

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, FEBRUARY 15, 2005

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JOURNAL OF THE SENATE

THIRTY-SEVENTH CALENDAR DAY
TWENTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 15, 2005

The Senate met in regular session at 8:32 a.m., President Kibbie presiding.

Prayer was offered by the Reverend Bill Bernau, pastor of the Grace Lutheran Church in Adel, Iowa. He was the guest of Senator Quirmbach.

The Journal of Monday, February 14, 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 14, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 186, a bill for an act updating the Code references to the Internal Revenue Code and including retroactive applicability and effective date provisions.

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

House File 216, a bill for an act 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, regulation 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.

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

House File 227, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

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

House File 253, a bill for an act relating to governmental ethics and the duties of the Iowa ethics and campaign disclosure board.

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

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:39 a.m. until 8:30 a.m., Wednesday, February 16, 2005.

APPENDIX**ANNOUNCEMENTS OF APPOINTMENTS BY THE CO-PRESIDENTS
AND THE FLOOR LEADERS OF THE SENATE****ADMINISTRATIVE RULES REVIEW COMMITTEE**

Jeff Angelo (effective until 12/31/05)
Michael Connolly
Thomas G. Courtney (effective 1/1/06)
John P. Kibbie
Mary Lundby
Paul McKinley

COUNCIL FOR AGRICULTURAL EDUCATION

David Johnson

IOWA CAPITAL INVESTMENT BOARD

Paul McKinley
Roger Stewart

CAPITOL PLANNING COMMISSION

Jack Hatch
Mary Lundby

STATE CHILD CARE ADVISORY COUNCIL

Steve Warnstadt

CHILD SUPPORT ADVISORY COMMITTEE

Keith A. Kreiman
Brad Zaun

COLLEGE STUDENT AID COMMISSION

Herman C. Quirnbach

COMMUNITY COLLEGE WORKING GROUP OF STAKEHOLDERS

Daryl Beall
Doug Shull

CRIMINAL AND JUVENILE JUSTICE PLANNING ADVISORY COUNCIL

Robert E. Dvorsky
Pat Ward

IOWA ECONOMIC DEVELOPMENT BOARD

Thomas G. Courtney
E. Thurman Gaskill

ELDER AFFAIRS COMMISSION

Jeff Danielson
David Johnson

IOWA EMPOWERMENT BOARD

Nancy J. Boettger
Amanda Ragan
Frank B. Wood

BOARD OF TRUSTEES FOR STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM

Wally E. Horn
Ron Wieck

HAWK-I BOARD

Amanda Ragan
James A. Seymour

IOWA COMPREHENSIVE HEALTH INSURANCE ASSOCIATION BOARD

Paul McKinley

INDIGENT DEFENSE ADVISORY COMMISSION

Gene Fraise (effective until 6/30/05)
Charles W. Larson, Jr. (effective 7/1/05)

INFORMATION TECHNOLOGY COUNCIL

Bob Brunkhorst
William A. Dotzler, Jr.

IOWA COMMISSION ON INTERSTATE COOPERATION

Daryl Beall
Nancy J. Boettger
Gene Fraise
Doug Shull
Roger Stewart

IOWACCESS ADVISORY COUNCIL

Bob Brunkhorst
Jeff Danielson

IPERS INVESTMENT BOARD

John P. Kibbie
Mark Ziemann

IOWA LAW ENFORCEMENT ACADEMY COUNCIL

Charles W. Larson, Jr.

MEDICAL ASSISTANCE ADVISORY COUNCIL

Jack Hatch
James A. Seymour

MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL DISABILITIES, AND BRAIN INJURY COMMISSION

Jack Hatch
Maggie Tinsman

PREVENTION OF DISABILITIES POLICY COUNCIL

Maggie Tinsman
Frank B. Wood

PROPERTY TAX IMPLEMENTATION COMMITTEE

Herman C. Quirnbach
Mark Zieman

PUBLIC RETIREMENT SYSTEMS COMMITTEE

Michael Connolly
Tom Rielly
Doug Shull
Pat Ward
Mark Zieman

RENEWABLE FUELS AND COPRODUCTS ADVISORY COMMITTEE

Dennis H. Black
James F. Hahn

RURAL HEALTH AND PRIMARY CARE ADVISORY COMMITTEE

Keith A. Kreiman
Dave Mulder

SENIOR LIVING COORDINATING UNIT

Nancy J. Boettger
Amanda Ragan

COMMISSION ON THE STATUS OF WOMEN

Matt McCoy
Maggie Tinsman

COMMISSION ON TOBACCO USE PREVENTION AND CONTROL

Herman C. Quirnbach
Maggie Tinsman

IOWA WORKFORCE DEVELOPMENT BOARD

William A. Dotzler, Jr.
Pat Ward

CERTIFICATES OF RECOGNITION

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

Dr. Kenneth Andersen, Center Point—For being chosen as one of KCRG-TV9 and the Show You Care Sponsors' "Nine Who Care" Jefferson Awards winners. Senator Lundby (2/15/05).

