

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, FEBRUARY 23, 2005

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JOURNAL OF THE SENATE

FORTY-FIFTH CALENDAR DAY
TWENTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 23, 2005

The Senate met in regular session at 8:38 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Jim Howland, pastor of the First Presbyterian Church in Winterset, Iowa. He was the guest of Senator Shull.

The Journal of Tuesday, February 22, 2005, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:46 a.m. until 8:30 a.m., Thursday, February 24, 2005.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Ray Anderson, Burlington—For celebrating your 85th birthday. Senator Courtney (2/23/05).

Mr. and Mrs. Jim and Millie Bell, Burlington—For celebrating your 60th wedding anniversary. Senator Courtney (2/23/05).

Anna Bessine, Burlington—For celebrating your 90th birthday. Senator Courtney (2/23/05).

Mr. and Mrs. Walter and Marian Brunken, Burlington—For celebrating your 60th wedding anniversary. Senator Courtney (2/23/05).

Virginia Phelps, Waterloo—For celebrating your 90th birthday. Senator Dotzler (2/23/05).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: February 22, 2005, 3:10 p.m.

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

Members Absent: Gaskill (excused).

Committee Business: Approved SSBs 1094, 1105, and 1111. Presentations by Grain Warehouse Bureau and Renewable Fuels Association.

Adjourned: 3:55 p.m.

COMMERCE

Convened: February 22, 2005, 4:05 p.m.

Members Present: Behn and Warnstadt, Co-chairs; Angelo, Beall, Bolkom, Courtney, Gronstal, Kettering, Larson, McCoy, McKinley, Rielly, Stewart, Zaun, and Zieman.

Members Absent: Wieck (excused).

Committee Business: Approved Governor's appointees. Presentation by Coalition Against Abusive Lending.

Adjourned: 4:30 p.m.

HUMAN RESOURCES

Convened: February 22, 2005, 2:10 p.m.

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

Members Absent: Gaskill (excused).

Committee Business: Presentations by Integrated Care Solutions, Inc. Approved Governor's appointees.

Adjourned: 3:05 p.m.

GOVERNMENT OVERSIGHT

Convened: February 23, 2005, 9:45 a.m.

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

Members Absent: Lundby, Co-chair (excused).

Committee Business: Presentation by Iowa Insurance Commissioner.

Adjourned: 10:40 a.m.

STATE GOVERNMENT

Convened: February 23, 2005, 1:40 p.m.

Members Present: Horn and McKibben, Co-chairs; Brunkhorst, Danielson, Hancock, Kettering, Kibbie, Miller, Wieck, Wood, and Zieman.

Members Absent: Black, Connolly, Hatch, Tinsman, and Ward (all excused).

Committee Business: Approved [SSB 1132](#). Subcommittee assignments.

Adjourned: 1:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 23, 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: 10:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 23, 2005, 9:50 a.m.

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

Members Absent: Danielson (excused).

Committee Business: Presentations by Iowa Capital Investment Corporation and Aavin Equity Partners.

Adjourned: 10:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 23, 2005, 9:50 a.m.

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

Members Absent: None.

Committee Business: Presentations by Department of Management and Department of Public Health.

Adjourned: 11:40 a.m.

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

Convened: February 23, 2005, 9:40 a.m.

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

Members Absent: Angelo (excused).

Committee Business: Presentations by Iowa Association of County Fairs and Iowa State Fair Authority.

Adjourned: 10:35 a.m.

INTRODUCTION OF BILLS

[Senate File 198](#), by Warnstadt, a bill for an act relating to the transportation of a respondent in a substance abuse or mental health commitment or treatment proceeding.

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

[Senate File 199](#), by Bolkcom, a bill for an act relating to information required to be provided and reported relative to the provision of health care benefits, and providing an effective date.

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

[Senate File 200](#), by committee on Agriculture, a bill for an act relating to the administration of the department of agriculture and land stewardship, by providing for its powers and duties.

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

[Senate File 201](#), by committee on Agriculture, a bill for an act providing for veterinary emergency preparedness and response by the department of agriculture and land stewardship.

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

[Senate File 202](#), by Lamberti, a bill for an act prohibiting the running of license revocation and ineligibility periods for defendants confined in operating-while-intoxicated cases.

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

[Senate File 203](#), by Warnstadt, Hatch, Ward, and Dotzler, a bill for an act relating to safe walkways for railroad workers and making penalties applicable.

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

[Senate File 204](#), by Warnstadt, Hatch, Ward, and Dotzler, a bill for an act relating to the issuance of traffic citations for railroad crossing violations.

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

[Senate File 205](#), by committee on Agriculture, a bill for an act providing for life science enterprises authorized to hold agricultural land, making penalties applicable, and providing an effective date.

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

[Senate File 206](#), by committee on Natural Resources and Environment, a bill for an act relating to deer population management and providing penalties and appropriations.

