PROOF

STATE OF IOWA

Senate Journal

THURSDAY, FEBRUARY 17, 2005

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JOURNAL OF THE SENATE

THIRTY-NINTH CALENDAR DAY TWENTY-FOURTH SESSION DAY

Senate Chamber Des Moines, Iowa, Thursday, February 17, 2005

The Senate met in regular session at 8:30 a.m., President Kibbie presiding.

Prayer was offered by the Reverend Tim Philips, pastor of the Gloria Dei Lutheran Church in Urbandale, Iowa. He was the guest of Senator Zaun.

The Journal of Wednesday, February 16, 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 16, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 123, a bill for an act relating to the criminal penalty surcharge and creating a criminalistics laboratory fund.

Read first time and referred to committee on Judiciary.

<u>House File 222</u>, a bill for an act relating to the nonpartisan election of township officers.

Read first time and referred to committee on Local Government.

<u>House File 252</u>, a bill for an act relating to the control of noxious weeds on land by providing alternative notice procedures to landowners and other responsible persons.

Read first time and referred to committee on Agriculture.

House File 277, a bill for an act relating to the deregulation of communications services including considering market forces, eliminating accounting plan requirements, establishing antitrust procedures and remedies, eliminating reporting requirements, eliminating the Iowa broadband initiative, and providing a penalty.

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

House File 281, a bill for an act relating to certain penalties for filing false affidavits and the time for examining and determining a correct return under the state inheritance tax and increasing the amount of property that may be transferred to minors under certain conditions and including a retroactive applicability date provision.

Read first time and referred to committee on Judiciary.

House File 291, a bill for an act relating to accounts and fees under the water quality protection fund.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Courtney, until he arrives, on request of Senator Fraise.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration <u>Senate File 113</u>.

Senate File 113

On motion of Senator Schoenjahn, <u>Senate File 113</u>, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provision, was taken up for consideration.

Senator Schoenjahn 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. 113), the vote was:

Yeas, 49:

Angelo	Gaskill	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt
Brunkhorst	Houser	Mulder	Wieck
Connolly	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Courtney

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 Iverson asked and received unanimous consent to take up for consideration <u>House File 102</u>.

House File 102

On motion of Senator Connolly, <u>House File 102</u>, a bill for an act relating to state income taxes by authorizing individuals, corporations, and financial institutions to elect to take the additional first-year depreciation allowance and the increased expensing allowance and to allow the additional first-year depreciation allowance and the increased expensing allowance which were deductible for a tax year for which a tax return was filed prior to a

certain date to be deducted on the return filed for the subsequent tax year and including an effective date provision and a retroactive applicability date provision, with report of committee recommending passage, was taken up for consideration.

Senator Connolly 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?" (H.F. 102), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	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	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Lamberti	Seng	

Nays, 1:

Kreiman

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 113** and **House File 102** be **immediately messaged** to the House.

The Senate stood at ease at 8:54 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:27 a.m., President Kibbie presiding.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Iverson called up the following eligible appointees on the En Bloc Confirmation Calendar:

Marcia Michaels - Board of Behavioral Science Examiners

Greg Robinson - Board of Educational Examiners

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

Patricia Harper - Iowa Ethics and Campaign Disclosure Board

Christian Gurney - Information Technology Council Kristina Junkins - Information Technology Council

Barbara Corson - IowAccess Advisory Council

Laura Black – Board of Examiners for Massage Therapy Kathy Spencer-Jensen – Board of Examiners for Massage Therapy

Rose Vasquez - State Board of Regents

David Stout - Board of Social Work Examiners

Larry Bowden (reappointment) – Commission of Veterans Affairs Mary Regur – Commission of Veterans Affairs David Rehbein – Commission of Veterans Affairs Cecelia Schroeder – Commission of Veterans Affairs Rosetta Waychus – Commission of Veterans Affairs

Michael Stein - Iowa Board of Veterinary Medicine

Senator Iverson moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 50:

Angelo Fraise Lamberti Seng Beall Gaskill Seymour Larson Behn Gronstal Lundby Shull Black Hahn McCoy Stewart McKibben Tinsman Boettger Hancock

Hatch McKinley **Bolkcom** Ward Brunkhorst Horn Miller Warnstadt Houser Mulder Wieck Connolly Courtney Iverson Putney Wood Danielson Johnson Quirmbach Zaun Dearden Ragan Zieman Kettering Dotzler Kibbie Rielly Dvorsky Schoenjahn Kreiman

Nays, none.

Absent, none.

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 98.

Senate File 98

On motion of Senator Schoenjahn, <u>Senate File 98</u>, a bill for an act relating to county recorders and vital statistics record fees, and providing an effective date, was taken up for consideration.

