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**STATE OF IOWA**

**Senate Journal**

**MONDAY, FEBRUARY 21, 2005**

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## JOURNAL OF THE SENATE

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FORTY-THIRD CALENDAR DAY  
TWENTY-FIFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, February 21, 2005

The Senate met in regular session at 12:52 p.m., President Lamberti presiding.

Prayer was offered by the Reverend Dave Weirsbe, pastor of the Clear Lake Evangelical Free Church in Clear Lake, Iowa. He was the guest of Senator Gaskill.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by students from Spirit Lake High School, who were the guests of Senator Johnson.

The Journal of Thursday, February 17, 2005, was approved.

### SPECIAL GUEST

Senator Gaskill introduced Miss Iowa, Carolyn Nicholas, from Clear Lake, Iowa. She is a law student at Drake University. Her platform is Alzheimer's disease.

Miss Iowa, Carolyn Nicholas, addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

### HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 21, 2005, **adopted** the following resolution in which the concurrence of the Senate is asked:

**House Concurrent Resolution 7**, that a joint convention of the two houses of the 2005 session of the Eighty-First General Assembly be held on Monday, February 21, 2005, at 1:00 p.m.

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

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lundby, for the week, on request of Senator Wieck.

#### RECESS

On motion of Senator Gronstal, the Senate recessed at 1:04 p.m. for a meeting of the committee on Rules and Administration.

#### RECONVENED

The Senate reconvened at 1:05 p.m., President Lamberti presiding.

#### FINAL COMMITTEE REPORT OF BILL ACTION

##### RULES AND ADMINISTRATION

**Bill Title:** **HOUSE CONCURRENT RESOLUTION 7**, that a joint convention of the two houses of the 2005 session of the Eighty-First General Assembly be held on Monday, February 21, 2005, at 1:00 p.m.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Gronstal, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, 1: Iverson.

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

#### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration **House Concurrent Resolution 7**.

### House Concurrent Resolution 7

On motion of Senator Gronstal, House Concurrent Resolution 7, that a joint convention of the two houses of the 2005 session of the Eighty-First General Assembly be held on Monday, February 21, 2005, at 1:00 p.m, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved the adoption of House Concurrent Resolution 7, which motion prevailed by a voice vote.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that House Concurrent Resolution 7 be **immediately messaged** to the House.

#### COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to receive the Senate in joint convention.

In accordance with House Concurrent Resolution 7, duly adopted, the Senate proceeded to the House chamber under the direction of the Secretary of the Senate and the Sergeant-at-Arms.

#### JOINT CONVENTION

In accordance with law and House Concurrent Resolution 7, duly adopted, the joint convention was called to order at 1:13 p.m., President Lamberti presiding.

Senator Gronstal moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present, which motion prevailed by a voice vote.

Senator Gronstal moved that a committee of seven, four members from the Senate and three members from the House, be appointed to escort Governor Thomas J. Vilsack to the House chamber.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Angelo, Black, Shull, and Seng on the part

of the Senate, and Representatives Alons, Heddens, and Lukan on the part of the House.

Senator Gronstal moved that a committee of seven, four members from the Senate and three members from the House be appointed to notify the Adjutant General of the Iowa National Guard, Major General Ron Dardis, that the joint convention was ready to receive him.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Mulder, Warnstadt, Wieck, and Stewart on the part of the Senate, and Representatives Tymeson, Zirkelbach, and Chambers on the part of the House.

State Auditor David Vaudt, Treasurer of State Michael L. Fitzgerald, and Attorney General Tom Miller were escorted into the House chamber.

General Dardis's wife, Carmel, was escorted into the House chamber.

Lieutenant Governor Sally J. Pederson was escorted into the House chamber.

The committee waited upon Governor Thomas J. Vilsack and escorted him into the House chamber.

The committee waited upon Major General Ron Dardis, Adjutant General of the Iowa National Guard, and escorted him to the Speaker's station.

President Lamberti introduced Miss Iowa, Carolyn Nicholas, who sang "God Bless the U.S.A."

President Lamberti then presented Major General Ron Dardis, Adjutant General of the Iowa National Guard, who delivered the following Condition of the Iowa National Guard Address:

Good afternoon—thank you for the warm welcome!

Thank you Speaker Rants, Presidents Lamberti and Kibbie, and members of the General Assembly for your kind invitation to speak to the Iowa General Assembly this afternoon.

