

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, FEBRUARY 10, 2005

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JOURNAL OF THE SENATE

THIRTY-SECOND CALENDAR DAY
TWENTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 10, 2005

The Senate met in regular session at 8:35 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Matthew Martens, pastor of the Zion Lutheran Church in Clinton, Iowa. He was the guest of Senator Stewart.

The Journal of Wednesday, February 9, 2005, was approved.

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 February 9, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 175, a bill for an act relating to the names of business entities.

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

House File 190, a bill for an act expanding the duties of the child death review team and making a penalty applicable.

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

House File 197, 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 and **attached to companion [Senate File 134](#)**.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 78](#).

[Senate File 78](#)

On motion of Senator Stewart, [Senate File 78](#), 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, was taken up for consideration.

Senator Stewart 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. 78](#)), 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.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 76](#).

[Senate File 76](#)

On motion of Senator Wieck, [Senate File 76](#), a bill for an act relating to income tax deductions for donations made for tsunami relief and including effective and retroactive applicability date provisions, 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?" ([S.F. 76](#)), 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.

**CONSIDERATION OF BILL
(Regular Calendar)**

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 123](#).

[Senate File 123](#)

On motion of Senator Brunkhorst, [Senate File 123](#), 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 election, was taken up for consideration.

Senator Brunkhorst 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. 123](#)), the vote was:

Yeas, 34:

Beall	Dotzler	Kreiman	Seng
Black	Dvorsky	McCoy	Seymour
Boettger	Fraise	McKinley	Stewart
Bolkcom	Gronstal	Miller	Ward
Brunkhorst	Hancock	Mulder	Warnstadt
Connolly	Hatch	Quirnbach	Wood
Courtney	Horn	Ragan	Zaun
Danielson	Houser	Rielly	
Dearden	Kibbie	Schoenjahn	

Nays, 15:

Angelo	Iverson	Lundby	Tinsman
Behn	Johnson	McKibben	Wieck
Gaskill	Kettering	Putney	Zieman
Hahn	Lamberti	Shull	

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 76, 78, and 123** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 114](#).

[Senate File 114](#)

On motion of Senator Stewart, [Senate File 114](#), a bill for an act relating to tax credit certificates issued by the Iowa capital investment board and providing an effective date, was taken up for consideration.

Senator Stewart 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. 114](#)), 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 File 114](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:15 a.m. until 1:00 p.m., Monday, February 14, 2005.

APPENDIX**REPORTS OF COMMITTEE MEETINGS****AGRICULTURE**

Convened: February 10, 2005, 2:05 p.m.

Members Present: Fraise and Johnson, Co-chairs; Black, Brunkhorst, Courtney, Gaskill, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, Ragan, and Rielly.

Members Absent: None.

Committee Business: Presentations by Struve Laboratories, Prairie Rivers RC&D, and economic development director of Plymouth County.

Adjourned: 3:15 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 10, 2005, 2:05 p.m.

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

Members Absent: Miller and Wood (both excused).

Committee Business: Subcommittee assignments. Presentations by Struve Laboratories, Prairie Rivers RC&D, and economic development director of Plymouth County.

Adjourned: 3:15 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 4, by Courtney, Fraise, Dearden, Kettering, Johnson, Hancock, Gaskill, Schoenjahn, Black, Houser, Wieck, Lundby, Horn, and Stewart, a joint resolution designating the channel catfish as the official state fish for the State of Iowa.

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

Senate Resolution 8, by Iverson, Lamberti, Behn, Gaskill, Kettering, Seymour, Ward, Brunkhorst, Tinsman, Johnson, Mulder, Putney, Miller, Angelo, Ziemann, Hahn, Wieck, Shull, Gronstal, Zaun, McKinley, Houser, Boettger, Stewart, Courtney, Danielson, Rielly,

Bolkcom, Ragan, Kreiman, Warnstadt, Connolly, Horn, Wood, Hatch, Dotzler, Seng, Fraise, Black, Lundby, McKibben, Dearden, Hancock, Kibbie, Dvorsky, Quirnbach, Schoenjahn, McCoy, and Beall, a resolution honoring Senator Charles Larson and the members of the 372nd Engineer Group for their tour of duty in Iraq.

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

[Senate Resolution 9](#), by Iverson, a resolution to honor the service of the 132nd Fighter Wing of the Iowa Air National Guard.

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

INTRODUCTION OF BILLS

[Senate File 140](#), by Wieck, Johnson, Kettering, Iverson, Lundby, Angelo, Ziemann, Hahn, Putney, Tinsman, Mulder, Ward, Gaskill, McKinley, Behn, Miller, Zaun, Brunkhorst, Boettger, Shull, McKibben, and Seymour, a bill for an act relating to the establishment of an Iowa long-term care asset disregard incentive program relative to the medical assistance program, providing for a repeal, providing a contingent effective date, and providing an appropriation.