Senator Schoenjahn 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. 98), the vote was:

Yeas, 50:

Angelo Fraise Lamberti Seng Beall Gaskill Sevmour Larson Behn Gronstal Lundby Shull Stewart Black Hahn McCoy Boettger Hancock McKibben Tinsman **Bolkcom** Hatch McKinley Ward Brunkhorst Horn Miller Warnstadt Connolly Houser Mulder Wieck Courtney **Iverson** Putney Wood Johnson Danielson Quirmbach Zaun Dearden Kettering Ragan Zieman

Dotzler Kibbie Rielly Dvorsky Kreiman Schoenjahn

Nays, none.

Absent, none.

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 Iverson asked and received unanimous consent to take up for consideration Senate File 134.

Senate File 134

On motion of Senator Stewart, <u>Senate File 134</u>, 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, was taken up for consideration.

Senator Stewart asked and received unanimous consent that **House File 197** be **substituted** for **Senate File 134**.

House File 197

On motion of Senator Stewart, <u>House File 197</u>, 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, 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?" (H.F. 197), the vote was:

Yeas, 50:

Angelo Fraise Lamberti Seng Beall Gaskill Larson Seymour

Shull Behn Gronstal Lundby Black Hahn McCoy Stewart McKibben Tinsman Boettger Hancock Bolkcom Hatch McKinley Ward Brunkhorst Horn Miller Warnstadt Connolly Houser Mulder Wieck Courtney Iverson Putney Wood Danielson Quirmbach Zaun Johnson Dearden Kettering Ragan Zieman Dotzler Kibbie Rielly Schoenjahn Dvorsky Kreiman

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Stewart asked and received unanimous consent that **Senate File 134** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 98** and **House File 197** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration <u>Senate File 169</u>.

Senate File 169

On motion of Senator Kreiman, <u>Senate File 169</u>, a bill for an act relating to the regulation of substances which are precursors to amphetamine and methamphetamine and providing a penalty and effective date, was taken up for consideration.

Senator Brunkhorst offered amendment $\underline{S-3002}$, filed by Senator Brunkhorst, et al., from the floor to pages 1–6 of the bill, and moved its adoption.

Amendment **S-3002** was adopted by a voice vote.

Senator Kreiman 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. 169), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 169** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 10:00 a.m. until 12:45 p.m., Monday, February 21, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Justin John Croghan, Manilla—For receiving the rank of Eagle Scout, Boy Scout Troop 99. Senator Kettering (2/17/05).

Megan Hess, Spencer—For being named one of Iowa's top youth volunteers for 2005 by The Prudential Spirit of Community Awards. Senator Johnson (2/17/05).

James Keller Lee, Council Bluffs—For receiving 22 honors related to numerous years of distinguished service in the United States Military. Senator Gronstal (2/17/05).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: February 16, 2005, 3:15 p.m.

Members Present: Angelo and Dvorsky, Co-chairs; Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt.

Members Absent: None.

Committee Business: Passed SF 71.

Adjourned: 3:25 p.m.

ECONOMIC GROWTH

Convened: February 17, 2005, 2:10 p.m.

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

Members Absent: Seymour (excused).

Committee Business: Approved Governor's appointee.

Adjourned: 2:40 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 17, 2005, 2:05 p.m.

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

Members Absent: Miller (excused).

Committee Business: Presentation by Department of Natural Resources.

Adjourned: 2:50 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 17, 2005, 10:05 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: 10:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 17, 2005, 10:10 a.m.

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

Rielly.

Members Absent: None.

Committee Business: Presentations by Department of Economic Development and

Iowa Finance Authority.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 17, 2005, 10:05 a.m.

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

Wood.

Members Absent: None.

Committee Business: Presentations by Iowa Association of Community College

Trustees, North Iowa Area Community College, and Kirkwood Community College.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 17, 2005, 10:05 a.m.

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

Seymour.

Members Absent: None.

Committee Business: Presentations by Department of Human Services and

Legislative Services Agency.

Adjourned: 12:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 17, 2005, 10:10 a.m.

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

Members Absent: Miller (excused).

Committee Business: Presentations by Iowa Law Enforcement Academy and Iowa

Civil Rights Commission.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: February 17, 2005, 10:05 a.m.

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

Members Absent: Dearden (excused).

Committee Business: Presentations by Department of Corrections, Department of

Human Services, and Department of Natural Resources.

Adjourned: 11:00 a.m.

INTRODUCTION OF BILLS

<u>Senate File 175</u>, by committee on Judiciary, a bill for an act relating to certain penalties for filing false affidavits and the time for examining and determining a correct return under the state inheritance tax and increasing the amount of property that may be transferred to minors under certain conditions and including a retroactive applicability date provision.

Read first time under Rule 28 and placed on calendar.

Senate File 176, by committee on Education, a bill for an act entering Iowa into the midwestern higher education compact.

Read first time under Rule 28 and placed on calendar.

<u>Senate File 177</u>, by Angelo, Beall, Wieck, Dvorsky, and Putney, a bill for an act relating to education technology, including the creation of an Iowa learning technology commission and pilot program, establishment of a research triangle and clearinghouse, and allowing for the use of physical plant and equipment levy revenues for education technology.

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

<u>Senate File 178</u>, by Lundby, a bill for an act relating to the confidentiality of certain information relating to homeless individuals.

