

PROOF

STATE OF IOWA

Senate Journal

MONDAY, FEBRUARY 14, 2005

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JOURNAL OF THE SENATE

THIRTY-SIXTH CALENDAR DAY
TWENTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 14, 2005

The Senate met in regular session at 1:05 p.m., President Kibbie presiding.

Prayer was offered by the Reverend Mike Morgan, pastor of the First United Methodist Church in Marion, Iowa. He was the guest of Senator Lundby.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Elyse Beenken.

The Journal of Thursday, February 10, 2005, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 1:20 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:23 p.m., President Kibbie presiding.

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: February 14, 2005, 1:20 p.m.

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

Members Absent: None.

Committee Business: Approved SRs 8 and 9.

Adjourned: 1:23 p.m.

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 8](#), a resolution honoring Senator Charles Larson and the members of the 372nd Engineer Group for their tour of duty in Iraq.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 9](#), a resolution to honor the service of the 132nd Fighter Wing of the Iowa Air National Guard.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 8](#).

[Senate Resolution 8](#)

On motion of Senator Iverson, the following resolution, with report of committee recommending passage, was taken up for consideration:

- 1 [SENATE RESOLUTION 8](#)
- 2 By: Iverson, Lamberti, Behn, Gaskill, Kettering,
- 3 Seymour, Ward, Brunkhorst, Tinsman, Johnson,
- 4 Mulder, Putney, Miller, Angelo, Zieman, Hahn,
- 5 Wieck, Shull, Gronstal, Zaun, McKinley, Houser,

6 Boettger, Stewart, Courtney, Danielson, Rielly,
7 Bolkcom, Ragan, Kreiman, Warnstadt, Connolly,
8 Horn, Wood, Hatch, Dotzler, Seng, Fraise, Black,
9 Lundby, McKibben, Dearden, Hancock, Kibbie,
10 Dvorsky, Quirnbach, Schoenjahn, McCoy, and Beall
11 A resolution honoring Senator Charles Larson and the
12 members of the 372nd Engineer Group for their tour
13 of duty in Iraq.

14 WHEREAS, Iowa State Senator Charles Larson has
15 recently concluded his service in Iraq as Major
16 Charles Larson, Command Judge Advocate of the 372nd
17 Engineer Group, a unit of the United States Army
18 Reserve; and

19 WHEREAS, Major Larson, along with members of the
20 372nd Engineer Group, was mobilized for duty in
21 December 2003; and

22 WHEREAS, while in Iraq Major Larson and the members
23 of the 372nd Engineer Group led an effort to help
24 school children and assist medical clinics in Iraq as
25 part of Operation Iraqi Hope; and

26 WHEREAS, in addition to his legal duties, Major
27 Larson spearheaded his group's humanitarian mission
28 and supervised the construction of 12 new schools,
29 three city halls, two water treatment facilities, a
30 veterinarian clinic, and the renovation of a rural

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1 community's electrical infrastructure; NOW THEREFORE,
2 BE IT RESOLVED BY THE SENATE, That the Senate, on
3 behalf of all Iowans, thanks Senator and Major Charles
4 Larson, his fellow members in the 372nd Engineering
5 Group, and indeed the members of all Iowa military
6 units in Iraq and around the world for their service
7 to their country, to the people of Iraq, and to the
8 cause of freedom.

9 BE IT FURTHER RESOLVED BY THE SENATE, That the
10 Senate welcomes Senator and Major Larson back to his
11 home and to the Senate, welcomes the members of the
12 372nd Engineer Group back to Iowa, and wishes all Iowa
13 soldiers a good tour of duty and a safe return home.

Senator Iverson moved the adoption of [Senate Resolution 8](#), which motion prevailed by a voice vote.

Senator Larson addressed the Senate with brief remarks.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 9](#).

[Senate Resolution 9](#)

On motion of Senator Iverson, [Senate Resolution 9](#), a resolution to honor the service of the 132nd Fighter Wing of the Iowa Air National Guard, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of [Senate Resolution 9](#), which motion prevailed by a voice vote.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:30 p.m. until 8:30 a.m., Tuesday, February 15, 2005.

APPENDIX**CERTIFICATES OF RECOGNITION**

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

Harold Feldpausch, Davenport—For being a member of the American Legion for 50 years. Senator Wood (2/14/05).

John Glunz, Eldridge—For being a member of the American Legion for 50 years. Senator Wood (2/14/05).

Verna Sothman Henning, Walcott—For celebrating your 80th birthday. Senator Wood (2/14/05).

Donald Kednig, Long Grove—For being a member of the American Legion for 50 years. Senator Wood (2/14/05).

Grover and Lois Meier, Calamus—For celebrating your 66th wedding anniversary. Senator Wood (2/14/05).

Alvin "Whitey" Mohr, Long Grove—For being a member of the American Legion for 60 years. Senator Wood (2/14/05).

Francis Van Loon, Eldridge—For being a member of the American Legion for 50 years. Senator Wood (2/14/05).

REPORTS OF COMMITTEE MEETINGS**ECONOMIC GROWTH**

Convened: February 10, 2005, 3:35 p.m.

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

Members Absent: Rielly (excused).

Committee Business: Presentations by Endow Iowa, Pella Community Foundation, and Legislative Services Agency.