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

[Senate File 141](#), by Johnson, a bill for an act relating to reimbursement to owners of aboveground petroleum storage tanks for costs associated with the upgrade or permanent closure of aboveground petroleum storage tanks.

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

[Senate File 142](#), by Lundby, a bill for an act relating to the annual registration fee for certain motor vehicles equipped for persons with disabilities or used by persons with wheelchairs.

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

Senate File 143, by Tinsman, a bill for an act relating to the long-term living system in Iowa including the establishment of a vision for Iowa's long-term living system and the creation of a consumer choice, support, and education program.

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

STUDY BILLS RECEIVED

SSB 1132 **State Government**

Eliminating the certified mail requirement concerning the orders.

SSB 1133 **State Government**

Relating to the regulation of liquefied petroleum gas storage tanks, making an appropriation, and providing penalties.

SSB 1134 **State Government**

Relating to violations of the open meetings and open records law by a member of a governmental body, the lawful custodian of a public record, or any other appropriate person.

SSB 1135 **State Government**

Transferring responsibility for establishing the state plumbing code from the Iowa department of public health to the state building code commissioner and providing an effective date.

SSB 1136 **Ways and Means**

Relating to the financing by cities of telecommunications projects and facilities, including requirements regarding feasibility studies and reports, requiring sealed bids and city voter approval, prohibiting financing for an amount above projected costs, increasing the

minimum voter approval rate for such projects, and providing effective and retroactive applicability dates.

SSB 1137 Local Government

Relating to local regulation of smoking.

SSB 1138 Government Oversight

Relating to bidding requirements for state executive branch purchases.

SSB 1139 Human Resources

Revising requirements applicable to county and multicounty decategorization of child welfare and juvenile justice funding projects.

SSB 1140 Human Resources

Relating to the provisions of the elder Iowans act.

SSB 1141 Human Resources

Requiring record checks of persons being employed by a hospital, health care facility, or other care provider and providing penalties.

SSB 1142 Commerce

Relating to various provisions administered by the insurance division of the department of commerce concerning premium tax refunds, the interstate insurance compact, insurer insolvency proceedings, individual health insurance, the small employer carrier reinsurance program, the Iowa comprehensive health association, fire insurance policies, the Iowa insurance guaranty association, the FAIR plan, motor vehicle service contracts, investments by county and state mutual associations, reciprocal or interinsurance contract premium rates, unauthorized activity of insurance producers, and annuity contracts for cemetery and funeral merchandise and funeral services, and making fees and penalties applicable and providing effective and retroactive applicability dates.

SSB 1143 Commerce

Relating to cemeteries and cemetery regulation, providing administration and enforcement procedures, establishing requirements for interment rights agreements and reporting, establishing and appropriating fees, and providing penalties.

SSB 1144 Agriculture

Relating to the regulation of agricultural seed, by providing for preemption of local legislation.

SUBCOMMITTEE ASSIGNMENTS**Senate Resolution 8**

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

Senate Resolution 9

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

Senate File 106

STATE GOVERNMENT: Danielson and McKibben, Co-chairs; Ward and Wood

Senate File 118

HUMAN RESOURCES: Bolcom and Seymour, Co-chairs; Hatch and Johnson

Senate File 126

STATE GOVERNMENT: Connolly and Miller, Co-chairs; Wood and Zieman

Senate File 128

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

Senate File 133

GOVERNMENT OVERSIGHT: Courtney and Wieck, Co-chairs

**SSB 1128
(Reassignment)**

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

[SSB 1132](#)

STATE GOVERNMENT: Brunkhorst and Danielson, Co-chairs; Hatch and Ward

[SSB 1133](#)

STATE GOVERNMENT: Hancock and Tinsman, Co-chairs; Brunkhorst and Danielson

[SSB 1134](#)

STATE GOVERNMENT: Kibbie and Miller, Co-chairs; Wood and Zieman

[SSB 1135](#)

STATE GOVERNMENT: Hancock and Kettering, Co-chairs; Wieck and Wood

[SSB 1136](#)

WAYS AND MEANS: Bolkcom and Zaun, Co-chairs; Danielson and Zieman

[SSB 1137](#)

LOCAL GOVERNMENT: Quirnbach and Shull, Co-chairs; McCoy and Putney

[SSB 1138](#)

GOVERNMENT OVERSIGHT: Connolly and Lundby, Co-chairs

[SSB 1139](#)

HUMAN RESOURCES: Hatch and Houser, Co-chairs; Kreiman and Tinsman

[SSB 1140](#)

HUMAN RESOURCES: Boettger and Bolkcom, Co-chairs; Johnson and Quirnbach

[SSB 1141](#)

HUMAN RESOURCES: Quirnbach and Seymour, Co-chairs; Boettger and Bolkcom

[SSB 1142](#)

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

[SSB 1143](#)

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

[SSB 1144](#)

AGRICULTURE: Gaskill and Rielly, Co-chairs; Hancock and Mulder