Rosemary and Frank Ehret, Burlington—For celebrating your 60th wedding anniversary. Senator Courtney (2/15/05).

Eric Fisher, Dubuque—For being named one of Iowa's top youth volunteers for 2005 by The Prudential Spirit of Community Awards. Senator Connolly (2/15/05).

Fern Gray, Danville—For celebrating your 90th birthday. Senator Courtney (2/15/05).

Clifford Hinson, Kingston—For celebrating your 90th birthday. Senator Courtney (2/15/05).

Millie Lange, Ames—For celebrating your 80th birthday. Senator Quirnbach (2/15/05).

Helen Mott, Ames—For celebrating your 90th birthday. Senator Quirnbach (2/15/05).

Holly Poort, Malvern—For being named one of Iowa's top youth volunteers for 2005 by The Prudential Spirit of Community Awards. Senator Houser (2/15/05).

Mr. and Mrs. Russell and Marjorie Stensland, Radcliffe—For celebrating your 60th wedding anniversary. Senator Iverson (2/15/05).

PETITION

The following petition was presented and placed on file:

From 84 seventh and eighth graders from Cascade Junior High in Cascade, Iowa, favoring legislation to expand Iowa's bottle bill to include noncarbonated beverage containers. Senator Hancock.

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: February 14, 2005, 3:50 p.m.

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

Members Absent: Kreiman (excused).

Committee Business: Presentation by Department of Elder Affairs. Approved Governor's appointees.

Adjourned: 4:30 p.m.

AGRICULTURE

Convened: February 15, 2005, 3:10 p.m.

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

Members Absent: Gaskill and Houser (both excused).

Committee Business: Presentations by veterinarian from Iowa State University and by Agri-Security.

Adjourned: 3:40 p.m.

ECONOMIC GROWTH

Convened: February 15, 2005, 1:05 p.m.

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

Members Absent: Danielson, Hahn, and McKinley (all excused).

Committee Business: Discussion on report from Workforce Training Committee.

Adjourned: 1:30 p.m.

GOVERNMENT OVERSIGHT

Convened: February 15, 2005, 9:50 a.m.

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

Members Absent: None.

Committee Business: Discussion with Scott County Attorney and Attorney General's Office.

Adjourned: 10:20 a.m.

JUDICIARY

Convened: February 15, 2005, 12:05 p.m.

Members Present: Kreiman and Miller, Co-chairs; Boettger, Brunkhorst, Dvorsky, Hancock, Horn, Larson, McKibben, Quirmbach, Schoenjahn, Tinsman, Warnstadt, and Zaun.

Members Absent: Fraise and Ward (both excused).

Committee Business: Approved [SSB 1025](#) (as amended).

Adjourned: 12:40 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 15, 2005, 1:05 p.m.

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

Members Absent: Gaskill and Kettering (both excused).

Committee Business: Presentations by American Coalition for Ethanol and the Broin Company.

Adjourned: 2:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 15, 2005, 9:35 a.m.

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

Members Absent: None.

Committee Business: Presentations by Secretary of State, Department of Management, and Department of Commerce.

Adjourned: 10:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 15, 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: 10:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 15, 2005, 9:45 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: 10:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 15, 2005, 9:45 a.m.

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

Members Absent: None.

Committee Business: Presentations by Iowa State University, University of Iowa, University of Northern Iowa, and Lakeside Laboratory.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 15, 2005, 9:45 a.m.

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

Members Absent: None.

Committee Business: Presentations by Mercy West Medical Clinic, Iowa Nebraska Primary Care Association, and Child and Family Policy Center.

Adjourned: 11:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 15, 2005, 9:50 a.m.

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

Members Absent: McKibben, Co-chair; and Larson (both excused).

Committee Business: Presentation by Department of Public Safety.

Adjourned: 11:00 a.m.

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

Convened: February 15, 2005, 9:45 a.m.

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

Members Absent: None.

Committee Business: Presentations by Legislative Services Agency and Department of Administrative Services.

Adjourned: 11:00 a.m.

INTRODUCTION OF BILLS

Senate File 152, by Kibbie, Courtney, Quirnbach, Stewart, Connolly, Wood, Beall, Ragan, Fraise, Dvorsky, Danielson, Dotzler, Horn, Seng, Hancock, Dearden, Rielly, Bolkcom, Hatch, Kreiman, Schoenjahn, Black, and Gronstal, a bill for an act providing for special late voter registration to enable an eligible elector to vote at the polling place on election day and providing a durational residency requirement for voting.

