

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, FEBRUARY 8, 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

THIRTIETH CALENDAR DAY
EIGHTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 8, 2005

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

Prayer was offered by the Reverend Gary Kinkle, pastor of the First Evangelical Lutheran Church in Centerville, Iowa. He was the guest of Senators Kreiman and Shull.

The Journal of Monday, February 7, 2005, was approved.

ADJOURNMENT

On motion of Senator Courtney, the Senate adjourned at 8:38 a.m. until 9:00 a.m., Wednesday, February 9, 2005.

APPENDIX**APPOINTMENTS TO BOARDS AND COMMISSIONS**

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on February 8, 2005, to investigate the appointment and reappointment of the following appointees:

EDUCATION

As a member of the State Board of Education:

WAYNE KOBBERDAHL – Brunkhorst and Wood, Co-chairs; Schoenjahn and Ward

As a member of the Board of Educational Examiners:

GREG ROBINSON – Schoenjahn and Ward, Co-chairs; Mulder and Wood

As members of the State Board of Regents:

MICHAEL GARTNER – Connolly and McKinley, Co-chairs; Angelo and Dvorsky

ROSE VASQUEZ – Angelo and Dvorsky, Co-chairs; Boettger and Connolly

STATE GOVERNMENT

As a member of the Accountancy Examining Board:

NANCY BRUNER – Hatch and McKibben, Co-chairs; Brunkhorst and Wood

As a member of the Commission on the Status of African-Americans:

CHARLOTTE WESTERHAUS – Hatch and Kettering, Co-chairs; Miller and Wood

As members of the Boiler and Pressure Vessel Board:

ROBERT BRECKE – Danielson and Kettering, Co-chairs; Hancock and Miller
TIMOTHY FEHR – Danielson and McKibben, Co-chairs; Brunkhorst and Hancock
AMY ILES – Brunkhorst and Danielson, Co-chairs; Hancock and McKibben
JAMES KRUZIC – Danielson and Miller, Co-chairs; Hancock and Kettering
SUSAN OLTROGGE – Hancock and Ward, Co-chairs; Danielson and Tinsman
JOSEPH RODENKIRK – Hancock and Zieman, Co-chairs; Danielson and Wieck
LYNNE RUSH – Hancock and Wieck, Co-chairs; Danielson and Zieman
KEITH TAEGER – Hancock and Tinsman, Co-chairs; Danielson and Ward

As members of the Elevator Safety Board:

TODD CHRISTENSEN – Hatch and Kettering, Co-chairs; Miller and Wood

RITA CONNER – Hatch and McKibben, Co-chairs; Brunkhorst and Wood

PETE FROMM – Brunkhorst and Hatch, Co-chairs; McKibben and Wood

KRISTINE KESTERSON – Hatch and Miller, Co-chairs; Kettering and Wood
SCOTT SCHOLLE – Ward and Wood, Co-chairs; Hatch and Tinsman
MARVIN SCHUMACHER – Wood and Zieman, Co-chairs; Hatch and Wieck
WAYNE SIMS – Wieck and Wood, Co-chairs; Hatch and Zieman
SIOBHAN WORKMAN – Tinsman and Wood, Co-chairs; Hatch and Ward

As a member of the Iowa Ethics and Campaign Disclosure Board:

PATRICIA HARPER – Kibbie and Tinsman, Co-chairs; Connolly and Ward

As members of the Information Technology Council:

CHRISTIAN GURNEY – Danielson and Wieck, Co-chairs; Black and Zieman
KRISTINA JUNKINS – Black and Ward, Co-chairs; Danielson and Tinsman
DONNA MUELLER – Kibbie and Zieman, Co-chairs; Danielson and Wieck

As members of the IowAccess Advisory Council:

BARBARA CORSON – Black and Miller, Co-chairs; Hancock and Kettering
TINA SCHMIDT – Black and Brunkhorst, Co-chairs; Hancock and McKibben

As members of the Board of Examiners for Massage Therapy:

LAURA BLACK – Hancock and Kettering, Co-chairs; Miller and Wood
KATHY SPENCER-JENSEN – McKibben and Wood, Co-chairs; Brunkhorst and Hatch

As members of the Board of Social Work Examiners:

CHRISTINE HOFFMAN – Hatch and Tinsman, Co-chairs; Black and Ward
DAVID STOUT – Black and Wieck, Co-chairs; Hatch and Zieman
MARY TASLER – Hatch and Zieman, Co-chairs; Black and Wieck