Adjourned: 4:40 p.m.

EDUCATION

Convened: February 14, 2005, 2:50 p.m.

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

Members Absent: None.

Committee Business: Presentation by ACT.

Adjourned: 3:45 p.m.

STATE GOVERNMENT

Convened: February 14, 2005, 2:05 p.m.

Members Present: Horn and McKibben, Co-chairs; Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Miller, Tinsman, Ward, Wieck, Wood, and Ziemann.

Members Absent: Kibbie (excused).

Committee Business: Approved Governor's appointees.

Adjourned: 2:20 p.m.

INTRODUCTION OF BILLS

Senate File 144, by Bolkcom, Wood, Schoenjahn, Courtney, Black, Connolly, Stewart, Quirnbach, Kreiman, Ragan, Fraise, Danielson, Dvorsky, Horn, Hancock, Rielly, Hatch, and Brunkhorst, a bill for an act relating to delayed deposit services including fees, notices, transaction amounts, and reporting requirements.

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

Senate File 145, by Bolkcom, Wood, Schoenjahn, Gronstal, Kibbie, Courtney, Black, Connolly, Stewart, Quirnbach, Kreiman, Ragan, Fraise, Danielson, Dvorsky, Horn, Hancock, Rielly, Beall, and Hatch, a bill for an act relating to consumer credit by creating the refund anticipation loan Act and providing penalties.

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

[Senate File 146](#), by Bolkcom, a bill for an act establishing a courthouse security surcharge, creating a courthouse security fund, and making appropriations to the fund.

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

[Senate File 147](#), by Bolkcom, a bill for an act creating a bicycle traffic safety fund and a special "share-the-road" motor vehicle registration plate and making an appropriation.

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

[Senate File 148](#), by Brunkhorst, a bill for an act relating to the property taxation of property of public entities used in competition with private commercial business enterprises.

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

[Senate File 149](#), by Johnson, a bill for an act exempting the sale of all horses from the sales and use taxes.

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

[Senate File 150](#), by McCoy, Lundby, Connolly, Hatch, Bolkcom, Quirnbach, Dvorsky, Courtney, and Dotzler, a bill for an act expanding prohibitions of unfair or discriminatory practices at educational institutions.

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

[Senate File 151](#), by Mulder, a bill for an act restricting the sale of bait by nonresidents who hold a license to engage in aquaculture.

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

STUDY BILLS RECEIVED

SSB 1145 **Judiciary**

Providing for the issuance of a no-contact order against the biological parent of an adopted person whose presence or contact with the adopted person poses a threat to the health or safety of the adopted person.

SSB 1146 **Judiciary**

Relating to workers' compensation insurance coverage information and benefits.

SSB 1147 **Natural Resources and Environment**

Relating to deer population management and providing penalties and appropriations.

SSB 1148 **Human Resources**

To eliminate certain restrictions on the authority of a physician assistant to prescribe certain schedule II controlled substances.

SSB 1149 **Commerce**

Relating to the investment of public funds by the treasurer of state, state agencies, and political subdivisions including the investment of public funds not covered by federal deposit insurance in certificates of deposit.

SUBCOMMITTEE ASSIGNMENTS

Senate File 117

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

Senate File 125

HUMAN RESOURCES: Johnson and Wood, Co-chairs; Quirnbach and Seymour

Senate File 127

STATE GOVERNMENT: Danielson and Ward, Co-chairs; Hancock and Wieck

[Senate File 129](#)

ECONOMIC GROWTH: Danielson, Chair; Behn, Dotzler, and Seymour

[Senate File 130](#)

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

[Senate File 132](#)

WAYS AND MEANS: Larson and Stewart, Co-chairs; Miller and Seng

[Senate File 136](#)

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

[Senate File 138](#)

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

[Senate File 140](#)

COMMERCE: Beall and Zaun, Co-chairs; Bolkcom and Larson

[House File 190](#)

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

[SSB 1145](#)

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

[SSB 1146](#)

JUDICIARY: Dvorsky and Larson, Co-chairs; Horn and Ward

[SSB 1147](#)

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

[SSB 1148](#)

HUMAN RESOURCES: Ragan and Tinsman, Co-chairs; Boettger and Dotzler

[SSB 1149](#)

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

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

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

STATE GOVERNMENT

Robert Brecke – Boiler and Pressure Vessel Board
Timothy Fehr – Boiler and Pressure Vessel Board
Amy Iles – Boiler and Pressure Vessel Board
Susan Oltrogge – Boiler and Pressure Vessel Board
Joseph Rodenkirk – Boiler and Pressure Vessel Board
Lynne Rush – Boiler and Pressure Vessel Board
Keith Taeger – Boiler and Pressure Vessel Board

Rita Conner – Elevator Safety Board
Marvin Schumacher – Elevator Safety Board
Siobhan Workman – Elevator Safety Board

Christian Gurney – Information Technology Council
Kristina Junkins – Information Technology Council

Barbara Corson – IowaAccess Advisory Council

Kathy Spencer-Jensen – Board of Examiners for Massage Therapy

David Stout – Board of Social Work Examiners

Rosetta Waychus – Commission of Veterans Affairs

Michael Stein – Iowa Board of Veterinary Medicine