

**PROOF**

---

---

**STATE OF IOWA**

**Senate Journal**

**WEDNESDAY, FEBRUARY 16, 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

---

THIRTY-EIGHTH CALENDAR DAY  
TWENTY-THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, February 16, 2005

The Senate met in regular session at 8:34 a.m., President Kibbie presiding.

Prayer was offered by the Reverend Kevin Gingerich, pastor of the Bloomfield United Methodist Church in Bloomfield and Drakesville, Iowa. He was the guest of Senator Kreiman.

The Journal of Tuesday, February 15, 2005, was approved.

### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:39 a.m. until 8:30 a.m., Thursday, February 17, 2005.

**APPENDIX****COMMUNICATION RECEIVED**

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

**DEPARTMENT OF HUMAN RIGHTS**

2004 Annual Report of the Commission on the Status of Woman. Report received on February 16, 2005.

**REPORTS OF COMMITTEE MEETINGS****TRANSPORTATION**

**Convened:** February 15, 2005, 11:45 a.m.

**Members Present:** McCoy and Putney, Co-chairs; Fraise, Hahn, Kettering, and Ward.

**Members Absent:** Beall, Danielson, Dearden, Shull, Warnstadt, and Zieman (all excused).

**Committee Business:** Field trip to UPS facility at Des Moines International Airport.

**Adjourned:** 1:15 p.m.

**EDUCATION**

**Convened:** February 16, 2005, 1:05 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:** Passed [SF 168](#). Approved Governor's appointees.

**Adjourned:** 1:25 p.m.

**GOVERNMENT OVERSIGHT**

**Convened:** February 16, 2005, 9:45 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentations by Department of Human Services and Creston School District.

**Adjourned:** 11:35 a.m.

#### JUDICIARY

**Convened:** February 16, 2005, 12:05 p.m.

**Members Present:** Kreiman and Miller, Co-chairs; Boettger, Brunkhorst, Hancock, Horn, Larson, McKibben, Quirnbach, Schoenjahn, Tinsman, Ward, and Warnstadt.

**Members Absent:** Dvorsky, Fraise, and Zaun. (all excused).

**Committee Business:** Approved [SSB 1004](#) (as amended) and passed [HF 175](#).

**Adjourned:** 12:20 p.m.

#### STATE GOVERNMENT

**Convened:** February 16, 2005, 1:35 p.m.

**Members Present:** Horn and McKibben, Co-chairs; Black, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Wood, and Zieman.

**Members Absent:** Brunkhorst, Ward, and Wieck (all excused).

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

**Adjourned:** 1:45 p.m.

#### WAYS AND MEANS

**Convened:** February 16, 2005, 2:05 p.m.

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

**Members Absent:** Larson and Wieck (both excused).

**Committee Business:** Presentations by Department of Revenue and Council on State Taxation.

**Adjourned:** 3:05 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

**Convened:** February 16, 2005, 9:35 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentations by Ethics and Campaign Disclosure Board, Governor's Office of Drug Control Policy, and Department of Human Rights.

**Adjourned:** 10:40 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** February 16, 2005, 9:45 a.m.

**Members Present:** Gaskill and Seng, Co-chairs; Black, Hahn, and Schoenjahn.

**Members Absent:** Houser (excused).

**Committee Business:** Presentation by Department of Natural Resources.

**Adjourned:** 10:40 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** February 16, 2005, 9:50 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentations by Vision Iowa and CAT programs.

**Adjourned:** 10:55 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

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

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

**Members Absent:** None.

**Committee Business:** Presentations by Iowa Association of Independent Colleges and Universities, Simpson College, Buena Vista University, and Wartburg College.

**Adjourned:** 10:55 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

**Convened:** February 16, 2005, 9:45 a.m.

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

**Members Absent:** Johnson (excused).

**Committee Business:** Presentations by Department of Human Services, Early Education Benefits Association, and Legislative Services Agency.

**Adjourned:** 11:20 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** February 16, 2005, 9:45 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentations by Attorney General, Board of Parole, and Legislative Services Agency.

**Adjourned:** 11:15 a.m.

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

**Convened:** February 16, 2005, 9:45 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentations by Department of Cultural Affairs, Department of Public Safety, Department of Education, and Department of Agriculture.

**Adjourned:** 11:00 a.m.

## INTRODUCTION OF RESOLUTION

[Senate Concurrent Resolution 4](#), by Iverson, a concurrent resolution urging the United States Congress to appropriate funding for the Historic Barn Preservation Act.