On behalf of the men and women of the Iowa Guard, we want to thank all of you for your outstanding support over the years, especially during the recent mobilization of our soldiers and airmen, as we participate in the Global War on Terror. As a matter of fact, Iowa was one of only 15 states that offered benefits in six separate categories ranging from educational benefits, to family support, to tax breaks for soldiers.

Governor Vilsack, our Commander-in-Chief, and Lieutenant Governor Pederson, we thank you for your unwavering support of our men and women in uniform. You have been with us every step of the way, especially during our recent mobilizations. You have participated in the sendoffs and welcome home ceremonies for our soldiers and airmen. You have visited our injured soldiers in hospitals. Also, you have been there to offer your deepest sympathy to our families who have lost loved ones during this War on Terror. Governor Vilsack always makes that first and most difficult call. We thank you for your caring leadership and strong support.

I am very honored to be with such a distinguished audience today to present a brief update on your Iowa National Guard. My update will include comments on:

- Our continued mobilization for the Global War on Terror, and
- My recent trip to Afghanistan, including the introduction of two special young Americans and defenders of freedom who have joined us in the chamber today, and our family readiness and support programs that are invaluable to our soldiers and airmen as we execute the War on Terror.

Our involvement in the Global War on Terror continues. Today, we have approximately 1,600 soldiers and airmen deployed around the world—850 with Operation Iraqi Freedom, 750 with Operation Enduring Freedom, and 100 preparing for overseas deployment. There are currently very few Iowa airmen deployed, but that will change this summer when the 132nd Fighter Wing deploys to Al Udeid Air Base, Qatar, for the seventh deployment in eight years to the Middle East—400 are expected to deploy. The 185th Aerial Refueling Wing continues to fly ongoing missions for the War on Terror. This is approximately 17 percent of our available force, much better than 50–80 percent of our force deployed in the past two years. These percentages ranked us number one in the nation many different times.

Since the events of September 11, 2001, approximately 7,500 soldiers and airmen have been on duty for the Global War on Terror (nearly 80 percent of our force). Of this 7,500, 6,612 soldiers and airmen have been mobilized and deployed for the War on Terror. These are unprecedented taskings for sure! As a matter of fact, the number of soldiers and airmen involved in the Global War on Terror since September 11, 2001, exceeds the number of soldiers mobilized during World War II. We are experiencing the highest tasking levels ever, and it will be recorded as a very significant period of time in the history of the Iowa Guard.

The Active Duty continues to ask for Iowa units! Why does Active Duty continue to ask for Iowa units? Simply put, because Iowa is one of the most combat-ready states in the nation. We have relevant units and relevant missions. We have combat-ready units. We have high strength levels—at 100 percent strength. And we have the quality of young men and women who get the job done!

The challenge we now have is one of regaining our readiness and reconstituting our equipment. We have left some equipment in Iraq and Afghanistan. Replacement and

repair of that equipment is paramount. We must maintain our strength. One hundred percent strength is a must!

We must improve on lessons learned from recent mobilizations and continue to work with senior leadership to implement necessary changes and improvements to streamline future deployments. We are continuously preparing for follow-on rotations as required. We need predictability in this area for our members and their families and employers who have been so supportive. We understand this is a long and protracted War on Terror, and we will be involved for some time to come.

I must add, we are very proud of still being at 100 percent strength. The Iowa Guard was recognized in January as being number one in the nation for recruiting production. We realize this is a down market nationally, but we are number one in a down market. We now have the largest number of students signed up for the National Guard Tuition Assistance Program ever! This is a true testimony to the value of this program for the Iowa Guard and the state of Iowa.

We are currently fifth in the nation for retention, as we retain 85 percent plus of members every year, and 94 percent last year. A commitment to the Iowa Guard is a commitment to Iowa. We thank you for the strong support of this program.

I just recently experienced a highlight of my entire military career, which I have not fully realized. I had the opportunity to visit the Iowa soldiers of Task Force 168 in Afghanistan just before the holidays. Task Force 168 is approximately 750 Iowa soldiers and is the largest number of soldiers deployed in any one unit of Task Force since World War II. In addition, this is the first time the 168th Infantry Battalion from southwest Iowa has been deployed since World War II.

I visited Major General Olson, the 25th Infantry Division Commander, at Bagram Air Field in Afghanistan. He was quick to compliment the Iowa soldiers. He stated that Task Force 168 is performing their mission in an outstanding manner, and he was very proud of our soldiers. We are also very proud of our soldiers of Task Force 168. They are located in 13 Provincial Reconstruction Team sites (PRTs) throughout Afghanistan and are providing security for reconstruction efforts, resupplying fire bases close to Pakistan and Iran, and working with Afghan people in their communities.