As members of the Commission of Veterans Affairs:

LARRY BOWDEN – Brunkhorst and Kibbie, Co-chairs; Danielson and McKibben
MARY REGUR – Danielson and McKibben, Co-chairs; Brunkhorst and Kibbie
DAVID REHBEIN – Kibbie and Miller, Co-chairs; Danielson and Kettering
CECELIA SCHROEDER – Kibbie and Ward, Co-chairs; Danielson and Tinsman
ROSETTA WAYCHUS – Danielson and Kettering, Co-chairs; Kibbie and Miller

As a member of the Iowa Board of Veterinary Medicine:

MICHAEL STEIN – Kibbie and Tinsman, Co-chairs; Danielson and Ward

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF HUMAN SERVICES

Report identifying the impact on the hawk-i program of the elimination of the six-month waiting period for children with employer sponsored insurance, pursuant to 2003 Acts, [House File 565](#). Report received on February 8, 2005.

IOWA COUNTY ENGINEERS ASSOCIATION SERVICE BUREAU

2004 Annual Report, pursuant to Iowa Code section 312.3B. Report received on February 8, 2005.

CERTIFICATES OF RECOGNITION

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

The Curran Family, Humboldt—For receiving the Family Tradition Award. Senator Kibbie (2/8/05).

Des Moines River Restoration Committee, Humboldt—For receiving the Neighborhood Restoration/Beautification Award. Senator Kibbie (2/8/05).

Tammy Duehr, Dubuque—For receiving the 2004 Milken Family Foundation National Educator Award. Senator Connolly (2/8/05).

Jim Gronbach, Humboldt—For receiving the Inspiration Award. Senator Kibbie (2/08/05).

Hamburg Inn, Iowa City—For keeping the Iowa Caucuses first in the nation and for being featured on the January 26, 2005, episode of "The West Wing." Senator Bolckom (2/8/05).

Peter Holt, Humboldt—For receiving the Neighborhood Restoration/Beautification Award. Senator Kibbie (2/8/05).

City of Humboldt—For receiving the Horizon Award. Senator Kibbie (2/8/05).

Humboldt High School Student Senate, Humboldt—For receiving the 2005 Outstanding Youth Leadership Award. Senator Kibbie (2/08/05).

Norm "Mac" McArthur, Humboldt—For receiving the Humboldt-Dakota City Chamber of Commerce President's Award. Senator Kibbie (2/8/05).

Bill Sundell, Humboldt—For receiving the Youth Champion Award. Senator Kibbie (2/8/05).

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: February 7, 2005, 3:05 p.m.

Members Present: Connolly, Co-chair; Boettger, Brunkhorst, Dvorsky, Kreiman, Mulder, Quirnbach, Schoenjahn, Ward, and Wood.

Members Absent: McKinley, Co-chair; Angelo, Beall, and Lamberti (all excused).

Committee Business: Presentation by Department of Education.

Adjourned: 4:00 p.m.

HUMAN RESOURCES

Convened: February 7, 2005, 4:30 p.m.

Members Present: Ragan and Seymour, Co-chairs; Boettger, Bolkcom, Dotzler, Gaskill, Hatch, Houser, Johnson, Kreiman, Tinsman, and Wood.

Members Absent: Behn and Quirnbach (both excused).

Committee Business: Presentation by regional director of Health and Human Services.

Adjourned: 5:20 p.m.

JUDICIARY

Convened: February 7, 2005, 4:05 p.m.

Members Present: Kreiman and Miller, Co-chairs; Boettger, Brunkhorst, Fraise, Hancock, Horn, Quirnbach, Schoenjahn, Tinsman, Ward, and Zaun.

Members Absent: Dvorsky, Lamberti, McKibben, and Warnstadt (all excused).

Committee Business: Subcommittee assignments.

Adjourned: 4:15 p.m.

COMMERCE

Convened: February 8, 2005, 3:15 p.m.

Members Present: Behn and Warnstadt, Co-chairs; Angelo, Bolkcom, Courtney, Gronstal, Kettering, McKinley, Rielly, Stewart, Wieck, Zaun, and Ziemann.

Members Absent: Beall, Iverson, and McCoy (all excused).

Committee Business: Approved SSBs 1002 and 1069 (as amended).

Adjourned: 3:25 p.m.

ECONOMIC GROWTH

Convened: February 8, 2005, 1:05 p.m.

