

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, FEBRUARY 22, 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

FORTY-FOURTH CALENDAR DAY
TWENTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 22, 2005

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

Prayer was offered by the Reverend Dennis St. Lawrence, pastor of the Grace Baptist Church in Chariton, Iowa. He was the guest of Senator McKinley.

The Journal of Monday, February 21, 2005, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:40 a.m. until 8:30 a.m., Wednesday, February 23, 2005.

APPENDIX**COMMUNICATIONS RECEIVED**

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

DEPARTMENT OF PUBLIC HEALTH

Vital Record Modernization Project update, pursuant to 2004 Acts, Senate File 2298. Report received on February 22, 2005.

Elderly Wellness Programs report, pursuant to 2004 Acts, [Senate File 2298](#). Report received on February 22, 2005.

CERTIFICATES OF RECOGNITION

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

Alec Bonander, West Lyon High School—For qualifying for the 2005 State Wrestling Tournament in the 189-pound weight class. Senator Mulder (2/22/05).

Seth Fischer, Le Mars High School—For qualifying for the 2005 State Wrestling Tournament in the heavyweight weight class. Senator Mulder (2/22/05).

Nate Herda, Central Lyon High School—For qualifying for the 2005 State Wrestling Tournament in the 125-pound weight class. Senator Mulder (2/22/05).

Marshall Koethe, Akron-Westfield High School—For qualifying for the 2005 State Wrestling Tournament in the 125-pound weight class. Senator Mulder (2/22/05).

Derek Kusters, Western Christian High School—For qualifying for the 2005 State Wrestling Tournament in the 171-pound weight class. Senator Mulder (2/22/05).

Paul Lundgren, Maurice Orange City/Floyd Valley High School—For qualifying for the 2005 State Wrestling Tournament in the heavyweight weight class. Senator Mulder (2/22/05).

Paul P. Moran, Oak Lawn, Illinois—For your retirement after 39 years of service with the Oak Lawn Fire Department. Senator Rielly (2/22/05).

Andrew Moritz, Le Mars High School—For qualifying for the 2005 State Wrestling Tournament in the 130-pound weight class. Senator Mulder (2/22/05).

Brady Punt, Sioux Center High School—For qualifying for the 2005 State Wrestling Tournament in the 215-pound weight class. Senator Mulder (2/22/05).

Sean Smalley, Le Mars High School—For qualifying for the 2005 State Wrestling Tournament in the 135-pound weight class. Senator Mulder (2/22/05).

Solon Trustworthy Hardware, Solon—For 30 years of service to the community. Senator Dvorsky (2/22/05).

Chris Utesch, Akron-Westfield High School—For qualifying for the 2005 State Wrestling Tournament in the 130-pound weight class. Senator Mulder (2/22/05).

Marc Wermersen, Sioux Center High School—For qualifying for the 2005 State Wrestling Tournament in the 145-pound weight class. Senator Mulder (2/22/05).

REPORTS OF COMMITTEE MEETINGS

BUSINESS AND LABOR RELATIONS

Convened: February 21, 2005, 3:15 p.m.

Members Present: Dearden and Wieck, Co-chairs; Behn, Courtney, Dotzler, Horn, Seng, and Seymour.

Members Absent: McKibben and Shull (both excused).

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

Adjourned: 3:25 p.m.

EDUCATION

Convened: February 21, 2005, 3:15 p.m.

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

Members Absent: Larson (excused).

Committee Business: Approved Governor's appointee.

Adjourned: 3:35 p.m.

HUMAN RESOURCES

Convened: February 21, 2005, 4:20 p.m.

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

Members Absent: Johnson (excused).

Committee Business: Passed [HF 190](#). Approved Governor's appointees.

Adjourned: 4:50 p.m.

TRANSPORTATION

Convened: February 21, 2005, 4:15 p.m.

Members Present: McCoy and Putney, Co-chairs; Beall, Danielson, Dearden, Fraise, Hahn, Ward, Warnstadt, and Ziemann.

Members Absent: Kettering and Shull (both excused).

Committee Business: Passed [SF 103](#) and [HF 216](#). Subcommittee assignments.