It is hard to explain what I saw—you have to be on the ground and see it firsthand. New schools are being built, including 34 at the Gardez PRT. Women and children fill the streets, and women are attending school for the first time. We now have programs for shoes and clothing for women and children, and we are providing medical attention to Afghan people. Civil affairs assistance is being provided on provincial government issues. New highways are being built, new wells are being dug, and various infrastructure projects are underway. It was an incredible sight to behold!

Interesting facts on Afghan people:

- They continue to maintain a defensive mentality; they have been fighting for 40 years.
- Everything is built with walls around it, even the houses.
- Many children have open sores on their faces and arms from no medical attention.
- There are no shoes for most everyone.
- One child in five dies before the age of five.
- Of Afghan detainees, only 10 percent can read or write.

The Afghan people have embraced this rebuilding of Afghanistan. They want democracy, and they want to enjoy the freedoms we enjoy today. They want all the Taliban, Al Qaeda, and remnants of the old Afghanistan military gone.

How do we know this? Their intelligence to Coalition Forces, and now the Afghan National Army, is precise and exact. They are attempting to take their country back! A ground swell you could not turn back if you wanted.

The Afghan National Army was certified in January 2005, after 3½ plus years of training. The commanding general, Major General Muslim, was captured by the Taliban and he escaped. He estimates that the country is 400 years behind the United States. He thanked us for the opportunity to come from darkness and see the light. They want to hunt down every last Taliban, Al Qaeda, and member of the old Afghanistan military. And I believe they will!

I visited Iowa soldiers at PRTs all over Afghanistan. We flew in Blackhawk and Chinook helicopters with Apache helicopter escort and cover. I presented Combat Infantry Badges, Division Combat Patches, Purple Hearts, and Adjutant General Medallions. We visited about the opportunity and the experience that these soldiers were having, and the impact they will have on a new Afghanistan. They were all very proud of their accomplishments and recognize they were making a difference.

Most importantly, I told the soldiers how proud we were of them and thanked them for the sacrifices they and their families are making, as well as their dedication to duty, their commitment to excellence, and their willingness to serve. They truly are our "hometown heroes."

One of the PRTs I visited was in Sharan, Afghanistan, which is a few miles from the Pakistan border. It has special meaning to me. The PRT was renamed "Kearney Base" in honor of Specialist James Kearney, an Iowan from Emerson who died from wounds suffered in convoy attack on November 1, 2004. In this attack, both Specialist Michael Johnson and Sergeant Ken Lukes were injured.

I visited Sergeant Ken Lukes at Walter Reed Medical Center in Washington, D.C., while I was en route to Afghanistan. Again, I was so impressed with the unbreakable spirit our young men and women maintain today after all they have experienced. They remain so positive and anxious to return to their units. Sergeant Lukes was no exception.

I visited with Specialist Johnson at Specialist Kearney's funeral, and he had the same attitude. He was very positive and wanted to be back with his unit in Afghanistan. Everything is put into perspective after you visit with these soldiers.

It causes me to pause and reflect upon how fortunate we are to have these quality young men and women in uniform today. They have altered their lives forever with injuries but yet remain so positive. It is an honor to meet the troops who have been wounded. It is so uplifting and inspiring to see their spirit, their drive to become rehabilitated, their love of country, and their continued support of the mission.

I delivered a personal letter from Governor Vilsack to Sergeant Lukes. He was very honored to receive a letter from the Governor, his Commander-in-Chief. I asked Sergeant Lukes what his message was to the soldiers at "Kearney Base." He said, "Tell



them I miss them. Tell them I wish I could be with them and that I am doing okay." I delivered that message Ken!

We talked about Specialist Kearney's funeral in Red Oak and the tremendous display of American spirit and patriotism in Red Oak and Emerson. Ken, they send a message back to you. They all miss you and wish you the best of luck in your rehab. You are an inspiration to us all!

Allow me to introduce to you "heroes from the battlefield." They represent bravery, heroism, and valor above and beyond the call of duty. Both soldiers have received Purple Hearts and Bronze Stars. They are great Americans, patriots for sure—Sergeant Ken Lukes from Protivin and Specialist Michael Johnson from Red Oak!