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

Members Absent: Beall and Seymour (both excused).

Committee Business: Subcommittee assignment. Presentation on the Iowa Values Fund.

Adjourned: 1:45 p.m.

HUMAN RESOURCES

Convened: February 8, 2005, 2:05 p.m.

Members Present: Ragan and Seymour, Co-chairs; Behn, Boettger, Bolkcom, Dotzler, Gaskill, Hatch, Johnson, Kreiman, Quirnbach, Tinsman, and Wood.

Members Absent: Houser (excused).

Committee Business: Presentations by Department of Human Services, Francis Lauer Youth Shelter, and Coalition for Family and Children's Services.

Adjourned: 3:05 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 8, 2005, 1:05 p.m.

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

Members Absent: None.

Committee Business: Presentations by BP America, Inc., and Marathon Asland Petroleum.

Adjourned: 2:00 p.m.

TRANSPORTATION

Convened: February 8, 2005, 2:05 p.m.

Members Present: McCoy and Putney, Co-chairs; Danielson, Dearden, Fraise, Hahn, Kettering, Shull, Ward, Warnstadt, and Zieman.

Members Absent: Beall (excused).

Committee Business: Subcommittee assignments. Approved Governor's appointee. Presentations by Cedar Rapids Chamber of Commerce and Mason City Chamber of Commerce.

Adjourned: 2:35 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 8, 2005, 9:35 a.m.

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

Members Absent: None.

Committee Business: Presentations by Treasurer of State and Department of Revenue.

Adjourned: 10:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 8, 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 Natural Resources.

Adjourned: 10:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 8, 2005, 9:30 a.m.

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

Members Absent: None.

Committee Business: Presentations by Public Employment Relations Board and Iowa Workforce Development.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 8, 2005, 9:40 a.m.

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

Members Absent: McKinley and Quirnbach (both excused).

Committee Business: Presentations by Vocational Rehabilitation and Department for the Blind.

Adjourned: 10:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 8, 2005, 9:35 a.m.

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

Members Absent: None.

Committee Business: Presentation by Department of Management and QEV Analytics.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 8, 2005, 9:35 a.m.

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

Members Absent: Iverson (excused).

Committee Business: Presentations by Department of Corrections.

Adjourned: 10:55 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE, AND CAPITALS**

Convened: February 8, 2005, 9:40 a.m.

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

Members Absent: Angelo and Beall (both excused).

Committee Business: Presentation by Legislative Services Agency.

Adjourned: 9:50 a.m.

INTRODUCTION OF BILLS

Senate File 122, by committee on State Government, a bill for an act relating to cash prizes for raffles and providing an effective date.

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

Senate File 123, by committee on State Government, a bill for an act allowing an immediate family member to return a voted absentee ballot in person to the office of the county commissioner of elections.

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

Senate File 124, by Warnstadt, a bill for an act relating to the granting of visitation to grandparents and great-grandparents.

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

Senate File 125, by Bolkcom and Ragan, a bill for an act relating to the creation of a children's environmental health and protection advisory council.

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

Senate File 126, by Bolkcom, McCoy, Wood, Gronstal, Quirnbach, Connolly, Stewart, Hatch, Dvorsky, Dotzler, Seng, Black, and Lundby, a bill for an act prohibiting discrimination based upon a person's sexual orientation or gender identity under the Iowa civil rights Act.

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

[Senate File 127](#), by Courtney, a bill for an act concerning the payment of medical costs for injuries incurred by members of the statewide fire and police retirement system in the performance of their duties.

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

[Senate File 128](#), by Johnson, a bill for an act making the office of secretary of agriculture an appointive office.

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

[Senate File 129](#), by Danielson, a bill for an act relating to the rail assistance program, making an appropriation, and providing a contingent effective date.

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

[Senate File 130](#), by Dvorsky, Mulder, Hatch, and Tinsman, a bill for an act relating to an increase in the taxes on cigarettes and tobacco products, creating a medical assistance and health promotion fund, providing for appropriations, and providing an effective date.

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

STUDY BILLS RECEIVED

[SSB 1109](#) **Natural Resources and Environment**

Relating to regulating and registering certain vessels, operating certain vessels by minors, inspecting certain vessels, operating vessels for hire or commercial vessels, providing for penalties, and registration fee increases to the state fish and game protection fund.

SSB 1110 Commerce

Relating to interstate natural gas pipelines including requirements regarding construction, operation, and maintenance, applicable penalties and resultant damages, and easements.