Adjourned: 4:45 p.m.

ECONOMIC GROWTH

Convened: February 22, 2005, 1:05 p.m.

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

Members Absent: None.

Committee Business: Subcommittee assignment.

Adjourned: 1:20 p.m.

GOVERNMENT OVERSIGHT

Convened: February 22, 2005, 10:30 a.m.

Members Present: Courtney, Co-chair; and Wieck.

Members Absent: Lundby, Co-chair; and Connolly (both excused).

Committee Business: Presentation by office of Secretary of State.

Adjourned: 11:40 a.m.

JUDICIARY

Convened: February 22, 2005, 12:05 p.m.

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

Members Absent: Dvorsky, McKibben, and Ward (all excused).

Committee Business: Approved [SSB 1005](#) (as amended). Approved Governor's appointee.

Adjourned: 12:35 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 22, 2005, 1:10 p.m.

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

Members Absent: Gaskill and Lundby (both excused).

Committee Business: Approved [SSB 1147](#).

Adjourned: 1:30 p.m.

TRANSPORTATION

Convened: February 22, 2005, 1:50 p.m.

Members Present: McCoy and Putney, Co-chairs; Danielson, Dearden, Hahn, Kettering, Shull, Ward, and Ziemann.

Members Absent: Beall, Fraise, and Warnstadt (all excused).

Committee Business: Tour of McAninch Corporation.

Adjourned: 2:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 22, 2005, 10:25 a.m.

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

Members Absent: None.

Committee Business: Presentation by State Veterinarian.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 22, 2005, 10:30 a.m.

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

Members Absent: Behn (excused).

Committee Business: Presentation by Cedar Rapids Chamber of Commerce.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 22, 2005, 10:20 a.m.

Members Present: Tinsman, Co-chair; Johnson, Ragan, and Seymour.

Members Absent: Hatch, Co-chair; and Bolkcom (both excused).

Committee Business: Presentation by Department of Human Services, Annie E. Casey Foundation, Institute for Social and Economic Development, and National Conference of State Legislators.

Adjourned: 11:00 a.m.

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

Convened: February 22, 2005, 10:25 a.m.

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

Members Absent: Angelo (excused).

Committee Business: Presentations by Department of Public Defense, Iowa Public Television, and Department of Economic Development.

Adjourned: 11:10 a.m.

INTRODUCTION OF BILLS

[Senate File 188](#), by Bolkcom, a bill for an act relating to the use of the moneys in the senior living trust fund, providing for appropriation of the moneys in the fund, and providing for a repeal.

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

[Senate File 189](#), by McKinley, a bill for an act repealing registration requirements for construction contractors and providing for related matters.

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

[Senate File 190](#), by Bolkcom, a bill for an act restricting the idling of school buses on school grounds.

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

[Senate File 191](#), by Warnstadt, a bill for an act relating to the distribution to a city or county of state sales tax collected at events sponsored by a private entity and the city or county and making an appropriation.

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

[Senate File 192](#), by Tinsman and Ragan, a bill for an act requiring the department of human services to develop and implement a voluntary child care quality rating system.

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

[Senate File 193](#), by Tinsman and Johnson, a bill for an act relating to the providing of another business or activity in a health care facility.

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

[Senate File 194](#), by Gronstal, a bill for an act requiring performance of a criminal history check of applicants for real estate broker and salesperson licenses.

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

[Senate File 195](#), by committee on Transportation, a bill for an act relating to driver education by a teaching parent.

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

[Senate File 196](#), by Lundby, a bill for an act providing for the regulation of commercial canine operations.

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

[Senate File 197](#), by Bolkcom, a bill for an act prohibiting a state agency from taking an action that results in the transfer of a state employment position outside of the United States.

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

STUDY BILLS RECEIVED

[SSB 1184](#) **Appropriations**

Appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

[SSB 1185](#) **Natural Resources and Environment**

Relating to the adoption of fees for the operation of and discharge from a disposal system and making an appropriation.

[SSB 1186](#) **Appropriations**

Relating to state government financial matters concerning charter agencies, the state appeal board, and reinvention initiatives of the department of management, and making appropriations.