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

<u>Senate File 179</u>, by Ward, a bill for an act requiring every insurer offering certain individual or group health insurance policies to provide coverage for certain enteral formulas.

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

STUDY BILLS RECEIVED

SSB 1165 Ways and Means

Allowing counties to impose document filing fees to fund housing initiatives.

SSB 1166 Ways and Means

Relating to increased recording fees to be used for purposes of funding housing initiatives.

SSB 1167 Ways and Means

Exempting from the sales and use taxes the purchase of coins, currency, and bullion.

SSB 1168 Ways and Means

Relating to the property taxation of nursing facilities and including effective and applicability date provisions.

SSB 1169 Business and Labor Relations

Establishing a general prevailing rate of hourly wages requirement for public works project employees based on wages paid for work of a similar character in the locality in which the work is performed, and providing penalties.

SSB 1170 Judiciary

Establishing a uniform mediation Act.

SSB 1171 Transportation

Relating to requirement for the issuance of driver's licenses to foreign nationals.

SSB 1172 Transportation

Increasing speed limits on certain multilaned, divided highways and primary highways.

SSB 1173 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, 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.

SSB 1174 Human Resources

Providing for regulation by the Iowa department of public health of playgrounds operated by public agencies and providing an applicability date.

SSB 1175 Commerce

Relating to certain unauthorized activity of insurers and insurance producers, and making penalties applicable.

SSB 1176 Ways and Means

Providing a deduction in computing the individual income tax for certain unreimbursed expenses relating to a human organ transplant and including a retroactive applicability date.

SSB 1177 Ways and Means

Providing individual and corporate income tax credits for soybased cutting tool oil and including an applicability date provision.

SUBCOMMITTEE ASSIGNMENTS

Senate File 144

COMMERCE: Bolkcom and Wieck, Co-chairs; Kettering and Stewart

Senate File 145

COMMERCE: Bolkcom and Wieck, Co-chairs; Kettering and Stewart

Senate File 153

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

Senate File 154

COMMERCE: Courtney and Wieck, Co-chairs; Bolkcom and Kettering

Senate File 158

WAYS AND MEANS: Miller and Stewart, Co-chairs; McCoy and Zieman

Senate File 160

COMMERCE: Rielly and Wieck, Co-chairs; Bolkcom and Kettering

Senate File 164

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

Senate File 165

JUDICIARY: Kreiman and Miller, Co-chairs; Horn and Ward

Senate File 167

WAYS AND MEANS: Hahn and Seng, Co-chairs; Danielson and McKibben

Senate File 173

JUDICIARY: Brunkhorst and Warnstadt, Co-chairs; Miller and Quirmbach

House File 186

WAYS AND MEANS: Connolly and Larson, Co-chairs; Quirmbach and Zaun

House File 227 (Reassignment)

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

SSB 1060 (Reassignment)

WAYS AND MEANS: Danielson and Wieck, Co-chairs; Larson and Quirmbach

SSB 1165

WAYS AND MEANS: McCoy and Miller, Co-chairs; Seng and Wieck

SSB 1166

WAYS AND MEANS: Hahn and McCoy, Co-chairs; McKinley and Seng

SSB 1167

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

SSB 1168

WAYS AND MEANS: Larson and Quirmbach, Co-chairs; Danielson and Miller

SSB 1169

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

SSB 1170

JUDICIARY: Kreiman and Miller, Co-chairs; Quirmbach and Ward

SSB 1171

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

SSB 1172

TRANSPORTATION: Kettering and McCoy, Co-chairs; Beall and Shull

SSB 1173

TRANSPORTATION: Warnstadt and Zieman, Co-chairs; Danielson and Ward

SSB 1174

HUMAN RESOURCES: Behn and Wood, Co-chairs; Quirmbach and Seymour

SSB 1175

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

SSB 1176

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

SSB 1177

WAYS AND MEANS: Stewart and Zieman, Co-chairs; Dotzler and Hahn

FINAL COMMITTEE REPORTS OF BILL ACTION

EDUCATION

Bill Title: <u>SENATE FILE 176</u> (formerly <u>SF 168</u>), a bill for an act entering Iowa into the midwestern higher education compact.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Connolly, McKinley, Angelo, Beall, Boettger, Brunkhorst, Dvorsky, Kreiman, Larson, Mulder, Quirmbach, Schoenjahn, Ward, and Wood. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: *SENATE FILE 175 (SSB 1004), a bill for an act relating to certain penalties for filing false affidavits and the time for examining and determining a correct return under the state inheritance tax and increasing the amount of property that may be transferred to minors under certain conditions and including a retroactive applicability date provision.

Recommendation: APPROVED COMMITTEE BILL.

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

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 <u>Senate File 175</u>, 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:

ECONOMIC GROWTH

Shelley Coldiron - Small Business Advisory Council

AMENDMENT FILED

<u>S-3002</u> <u>S.F. 169</u> Bob Brunkhorst

David Miller Keith A. Kreiman Herman C. Quirmbach