SSB 1111 Agriculture

Relating to the administration of the department of agriculture and land stewardship, by providing for its powers and duties.

SSB 1112 Business and Labor Relations

Concerning authorized testing substances for private sector employee drug testing.

SSB 1113 Business and Labor Relations

Relating to workers' compensation disability coverage for occupational hearing loss.

SSB 1114 Business and Labor Relations

Relating to the regulation of attorney fees in workers' compensation cases.

SSB 1115 Business and Labor Relations

To eliminate additional unemployment benefit wage credits in cases of plant closings.

SSB 1116 Business and Labor Relations

Relating to the labor commissioner's regulatory duties and responsibilities regarding occupational safety and health including training for inspections and investigations.

SSB 1117 Business and Labor Relations

To require a waiting period prior to eligibility for unemployment benefits.

SSB 1118 Business and Labor Relations

Relating to awards of noneconomic damages in civil cases.

SSB 1119 Business and Labor Relations

Relating to the characterization of personal injuries for purposes of workers' compensation liability.

SUBCOMMITTEE ASSIGNMENTS**Senate File 69**

BUSINESS AND LABOR RELATIONS: Behn and Dotzler, Co-chairs; Courtney and McKibben

Senate File 88

BUSINESS AND LABOR RELATIONS: Behn and Horn, Co-chairs; McKibben and Seng

Senate File 93

WAYS AND MEANS: McKibben and Quirnbach, Co-chairs; Connolly and Zaun

Senate File 94

BUSINESS AND LABOR RELATIONS: Dearden and McKibben, Co-chairs; Behn and Courtney

Senate File 102

COMMERCE: Bolkcom and Wieck, Co-chairs; Rielly and Zaun

Senate File 104

WAYS AND MEANS: Bolkcom and Miller, Co-chairs; McCoy and Wieck

Senate File 108

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

Senate File 109

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

Senate File 110

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

[Senate File 111](#)

COMMERCE: Bolkcom and Kettering, Co-chairs; Stewart and Wieck

[Senate File 115](#)

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

[Senate File 120](#)

BUSINESS AND LABOR RELATIONS: McKibben and Seng, Co-chairs; Behn and Courtney

[Senate File 121](#)

WAYS AND MEANS: McCoy and Zaun, Co-chairs; Danielson and Hahn

[SSB 1109](#)

NATURAL RESOURCES AND ENVIRONMENT: Black and Johnson, Co-chairs; Kettering and Schoenjahn

[SSB 1110](#)

COMMERCE: Beall and Zaun, Co-chairs; Courtney and Kettering

[SSB 1111](#)

AGRICULTURE: Putney and Ragan, Co-chairs; Hahn and Rielly

[SSB 1112](#)

BUSINESS AND LABOR RELATIONS: Dotzler and Wieck, Co-chairs; Dearden and McKibben

[SSB 1113](#)

BUSINESS AND LABOR RELATIONS: Courtney and Wieck, Co-chairs; Dearden and Seymour

[SSB 1114](#)

BUSINESS AND LABOR RELATIONS: Behn and Dearden, Co-chairs; Horn and Wieck

[SSB 1115](#)

BUSINESS AND LABOR RELATIONS: Horn and Wieck, Co-chairs; McKibben and Seng

SSB 1116

BUSINESS AND LABOR RELATIONS: Behn and Dotzler, Co-chairs; Seng and Seymour

SSB 1117

BUSINESS AND LABOR RELATIONS: Courtney and Wieck, Co-chairs; Horn and Shull

SSB 1118

BUSINESS AND LABOR RELATIONS: Dearden and McKibben, Co-chairs; Courtney and Seymour

SSB 1119

BUSINESS AND LABOR RELATIONS: Behn and Dearden, Co-chairs; Horn and Shull

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

Bill Title: SENATE FILE 122 (formerly SF 21), a bill for an act relating to cash prizes for raffles and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Horn, Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wood, and Zieman. Nays, none. Absent, 2: McKibben and Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 123 (formerly SF 52), a bill for an act allowing an immediate family member to return a voted absentee ballot in person to the office of the county commissioner of elections.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Horn, Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wood, and Zieman. Nays, none. Absent, 2: McKibben and Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

**GOVERNOR'S APPOINTEE PLACED ON
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar without recommendation for confirmation.

TRANSPORTATION

Wayne Sawtelle – State Transportation Commission