[SSB 1187](#) **Natural Resources and Environment**

Relating to the purchase of renewable energy including establishing a renewable energy purchase tax credit program within the utilities board of the department of commerce, and providing effective and retroactive applicability dates.

SSB 1188 Natural Resources and Environment

Relating to alternate energy production including establishing a small producer alternate energy tax credit program within the utilities board of the department of commerce, requiring public utilities to offer net metering to alternate energy production facilities, and permitting a school corporation to own and operate an alternate energy production facility, and providing effective and retroactive applicability dates.

SSB 1189 Natural Resources and Environment

Relating to a schedule established by the environmental protection commission for civil penalties.

SSB 1190 Business and Labor Relations

Relating to the applicability of federal overtime pay requirements.

SSB 1191 Ways and Means

Relating to entities eligible to claim certain property-related tax credits.

SSB 1192 Ways and Means

Providing an income tax credit for purchasing new fuel economy vehicles and including effective and retroactive applicability date provisions.

SSB 1193 Judiciary

Relating to the establishment of a critical care fund for the payment of certain medical malpractice claims and making an appropriation.

SSB 1194 Judiciary

Relating to the creation of critical incident review teams within the department of corrections.

SSB 1195 Judiciary

Providing for the regulation of abstractors, establishing fees, penalties, and judicial remedies, and providing an effective date.

SSB 1196 State Government

Limiting causes of action against veterinary practitioners who provide care to animals suffering distress.

SSB 1197 State Government

Providing for employer and employee contributions to the Iowa public employees' retirement system.

SSB 1198 State Government

Relating to the conduct of elections and voter registration and including applicability provisions.

SSB 1199 State Government

Relating to the duties and responsibilities of the state board of regents and the institutions under its control and providing for the nonreversion of funds.

SSB 1200 Human Resources

Relating to health care facility violations and penalties for such violations.

SSB 1201 Human Resources

Relating to the establishment of a state vision for the long-term living system.

SSB 1202 Human Resources

Relating to governmental services involving audit reports and the family investment program.

SSB 1203 Human Resources

Relating to the suspension of a child support obligation.

SSB 1204 Human Resources

Relating to the creation of a task force to provide for the implementation of Medicare Part D and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS**Senate File 156**

APPROPRIATIONS: Hatch and Tinsman, Co-chairs; Angelo and Dvorsky

Senate File 157

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

Senate File 174

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

Senate File 177

EDUCATION: Angelo and Dvorsky, Co-chairs; Beall and Brunkhorst

Senate File 178

STATE GOVERNMENT: Hancock and Miller, Co-chairs; Danielson and Zieman

Senate File 184

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

Senate File 189

STATE GOVERNMENT: Connolly and Tinsman, Co-chairs; Brunkhorst and Hatch

Senate File 190

EDUCATION: Dvorsky and Larson, Co-chairs; Ward and Wood

House File 123

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

[House File 252](#)

AGRICULTURE: Brunkhorst and Courtney, Co-chairs; Hahn and Hancock

[House File 277](#)

COMMERCE: Behn and Warnstadt, Co-chairs; Angelo, Courtney, McCoy, and McKinley

[House File 281](#)

JUDICIARY: Hancock and McKibben, Co-chairs; Horn and Zaun

[SSB 1184](#)

APPROPRIATIONS: Hatch and Tinsman, Co-chairs; Angelo and Ragan

[SSB 1185](#)

NATURAL RESOURCES AND ENVIRONMENT: Hancock and Kettering, Co-chairs; Gaskill and Wood

[SSB 1186](#)

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

[SSB 1187](#)

NATURAL RESOURCES AND ENVIRONMENT: Houser and Schoenjahn, Co-chairs; Bolkcom, Lundby, Miller, and Wood

[SSB 1188](#)

NATURAL RESOURCES AND ENVIRONMENT: Houser and Schoenjahn, Co-chairs; Bolkcom, Lundby, Miller, and Wood

[SSB 1189](#)

NATURAL RESOURCES AND ENVIRONMENT: Houser and Wood, Co-chairs; Miller and Seng

[SSB 1190](#)