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

Senate File 153, by Bolkcom, a bill for an act relating to establishing standard provisions and formats for long-term care insurance policies.

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

Senate File 154, by Wieck, a bill for an act providing for income tax credits for the cost of purchasing health insurance coverage by certain small employers and providing effective and retroactive applicability dates.

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

Senate File 155, by Miller, a bill for an act requiring a driver's license applicant to provide proof of automobile liability coverage on a motor vehicle.

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

[Senate File 156](#), by Hatch, Beall, Hancock, Rielly, Bolkcom, Wood, Connolly, Stewart, Kreiman, Ragan, Dvorsky, Horn, Lundby, Dotzler, Warnstadt, Danielson, and Courtney, a bill for an act relating to health care by providing for increased health care access, developing a lay health workers network, and providing appropriations.

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

[Senate File 157](#), by Bolkcom, a bill for an act making an appropriation for the older Iowans legislature.

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

[Senate File 158](#), by Miller, a bill for an act relating to taxation and fees by making changes to the state corporate and individual income taxes, the state sales and use taxes, certain use of revenues from the state sales tax, certain motor vehicle registration fees, assessment of property for purposes of property taxation, county and city budgets funded primarily by property taxes, school district budgets funded primarily by state and local taxes, state mandates funding, tax increment financing districts, local assessors, and property tax exemptions and credits, and including effective and applicability date provisions.

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

[Senate File 159](#), by Hatch, Hancock, Rielly, Beall, Bolkcom, Wood, Schoenjahn, Kibbie, Connolly, Stewart, Quirnbach, Kreiman, Ragan, Fraise, Warnstadt, Dvorsky, and Horn, a bill for an act relating to the creation of a consumer choice, support, and education program.

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

[Senate File 160](#), by Hatch, Dotzler, Hancock, Seng, Warnstadt, Horn, Bolkcom, Schoenjahn, Courtney, Black, Gronstal, Kibbie, Stewart, Connolly, Wood, Beall, Ragan, Fraise, Dvorsky, Danielson, Dearden, Kreiman, and Rielly, a bill for an act relating to small employer voluntary health care purchasing pools.

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

[Senate File 161](#), by Hatch, Hancock, Rielly, Beall, Bolkcom, Wood, Schoenjahn, Kibbie, McCoy, Connolly, Stewart, Quirnbach, Kreiman, Ragan, Fraise, Dotzler, Danielson, Warnstadt, Dvorsky, and Horn, a bill for an act relating to fair market drug pricing.

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

[Senate File 162](#), by Hatch, Hancock, Rielly, Beall, Bolkcom, Wood, Schoenjahn, Courtney, Gronstal, Kibbie, McCoy, Connolly, Stewart, Quirnbach, Kreiman, Ragan, Warnstadt, Dvorsky, and Horn, a bill for an act relating to the expansion of the healthy and well kids in Iowa program to cover parents.

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

[Senate File 163](#), by Hatch, Hancock, Rielly, Beall, Bolkcom, Kibbie, Connolly, Kreiman, Ragan, Danielson, Dotzler, Dvorsky, and Horn, a bill for an act providing for the establishment of a health care information technology and infrastructure advisory committee, and making an appropriation.

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

[Senate File 164](#), by Lundby, a bill for an act relating to county supervisors in certain counties by allowing full-time or part-time status to be decided by the electorate, by requiring a five-member board of supervisors elected by voters in districts, by requiring districts to be drawn by the state commissioner of elections, and including implementation, effective date, and transition provisions.

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

SUBCOMMITTEE ASSIGNMENTS

[Senate File 135](#)

EDUCATION: Beall and Larson, Co-chairs; Schoenjahn and Ward

**[Senate File 140](#)
(Reassignment)**

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

[Senate File 143](#)

HUMAN RESOURCES: Ragan and Tinsman, Co-chairs; Bolkcom and Seymour

[Senate File 147](#)

TRANSPORTATION: Putney, Chair; Dearden, Fraise, and Ward

[Senate File 148](#)

WAYS AND MEANS: McKibben and Quirnbach, Co-chairs; Larson and Seng

[Senate File 149](#)

WAYS AND MEANS: Connolly and Zaun, Co-chairs; Dotzler and Miller

[Senate File 150](#)

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

[House File 175](#)

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

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

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

HUMAN RESOURCES

Marcia Michaels – Board of Behavioral Science Examiners

Lynn Crannell – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission