing greater third-party ballot access by redefining political party.

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

[Senate File 81](#), by Bolckcom, a bill for an act requiring Iowa national pollutant discharge elimination system program permit holders to post signs at discharge points and providing a penalty.

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

[Senate File 82](#), by Bolckcom, a bill for an act restricting the application of pesticides and fertilizers in cities and providing a penalty.

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

[Senate File 83](#), by Dotzler, a bill for an act providing for a food establishment reinspection fee and making a penalty applicable.

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

[Senate File 84](#), by Bolkom, a bill for an act requiring the department of education to study the sale of carbonated beverages in schools.

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

[Senate File 85](#), by McKinley, a bill for an act relating to the request for a regulatory analysis.

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

[Senate File 86](#), by McKinley, a bill for an act providing for negotiated rulemaking.

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

[Senate File 87](#), by McKinley, a bill for an act limiting the preference to purchase an unused right-of-way.

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

STUDY BILLS RECEIVED

[SSB 1070](#) **Judiciary**

Relating to family law provisions including dissolution of marriage and domestic relations, termination of parental rights proceedings, and postsecondary education subsidy provisions, providing an effective date, and providing for retroactive applicability.

[SSB 1071](#) **Judiciary**

Relating to the payment of restitution by a person convicted of a criminal offense.

SSB 1072 **Judiciary**

Relating to child support recovery and nullifying related administrative rules.

SSB 1073 **Judiciary**

Prohibiting a donation or contribution to an agency, organization, or political subdivision of the state in a criminal proceeding.

SSB 1074 **Judiciary**

Relating to requiring certain persons to submit a DNA sample for DNA profiling, authorizing a fee, providing a penalty, and providing effective and contingent effective dates.

SSB 1075 **Judiciary**

Creating a private cause of action for certain consumer fraud violations.

SSB 1076 **Human Resources**

Relating to adult day service regulation and providing penalties.

SSB 1077 **Human Resources**

Relating to the regulation of elder group homes and providing penalties.

SSB 1078 **Human Resources**

Relating to substitute decision making and guardians and conservators, providing for the collection and appropriation of fees, and making an appropriation.

SSB 1079 **Human Resources**

Relating to assisted living programs, providing for application of a penalty, and providing for a fee.

SSB 1080 Human Resources

Relating to confidentiality and liability provisions involving the child advocacy board and the programs and volunteers associated with the board and making a penalty applicable.

SSB 1081 Natural Resources and Environment

Providing for the imposition of civil penalties for the unlawful commercialization of wildlife.

SSB 1082 Natural Resources and Environment

Relating to accounts and fees under the water quality protection fund.

SSB 1083 Judiciary

Relating to the imposition of civil and criminal penalties and investigation costs where a person fraudulently or otherwise receives certain state benefits.

SUBCOMMITTEE ASSIGNMENTS**Senate Joint Resolution 2**

STATE GOVERNMENT: Brunkhorst and Hatch, Co-chairs; Kibbie and Miller

Senate Resolution 7

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

Senate File 2

NATURAL RESOURCES AND ENVIRONMENT: Gaskill and Hancock, Co-chairs; Dearden and Kettering

Senate File 39

NATURAL RESOURCES AND ENVIRONMENT: Putney and Schoenjahn, Co-chairs; Hancock and Kettering

Senate File 42

NATURAL RESOURCES AND ENVIRONMENT: Johnson and Wood, Co-chairs; Black and Houser

[Senate File 44](#)

NATURAL RESOURCES AND ENVIRONMENT: Black, Chair; Bolkom, Houser and Putney

[Senate File 65](#)

ECONOMIC GROWTH: Zaun, Chair; Beall, Behn, and Rielly

[Senate File 70](#)

STATE GOVERNMENT: Hatch and McKibben, Co-chairs; Kibbie and Miller

[SSB 1070](#)

JUDICIARY: Kreiman and Larson, Co-chairs; Hancock and McKibben

[SSB 1071](#)

JUDICIARY: Hancock and Ward, Co-chairs; Kreiman and Miller

[SSB 1072](#)

JUDICIARY: Schoenjahn and Tinsman, Co-chairs; Kreiman and Miller

[SSB 1073](#)

JUDICIARY: Dvorsky and McKibben, Co-chairs; Kreiman and Ward

[SSB 1074](#)

JUDICIARY: Boettger and Horn, Co-chairs; Warnstadt and Zaun

[SSB 1075](#)

JUDICIARY: Warnstadt and Zaun, Co-chairs; Hancock and Larson

[SSB 1076](#)

HUMAN RESOURCES: Bolkom and Johnson, Co-chairs; Gaskill and Wood

[SSB 1077](#)

HUMAN RESOURCES: Bolkom and Seymour, Co-chairs; Dotzler and Houser

[SSB 1078](#)

HUMAN RESOURCES: Boettger and Wood, Co-chairs; Johnson and Ragan

[SSB 1079](#)

HUMAN RESOURCES: Quirnbach and Tinsman, Co-chairs; Bolkom and Seymour

SSB 1080

HUMAN RESOURCES: Kreiman and Tinsman, Co-chairs; Behn and Wood

SSB 1081

NATURAL RESOURCES AND ENVIRONMENT: Miller, Chair; Dearden, Gaskill, and Wood

SSB 1082

NATURAL RESOURCES AND ENVIRONMENT: Bolkcom, Chair; Black, Kettering, and Lundby

SSB 1083

JUDICIARY: Boettger and Kreiman, Co-chairs; Hancock and Ward

FINAL COMMITTEE REPORTS OF BILL ACTION**LOCAL GOVERNMENT**

Bill Title: *[SENATE FILE 78](#) (formerly [SF 24](#)), a bill for an act relating to the exemption from city taxes of land included in an application for voluntary annexation or in a city's involuntary annexation petition and including effective and applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Quirnbach, Shull, Houser, Kreiman, McCoy, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun. Nays, none. Absent, 1: Lundby.

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 Local Government Committee on [Senate File 78](#), and they were attached to the committee report.

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 3](#), a resolution urging congressional action to allow all eligible veterans to receive concurrently both their full military retired pay and military disability compensation.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Kibbie, Lamberti, and Ragan. Nays, none. Absent, 1: Hahn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.