Ladies and gentlemen, our families are our greatest treasure. I always say, take every opportunity to tell your family how much they mean to you; we sometimes have a tendency to take them for granted. This is a main theme in my philosophy of command. Our guard family is the heart and soul of the Iowa Guard.

Our family readiness support program is recognized as a top program in the nation. Cathy Luther, the state coordinator of our Family Readiness Group, her staff, and volunteers do an outstanding job in executing this program. Recently, the Family Readiness Group from Company A 1-168 Infantry was awarded the 2004 Reserve Family Readiness Award. This is a very prestigious award that is given to only one unit from each reserve component across the nation—they were one of six total awardees. Members of this group traveled to Washington, D.C., over this past weekend to receive the award in a ceremony. This is an example of the quality family support program that I refer to.

They and our guard families are working with family issues. They are serving their state and nation, and they are making sacrifices. They are providing strong support for their deployed loved ones, as 15-, 16-, and 18-month separations are a considerable period of time. Yes, they are providing comfort and support to families who have soldiers who have been injured and have even died as a result of injuries in the Global War on Terror! They truly are our "heroes on the home front." This is proof you don't have to wear a uniform today to be a hero.

Today our Enduring Family Program is helping our returning soldiers and airmen with their transition back into everyday family life and the transition back to a full-time civilian job. Due to the length of deployment (up to 18 months, with some even extended for a second year) and the numbers of deaths, injuries, and close calls our soldiers have experienced, as well as anxieties our families were going through at home, we realized that we needed help from many different areas. Specialists that have assisted our families are from:

- Iowa Network of Critical Incident Stress Management Teams
- National Association of Social Workers
- American Red Cross
- Iowa Attorney General's Crisis Response Team
- Iowa Association for Marriage and Family Therapists
- Iowa Psychological Association
- Iowa Mental Health Counselors Association
- Iowa Legal Aid
- Army Community Service of Rock Island, Illinois
- United Way of Iowa

We thank all agencies and specialists for their expertise and assistance to our families and returning soldiers and airmen. The Enduring Family Program truly has been an Iowa effort!

Many of you have joined us on sendoffs and welcome home events, as we do the best we can in recognizing our soldiers and airmen for their service to their country. We are doing everything we can to make this transition as seamless as possible.

Ladies and gentlemen, the members of the Family Support Group, our Enduring Family Program, and our guard family have joined us in the chamber today. Please stand and allow us to recognize you and say thanks for all you do for our men and women in uniform.

As I close my remarks today, we pause to pay tribute to and recognize the service of our fallen heroes. These losses have touched Iowa in a deep and profound way. Thirty young men in uniform have made the ultimate sacrifice with their lives while defending or preparing to defend this country from the evils of terror. It is a sad day when we lose a member of the Armed Forces, especially when that person is an Iowan or whose family is an Iowa family.

We pay a special tribute today to the families of the 30 young men who have given their lives in defense of freedom. These families' lives are forever changed by the death of their loved one. The void left in their hearts by their loss must at times seem impossible to fill.

My profound hope is that they sense the love and support of so many, and they realize our eternal gratitude for the price their loved one paid. Be assured they are not alone in their loss. They now share a common bond with other families and with all members of our military family. The sacrifice these young men have made will never be forgotten!

Ladies and gentlemen, it was an honor being with you today. Thank you for your support of the men and women in uniform. God bless you and your families. Thank you!

Representatives Tymeson, Heddens, and Schickel introduced Tracy Andrele of the Honoring Iowa's Families project. She presented a painting to Governor Thomas J. Vilsack to be displayed at the Capitol. The artist, David Rottinghaus, addressed the General Assembly describing his painting entitled "Honoring Iowa's Heroes."

Major General Ron Dardis was escorted from the House chamber by the committee previously appointed.

Governor Thomas J. Vilsack was escorted from the House chamber by the committee previously appointed.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 2:05 p.m. until 8:30 a.m., Tuesday, February 22, 2005.

## APPENDIX

### CERTIFICATE OF RECOGNITION

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

Garrett A. Christeson, Rockford—For achieving the rank of Eagle Scout. Senator Ragan (2/21/05).