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

## INTRODUCTION OF BILLS

[Senate File 165](#), by Kreiman, a bill for an act relating to sanctioning the motor vehicle operating privileges of a person upon a second or subsequent conviction for motor fuel theft from a retail dealer.

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

[Senate File 166](#), by Courtney, a bill for an act relating to eligibility for reimbursement of 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 167](#), by Warnstadt, a bill for an act relating to combining protests of assessment on multiple parcels separately assessed and providing an applicability date.

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

[Senate File 168](#), by Boettger and Kibbie, a bill for an act entering Iowa into the midwestern higher education compact.

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

[Senate File 169](#), by committee on Judiciary, a bill for an act relating to the regulation of substances which are precursors to

amphetamine and methamphetamine and providing a penalty and effective dates.

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

**Senate File 170**, by Angelo, a bill for an act relating to delinquent property taxes and other duties of the county treasurer and including effective date and applicability date provisions.

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

**Senate File 171**, by Miller, a bill for an act providing for certain human services programs and funding streams to be administered by counties in lieu of the department of human services and providing an effective date.

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

**Senate File 172**, by Johnson, a bill for an act relating to condemnation proceedings.

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

**Senate File 173**, by Beall, Tinsman, Lundby, Connolly, Stewart, Quirnbach, Dvorsky, Dotzler, Danielson, Kreiman, Warnstadt, Horn, Seng, Hancock, Dearden, Rielly, Schoenjahn, Bolkcom, Black, Gronstal, Kibbie, McCoy, Fraise, and Ragan, a bill for an act relating to the assessment of a brain injury surcharge, creating a brain injury surcharge fund, and making appropriations to the fund.

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

**Senate File 174**, by Beall, Tinsman, Kreiman, Lundby, Ragan, Connolly, Stewart, Quirnbach, Dvorsky, Dotzler, Danielson, Dearden, Rielly, Schoenjahn, Bolkcom, Wood, Courtney, Black, Gronstal, Kibbie, Fraise, and McCoy, a bill for an act relating to third-party payment of health care coverage costs for mental health



conditions including eating disorders, and for substance abuse treatment services.

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

#### STUDY BILLS RECEIVED

##### **SSB 1150 Appropriations**

Relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund, the primary road fund, and the general fund.

##### **SSB 1151 Government Oversight**

Providing the release of confidential information relating to persons committed to the custody of the department of corrections, or placed with a judicial district department of correctional services.

##### **SSB 1152 Judiciary**

Requiring a no-contact order when a defendant is convicted of a forcible felony.

##### **SSB 1153 Judiciary**

Relating to the state and local public defenders and the representation of indigent persons in court.

##### **SSB 1154 Judiciary**

Relating to the appointment of a judicial officer, a clerk of the district court, or a chief juvenile court officer.

##### **SSB 1155 Judiciary**

Relating to administrative modification of a child support order.

**SSB 1156 Education**

Relating to policies establishing residency qualifications for purposes of postsecondary tuition and fees paid at public institutions.

**SSB 1157 Education**

Relating to early education program requirements and voluntary standards.

**SSB 1158 Education**

Providing supplementary weighting for shared school district operational functions, making an appropriation, and providing effective and applicability dates.

**SSB 1159 Education**

Relating to teacher and administrator quality, including the student achievement and teacher quality program and a new administrator quality program, and making appropriations.

**SSB 1160 Education**

Relating to the establishment of state and school antiharassment or antibullying policies, providing data collection and reporting requirements, and providing for immunity and other related matters.

**SSB 1161 Education**

Relating to training programs for adult volunteers who work with adolescent youths in after school mentoring programs, and making an appropriation.

**SSB 1162 Education**

Relating to improvement of the early care, child care services, education, health, and human services systems under the oversight of the departments of education and human services, the Iowa empowerment board, and the child development coordinating council, and creating a children's cabinet in the executive branch.

**SSB 1163 Education**

Relating to the establishment of a community education grant program, and making an appropriation.

**SSB 1164 Education**

Relating to the duties and operations of the state board of education, the department of education, and local school boards, including provisions relating to dropout and dropout prevention programs, high school equivalency diplomas, the school start date, evening and part-time schools, open enrollment, requirements for school bus drivers, and extended school programs.