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

[Senate File 207](#), by Connolly, Dvorsky, Lundby, and Tinsman, a bill for an act prohibiting the unauthorized possession of semiautomatic assault weapons without a permit, providing and applying certain penalties, and including a transition provision for weapons possessed upon the effective date of the Act.

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

[Senate File 208](#), by Tinsman, Dvorsky, and Ward, a bill for an act relating to a landlord's retaliatory actions against a tenant for summoning or receiving police or emergency assistance in response to a domestic abuse situation.

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

[Senate File 209](#), by McCoy, a bill for an act relating to consumer access to consumer credit reports, and providing a private right of action.

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

[Senate File 210](#), by committee on Judiciary, a bill for an act relating to specified requirements applicable to a real estate broker or attorney providing services in connection with a real estate auction.

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

STUDY BILLS RECEIVED

[SSB 1205](#) **Agriculture**

Relating to agricultural contracts, including for the production and marketing of agricultural commodities, providing for its applicability, and providing penalties.

[SSB 1206](#) **Commerce**

Relating to identity theft including criminal violations and damages recoverable in a civil action, providing for forfeiture of property and for certain rights of financial institutions, and providing for civil remedies.

[SSB 1207](#) **Commerce**

Relating to various provisions administered by the insurance division of the department of commerce concerning premium tax refunds, the interstate insurance compact, insurer insolvency proceedings, individual health insurance, the small employer carrier reinsurance program, the Iowa comprehensive health association, fire insurance policies, the Iowa insurance guaranty association, the FAIR plan, motor vehicle service contracts, investments by county and state mutual associations, reciprocal or interinsurance contract premium rates, and annuity contracts for cemetery and funeral merchandise and funeral services, and making fees and penalties applicable and providing effective and retroactive applicability dates.

[SSB 1208](#) **Human Resources**

Relating to child abuse reporting and information access.

SSB 1209 Human Resources

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

SSB 1210 Human Resources

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

SSB 1211 Human Resources

Providing for the Iowa department of public health to administer the Iowa food code in place of the department of inspections and appeals.

SUBCOMMITTEE ASSIGNMENTS**Senate File 179**

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

Senate File 191

WAYS AND MEANS: Connolly and Larson, Co-chairs; Stewart and Wieck

Senate File 194

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

SSB 1205

AGRICULTURE: Fraise and Hahn, Co-chairs; Gaskill and Kibbie

SSB 1206

COMMERCE: Kettering and Rielly, Co-chairs; Beall and Zaun

SSB 1207

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

SSB 1208

HUMAN RESOURCES: Houser and Kreiman, Co-chairs; Boettger and Quirnbach

SSB 1209

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

SSB 1210

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

SSB 1211

HUMAN RESOURCES: Johnson and Ragan, Co-chairs; Behn and Quirmbach

FINAL COMMITTEE REPORTS OF BILL ACTION**AGRICULTURE**

Bill Title: [SENATE FILE 200 \(SSB 1111\)](#), a bill for an act relating to the administration of the department of agriculture and land stewardship, by providing for its powers and duties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Fraise, Johnson, Black, Courtney, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, Ragan, and Rielly. Nays, none. Absent, 2: Brunkhorst and Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 201 \(SSB 1094\)](#), a bill for an act providing for veterinary emergency preparedness and response by the department of agriculture and land stewardship.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Fraise, Johnson, Black, Courtney, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, Ragan, and Rielly. Nays, none. Absent, 2: Brunkhorst and Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 205 \(SSB 1105\)](#), a bill for an act providing for life science enterprises authorized to hold agricultural land, making penalties applicable, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Fraise, Johnson, Black, Courtney, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, Ragan, and Rielly. Nays, none. Absent, 2: Brunkhorst and Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: *[SENATE FILE 210 \(SSB 1005\)](#), a bill for an act relating to specified requirements applicable to a real estate broker or attorney providing services in connection with a real estate auction.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Kreiman, Miller, Boettger, Brunkhorst, Fraise, Hancock, Horn, Larson, Quirnbach, Schoenjahn, Warnstadt, and Zaun. Nays, none. Absent, 4: Dvorsky, McKibben, Tinsman, 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 210](#), and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: *[SENATE FILE 206 \(SSB 1147\)](#), a bill for an act relating to deer population management and providing penalties and appropriations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Black, Houser, Bolkcom, Dearden, Hancock, Johnson, Kettering, Miller, Putney, Schoenjahn, Seng, and Wood. Nays, none. Absent, 2: Gaskill and Lundby.

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 Natural Resources and Environment Committee on [Senate File 206](#), and they were attached to the committee report.

**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:

HUMAN RESOURCES

Philippe Gallant – Board of Interpreters for the Hearing Impaired Examiners

Shelly Chandler – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission

James Rixner – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission