

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, FEBRUARY 9, 2005

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JOURNAL OF THE SENATE

THIRTY-FIRST CALENDAR DAY
NINETEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 9, 2005

The Senate met in regular session at 9:07 a.m., President Pro Tempore McKibben presiding.

Prayer was offered by the Reverend Keith Smith, pastor of the Motor Friends Church in Milo, Iowa. He was the guest of Senator Shull.

The Journal of Tuesday, February 8, 2005, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:10 a.m. until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:33 p.m., President Lamberti presiding.

SPECIAL GUESTS

Senator Iverson welcomed back Senator Charles W. Larson, Jr., member of the Iowa Senate, who has been serving with the U.S. Armed Forces in Iraq. Also present in the Senate chamber were Colonel Gary Braddock, Senator Larson's commander, and 54 soldiers of the 372nd Engineer Group.

This group recently returned from serving a year in Iraq, where they were engaged in the Operation Iraqi Freedom mission.

Senator Larson and Colonel Braddock addressed the Senate with brief remarks.

The Senate rose and expressed their welcome and their gratitude for the military service of the 372nd Engineer Group.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:41 p.m. until 8:30 a.m., Thursday, February 10, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

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

John Hartford, Humboldt—For receiving the Humboldt-Dakota City Chamber of Commerce President's Award. Senator Kibbie (2/9/05).

Volunteers who aided the city of Bradgate, Iowa, following the 2004 tornado—For receiving the Special Cooperation Award. Senator Kibbie (2/09/05).

The Friends of the Park Pool Committee—For receiving the Cooperation Award. Senator Kibbie (2/9/05).

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: February 9, 2005, 1:05 p.m.

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

Members Absent: Kreiman and Lamberti (both excused).

Committee Business: Subcommittee assignments. Approved Governor's appointees.

Adjourned: 1:15 p.m.

GOVERNMENT OVERSIGHT

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

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

Members Absent: None.

Committee Business: Presentations by Department of Administrative Services, Information Technology Enterprise, and Ethics and Campaign Disclosure Board.

Adjourned: 11:20 a.m.

WAYS AND MEANS

Convened: February 9, 2005, 2:05 p.m.

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

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

Committee Business: Presentation regarding the Iowa Fiscal Partnership.

Adjourned: 3:05 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND
REGULATION**

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

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

Members Absent: Dvorsky (excused).

Committee Business: Presentations by Governor's office, Office of the Secretary of State, and Department of Inspections and Appeals.

Adjourned: 10:40 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL
RESOURCES**

Convened: February 9, 2005, 9:35 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: 10:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

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

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

Members Absent: None.

Committee Business: Presentation by Department of Economic Development.

Adjourned: 11:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

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

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

Members Absent: None.

Committee Business: Presentation by Midwestern Higher Education Compact.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

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

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

Members Absent: Seymour (excused).

Committee Business: Presentations by Mental Health, Mental Retardation, Developmental Disabilities, and Brian Injury Commission; Department of Human Services; and Legislative Services Agency.

Adjourned: 11:10 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

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

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

Members Absent: None.

Committee Business: Presentation by Department of Public Defense and State Public Defender.

Adjourned: 11:10 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: February 9, 2005, 9:05 a.m.

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

Members Absent: None.

Committee Business: Approved TLSB 1094JA (as amended).

Adjourned: 9:50 a.m.

INTRODUCTION OF BILLS

[Senate File 131](#), by Tinsman, a bill for an act providing for judicial branch employment and compensation of patient advocates for persons involuntarily hospitalized for mental illness.

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

[Senate File 132](#), by Hatch, Beall, Dvorsky, and Putney, a bill for an act providing an individual income tax credit for charitable contributions of fine art or written materials made by the artist or author and including retroactive applicability date provisions.

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

[Senate File 133](#), by Dvorsky and Wieck, a bill for an act authorizing the sale of Iowa communications network capacity under specified circumstances, affecting the operation of the network, and making appropriations.

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

[Senate File 134](#), by committee on Commerce, a bill for an act relating to inheritance tax by eliminating the requirement that the department of revenue receive notice of withdrawal of funds from a joint account by a surviving joint owner.

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

[Senate File 135](#), by Kibbie, a bill for an act relating to the imposition of the local option sales tax for school infrastructure purposes and including an effective date.

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

[Senate File 136](#), by Kettering, a bill for an act increasing the child and dependent care credit under the individual income tax and including a retroactive applicability date provision.

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

[Senate File 137](#), by Hahn, a bill for an act relating to free resident landowner deer hunting licenses.

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

[Senate File 138](#), by Johnson, a bill for an act relating to cultural and entertainment districts and cultural, entertainment, and historical rehabilitation projects and providing an applicability date provision.

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

[Senate File 139](#), by committee on Commerce, a bill for an act relating to negotiable instruments, by providing for liabilities among certain parties, and providing a statute of limitations.

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

STUDY BILLS RECEIVED

[SSB 1120](#) **Business and Labor Relations**

Relating to the payment of interest on certain workers' compensation benefit payments.