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

[SSB 1191](#)

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

[SSB 1192](#)

WAYS AND MEANS: Larson and McCoy, Co-chairs; Dotzler and McKibben

[SSB 1193](#)

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

[SSB 1194](#)

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

[SSB 1195](#)

JUDICIARY: Horn and McKibben, Co-chairs; Brunkhorst and Hancock

[SSB 1196](#)

STATE GOVERNMENT: Wieck and Wood, Co-chairs; Kettering and Kibbie

[SSB 1197](#)

STATE GOVERNMENT: Kibbie and Zieman, Co-chairs; Horn, McKibben, Miller, and Wood

[SSB 1198](#)

STATE GOVERNMENT: Danielson and Kettering, Co-chairs; Ward and Wood

[SSB 1199](#)

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

[SSB 1200](#)

HUMAN RESOURCES: Boettger and Hatch, Co-chairs; Dotzler and Johnson

[SSB 1201](#)

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

[SSB 1202](#)

HUMAN RESOURCES: Behn and Kreiman, Co-chairs; Gaskill and Wood

[SSB 1203](#)

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

[SSB 1204](#)

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

FINAL COMMITTEE REPORTS OF BILL ACTION

HUMAN RESOURCES

Bill Title: [HOUSE FILE 190](#), a bill for an act expanding the duties of the child death review team and making a penalty applicable.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Seymour, Behn, Boettger, Bolkcom, Dotzler, Gaskill, Hatch, Houser, Kreiman, Quirnbach, Tinsman, and Wood. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Bill Title: *[SENATE FILE 195](#) (formerly [SF 103](#)), a bill for an act relating to driver education by a teaching parent.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: McCoy, Putney, Danielson, Fraise, Hahn, Ward, Warnstadt, and Zieman. Nays, 2: Beall and Dearden. Absent, 2: Kettering and Shull.

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 Transportation Committee on [Senate File 195](#), and they were attached to the committee report.

ALSO:

Bill Title: [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.

Recommendation: DO PASS.

Final Vote: Ayes, 9: McCoy, Putney, Beall, Danielson, Dearden, Fraise, Hahn, Ward, and Warnstadt. Nays, 1: Zieman. Absent, 2: Kettering and Shull.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

**GOVERNOR'S APPOINTEE PLACED ON
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

EDUCATION

Michael Gartner – State Board of Regents

**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:

COMMERCE

Melanie Hass – Credit Union Review Board

Curtis Stamp – Iowa Telecommunications and Technology Commission

HUMAN RESOURCES

Judy McCoy Davis – Iowa Empowerment Board

Judy Gouldsmith – Board of Interpreters for the Hearing Impaired Examiners

Carissa Huffman – Board of Interpreters for the Hearing Impaired Examiners

Diana Kautzky – Board of Interpreters for the Hearing Impaired Examiners

David Moorman-Rice – Board of Interpreters for the Hearing Impaired Examiners

Bethany Sather – Board of Interpreters for the Hearing Impaired Examiners

Stuart Thiessen – Board of Interpreters for the Hearing Impaired Examiners

Rita Arora – Commission on the Status of Iowans of Asian & Pacific Islander Heritage

Thomas Baccam – Commission on the Status of Iowans of Asian & Pacific Islander Heritage

Cyndi Chen – Commission on the Status of Iowans of Asian & Pacific Islander Heritage

Ning Chia – Commission on the Status of Iowans of Asian & Pacific Islander Heritage

Lin Ly – Commission on the Status of Iowans of Asian & Pacific Islander Heritage

Frank Osako – Commission on the Status of Iowans of Asian & Pacific Islander Heritage

Richard Park – Commission on the Status of Iowans of Asian & Pacific Islander Heritage

Cecilia Peralta – Commission on the Status of Iowans of Asian & Pacific Islander Heritage

Barry Thongvanh – Commission on the Status of Iowans of Asian & Pacific Islander Heritage

JUDICIARY

Stewart Barnes – Iowa Drug Policy Advisory Council
Brian Vos – Iowa Drug Policy Advisory Council
Christina Wilson – Iowa Drug Policy Advisory Council