**SUBCOMMITTEE ASSIGNMENTS****Senate Joint Resolution 4**

STATE GOVERNMENT: Hancock and Miller, Co-chairs; Black and Wieck

**Senate Concurrent Resolution 4**

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

**Senate File 131**

JUDICIARY: Quirnbach and Tinsman, Co-chairs; Horn and Larson

**Senate File 142**

TRANSPORTATION: Dearden and Ward, Co-chairs; Warnstadt and Ziemann

**Senate File 146**

JUDICIARY: Horn and McKibben, Co-chairs; Dvorsky and Miller

**Senate File 152**

STATE GOVERNMENT: Danielson and Ziemann, Co-chairs; Brunkhorst and Wood

**Senate File 155**

TRANSPORTATION: Beall and Ward, Co-chairs; Danielson and Kettering

**Senate File 168**

EDUCATION: Boettger and Connolly, Co-chairs; Brunkhorst and Dvorsky

**House File 216**

TRANSPORTATION: Danielson and Hahn, Co-chairs; Fraise and Shull

**House File 227**

JUDICIARY: Boettger and Quirnbach, Co-chairs; Schoenjahn and Zaun

**House File 253**

STATE GOVERNMENT: Kibbie and McKibben, Co-chairs; Hatch and Ward

**SSB 1150**

APPROPRIATIONS: Kettering and Warnstadt, Co-chairs; Angelo and Dvorsky

**SSB 1151**

GOVERNMENT OVERSIGHT: Courtney and Lundby, Co-chairs

**SSB 1152**

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

**SSB 1153**

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

**SSB 1154**

JUDICIARY: Fraise and Ward, Co-chairs; Kreiman and McKibben

**SSB 1155**

JUDICIARY: Fraise and Larson, Co-chairs; Brunkhorst and Kreiman

**SSB 1156**

EDUCATION: Connolly and Ward, Co-chairs; Angelo and Dvorsky

**SSB 1157**

EDUCATION: McKinley and Schoenjahn, Co-chairs; Angelo and Beall

**SSB 1158**

EDUCATION: Brunkhorst and Wood, Co-chairs; Boettger and Kreiman

**SSB 1159**

EDUCATION: Connolly and McKinley, Co-chairs; Angelo and Schoenjahn

**SSB 1160**

EDUCATION: Connolly and Larson, Co-chairs; Dvorsky and Brunkhorst

**SSB 1161**

EDUCATION: Angelo and Schoenjahn, Co-chairs; Connolly and McKinley

**SSB 1162**

EDUCATION: Connolly and McKinley, Co-chairs; Angelo and Kreiman

**SSB 1163**

EDUCATION: Boettger and Schoenjahn, Co-chairs; Connolly and Mulder

**SSB 1164**

EDUCATION: Boettger and Schoenjahn, Co-chairs; Connolly and Brunkhorst

**FINAL COMMITTEE REPORTS OF BILL ACTION****APPROPRIATIONS**

**Bill Title:** [SENATE FILE 71 \(SSB 1024\)](#), a bill for an act relating to an appropriation from the environment first fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local governmental units, and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 24: Angelo, Dvorsky, Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**JUDICIARY**

**Bill Title:** \*[SENATE FILE 169 \(SSB 1025\)](#), a bill for an act relating to the regulation of substances which are precursors to amphetamine and methamphetamine and providing a penalty and effective dates.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Hancock, Horn, Larson, McKibben, Quirnbach, Schoenjahn, Tinsman, Warnstadt, and Zaun. Nays, none. Absent, 2: Fraise and Ward.

**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 Judiciary Committee on [Senate File 169](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** [HOUSE FILE 175](#), a bill for an act relating to the names of business entities.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Kreiman, Miller, Boettger, Brunkhorst, Hancock, Horn, Larson, McKibben, Quirnbach, Schoenjahn, Tinsman, Ward, and Warnstadt. Nays, none. Absent 3: Dvorsky, Fraise, and Zaun.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### 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:

#### EDUCATION

Wayne Kobberdahl – State Board of Education

Rose Vasquez – State Board of Regents

#### STATE GOVERNMENT

Patricia Harper – Iowa Ethics and Campaign Disclosure Board

Donna Mueller – Information Technology Council

Laura Black – Board of Examiners for Massage Therapy

Larry Bowden – Commission of Veterans Affairs

Mary Regur – Commission of Veterans Affairs

David Rehbein – Commission of Veterans Affairs

Cecelia Schroeder – Commission of Veterans Affairs