[SSB 1121](#) **Business and Labor Relations**

Relating to an award of punitive or exemplary damages in a civil case.

SSB 1122 Business and Labor Relations

Relating to the laws administered by the labor commissioner, and to penalties assessed for violation of those laws, including regulation of safety inspection of amusement rides, and providing an effective date.

SSB 1123 Business and Labor Relations

Relating to workers' compensation settlements, filings, filing fees, and an appropriation of such filing fees.

SSB 1124 Natural Resources and Environment

Relating to various conservation and recreation activities under the purview of the department of natural resources, modifying fees, and making penalties applicable.

SSB 1125 Natural Resources and Environment

Creating the uniform environmental covenants Act.

SSB 1126 Natural Resources and Environment

Relating to environmental regulations regarding water treatment, sewer systems, and household hazardous waste.

SSB 1127 Judiciary

Relating to agreements to arbitrate and providing remedies.

SSB 1128 Judiciary

Relating to the procedures and duties of the judicial branch, making an appropriation to the enhanced court collections fund, and providing for fees.

SSB 1129 Transportation

Relating to motor vehicle regulation by the state department of transportation, including motor vehicle registration and titling,

restricted and special driver's licenses for minors, driver licensing, regulations of commercial vehicles, the use of flashing lights on certain vehicles, citations for child restraint violations, permits for vehicles of excessive height or weight, procedures for motor vehicle dealers, and persons with disabilities parking, and relating to refunds of taxes on motor fuel used in taxicabs and buses that provide certain services.

SSB 1130 Natural Resources and Environment

Relating to water quality, by eliminating certain public water supply system permit fee requirements, creating a water quality needs and infrastructure program and fund, providing for an advisory committee, and making appropriations.

SSB 1131 Human Resources

Concerning billing for anatomic pathology services and making licensing sanctions applicable.

SUBCOMMITTEE ASSIGNMENTS

Senate File 68

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

Senate File 72

NATURAL RESOURCES AND ENVIRONMENT: Putney and Seng, Co-chairs;
Bolkcom and Gaskill

Senate File 81

NATURAL RESOURCES AND ENVIRONMENT: Bolkcom and Kettering, Co-chairs;
Putney and Wood

Senate File 91

NATURAL RESOURCES AND ENVIRONMENT: Miller and Wood, Co-chairs;
Dearden and Putney

Senate File 96

NATURAL RESOURCES AND ENVIRONMENT: Dearden and Houser, Co-chairs;
Hancock and Johnson

[Senate File 99](#)

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

[Senate File 116](#)

JUDICIARY: Quirnbach and Ward, Co-chairs; Kreiman and Zaun

[Senate File 124](#)

JUDICIARY: Boettger and Kreiman, Co-chairs; Tinsman and Warnstadt

[SSB 1120](#)

BUSINESS AND LABOR RELATIONS: Dotzler and Wieck, Co-chairs; Horn and
Seymour

[SSB 1121](#)

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

[SSB 1122](#)

BUSINESS AND LABOR RELATIONS: Seng and Shull, Co-chairs; Horn and Seymour

[SSB 1123](#)

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

[SSB 1124](#)

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

[SSB 1125](#)

NATURAL RESOURCES AND ENVIRONMENT: Lundby and Seng, Co-chairs;
Kettering and Schoenjahn

[SSB 1126](#)

NATURAL RESOURCES AND ENVIRONMENT: Bolkom and Lundby, Co-chairs;
Hancock and Kettering

[SSB 1127](#)

JUDICIARY: Lamberti and Quirnbach, Co-chairs; Schoenjahn and Tinsman

SSB 1128

JUDICIARY: Hancock and Lamberti, Co-chairs; Kreiman and Zaun

SSB 1129

TRANSPORTATION: McCoy and Putney, Co-chairs; Shull and Warnstadt

SSB 1130

NATURAL RESOURCES AND ENVIRONMENT: Bolkcom and Houser, Co-chairs; Miller and Wood

SSB 1131

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

FINAL COMMITTEE REPORTS OF BILL ACTION**COMMERCE**

Bill Title: [SENATE FILE 134 \(SSB 1002\)](#), a bill for an act relating to inheritance tax by eliminating the requirement that the department of revenue receive notice of withdrawal of funds from a joint account by a surviving joint owner.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Behn, Warnstadt, Angelo, Bolkcom, Courtney, Gronstal, Kettering, McKinley, Rielly, Stewart, Wieck, Zaun, and Zieman. Nays, none. Absent, 3: Beall, Iverson, and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [*SENATE FILE 139 \(SSB 1069\)](#), a bill for an act relating to negotiable instruments, by providing for liabilities among certain parties, and providing a statute of limitations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Behn, Warnstadt, Angelo, Bolkcom, Courtney, Gronstal, Kettering, McKinley, Rielly, Stewart, Wieck, Zaun, and Zieman. Nays, none. Absent, 3: Beall, Iverson, and McCoy.

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

**GOVERNOR'S APPOINTEE PLACED ON
EN BLOC CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

EDUCATION

Greg Robinson – Board of Educational Examiners