### REPORTS OF COMMITTEE MEETINGS

#### LOCAL GOVERNMENT

**Convened:** February 21, 2005, 2:35 p.m.

**Members Present:** Quirmbach, Co-chair; Houser, McCoy, Mulder, Putney, Schoenjahn, and Stewart.

**Members Absent:** Shull, Co-chair; Kreiman, Lundby, Rielly, and Zaun (all excused).

**Committee Business:** Subcommittee assignments.

**Adjourned:** 2:40 p.m.

#### RULES AND ADMINISTRATION

**Convened:** February 21, 2005, 1:00 p.m.

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

**Members Absent:** Iverson, Co-chair (excused).

**Committee Business:** Passed [HCR 7](#).

**Adjourned:** 1:05 p.m.

#### STATE GOVERNMENT

**Convened:** February 21, 2005, 2:35 p.m.

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

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

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

**Adjourned:** 2:40 p.m.

## INTRODUCTION OF BILLS

**Senate File 180**, by Hahn, a bill for an act relating to the powers of soil and water conservation districts and county conservation boards.

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

**Senate File 181**, by Connolly, a bill for an act relating to the regulation of pharmacy benefits managers and providing for civil relief.

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

**Senate File 182**, by Connolly, a bill for an act relating to the residency requirements for city civil service employees.

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

**Senate File 183**, by Houser, a bill for an act relating to the review of subdivision plats by a local board of health or a county sanitarian.

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

**Senate File 184**, by Hancock, a bill for an act providing emergency medical services providers and volunteer fire fighters with income tax credits and including effective and retroactive applicability date provisions.

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

[Senate File 185](#), by Johnson, a bill for an act relating to boat speed restrictions on waters under the jurisdiction of the natural resource commission, and providing penalties.

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

[Senate File 186](#), by Seymour, a bill for an act relating to establishing the unborn child pain awareness and prevention Act and providing penalties.

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

[Senate File 187](#), by Hancock, a bill for an act providing for renewable fuel by establishing standards for ethanol blended gasoline and biodiesel fuel, and making penalties applicable.

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

#### STUDY BILLS RECEIVED

##### [SSB 1178](#)      **Local Government**

Relating to certain bid threshold requirements and the use of construction management services for construction of certain public works projects.

##### [SSB 1179](#)      **Economic Growth**

Providing individual and corporate income tax credits for the costs of information technology training of certain employees and including effective and retroactive applicability date provisions.

**SSB 1180      Transportation**

Relating to registration fees for certain motor trucks and providing effective and applicability dates.

**SSB 1181      Human Resources**

Relating to the creation of a consumer choice, support, and education program.

**SSB 1182      Human Resources**

Relating to the provision of legal assistance to victims of parental kidnapping.

**SSB 1183      Human Resources**

Relating to the evaluation and disposition of dependent adult abuse cases within assisted living programs, elder group homes, and adult day services programs.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 141**

NATURAL RESOURCES AND ENVIRONMENT: Black and Johnson, Co-chairs; Kettering and Schoenjahn

**Senate File 159**

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

**Senate File 161**

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

**Senate File 162**

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

**Senate File 163**

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

**Senate File 166**

NATURAL RESOURCES AND ENVIRONMENT: Black and Johnson, Co-chairs; Kettering and Schoenjahn

**Senate File 170**

LOCAL GOVERNMENT: Mulder and Stewart, Co-chairs; Rielly and Zaun

**Senate File 172**

LOCAL GOVERNMENT: Kreiman and Zaun, Co-chairs; Mulder and Stewart

**House Concurrent Resolution 7**

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

**SSB 1178**

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

**SSB 1179**

ECONOMIC GROWTH: Dotzler, Chair; Brunkhorst, Hahn, and Ragan

**SSB 1180**

TRANSPORTATION: Fraise and Putney, Co-chairs; Dearden and Ward

**SSB 1181**

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

**SSB 1182**

HUMAN RESOURCES: Ragan and Seymour, Co-chairs; Houser and Kreiman

**SSB 1183**

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

**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:

**BUSINESS AND LABOR RELATIONS**

Vicki Duchene – Iowa Workforce Development Board

**STATE GOVERNMENT**

Nancy Bruner – Accountancy Examining Board

Charlotte Westerhaus – Commission on the Status of African-Americans

James Kruzic – Boiler and Pressure Vessel Board

Todd Christensen – Elevator Safety Board

Pete Fromm – Elevator Safety Board

Kristine Kesterson – Elevator Safety Board

Scott Scholle – Elevator Safety Board

Wayne Sims – Elevator Safety Board

Tina Schmidt – IowAccess Advisory Council

Christine Hoffman – Board of Social Work Examiners

Mary Tasler – Board of Social Work Examiners