

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, MARCH 1, 2005

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JOURNAL OF THE SENATE

FIFTY-FIRST CALENDAR DAY
THIRTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 1, 2005

The Senate met in regular session at 8:31 a.m., President Kibbie presiding.

Prayer was offered by the Reverend Randy Widbin, pastor of the Christ Community Evangelical Free Church in Sioux Center, Iowa. He was the guest of Senator Mulder.

The Journal of Monday, February 28, 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 28, 2005, **passed** the following bill in which the concurrence of the House was asked:

Senate File 75, a bill for an act allocating funding appropriated to assist individuals assigned to active duty military service and providing effective and applicability date provisions.

ALSO: That the House has on February 28, 2005, **passed** the following bill in which the concurrence of the Senate is asked:

House File 420, a bill for an act relating to third-party payment of health care coverage costs for biologically based mental illness treatment services.

Read first time and **passed on file**.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:36 a.m. until 8:30 a.m., Wednesday, March 2, 2005.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: February 28, 2005, 3:05 p.m.

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

Members Absent: Bolkcom and Gaskill (both excused).

Committee Business: Approved Governor's appointee.

Adjourned: 3:10 p.m.

AGRICULTURE

Convened: March 1, 2005, 10:40 a.m.

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

Members Absent: Black and Houser (both excused).

Committee Business: Approved [SSB 1144](#).

Adjourned: 10:50 a.m.

COMMERCE

Convened: March 1, 2005, 3:10 p.m.

Members Present: Behn, Co-chair; Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, McCoy, McKinley, Rielly, Stewart, Wieck, Zaun, and Zieman.

Members Absent: Warnstadt, Co-chair; and Larson.

Committee Business: Approved [SSB 1047](#) (as amended) and [SSB 1099](#) (as amended).

Adjourned: 3:20 p.m.

ECONOMIC GROWTH

Convened: March 1, 2005, 2:00 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: 3:00 p.m.

GOVERNMENT OVERSIGHT

Convened: March 1, 2005, 9:35 a.m.

Members Present: Lundby, Co-chair; and Connolly.

Members Absent: Courtney, Co-chair, and Wieck (both excused).

Committee Business: Discussion with Department of Transportation.

Adjourned: 11:20 a.m.

JUDICIARY

Convened: March 1, 2005, 1:00 p.m.

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

Members Absent: Larson, Ward, and Warnstadt (all excused).

Committee Business: Passed [HF 281](#). Approved [SSB 1073](#).

Adjourned: 1:35 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: March 1, 2005, 2:05 p.m.

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

Members Absent: None.

Committee Business: Presentation on wind energy.

Adjourned: 2:50 p.m.

INTRODUCTION OF BILLS

[Senate File 230](#), by Warnstadt, a bill for an act relating to substance abuse and mental health commitment or treatment proceedings.

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

[Senate File 231](#), by Warnstadt, a bill for an act relating to the utilization of a portion of economic development-related financial assistance provided by state agencies for certain agricultural purposes.

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

[Senate File 232](#), by Warnstadt, a bill for an act requiring the posting of close-clearance warning devices by railroads and providing a penalty.

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

[Senate File 233](#), by Gronstal, a bill for an act relating to the licensure of engineers employed on an excursion gambling boat that has been removed from navigation and is a permanently moored vessel.

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

[Senate File 234](#), by Bolckcom, a bill for an act making an appropriation from the healthy Iowans tobacco trust to the Iowa department of public health for tobacco use prevention and control.

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

[Senate File 235](#), by Bolkcom, a bill for an act relating to reimbursement for a home and community-based services waiver under the medical assistance program.

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

[Senate File 236](#), by Bolkcom, a bill for an act requiring notice and consent for certain transfers of jurisdiction of a highway.

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

[Senate File 237](#), by Bolkcom, a bill for an act requiring the department of human services to provide a form for documenting the use of an exception to a limitation on the number of reserve bed days authorized for a state supplementary assistance recipient residing in a residential care facility.

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

[Senate File 238](#), by Hatch, a bill for an act relating to involuntary commitment hearings in substance abuse and mental health cases.

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

[Senate File 239](#), by Hatch, a bill for an act relating to mental health, mental retardation, and developmental disabilities services by providing for service authorization through the central point of coordination process of a person's county of residence and establishing responsibility for service costs.

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

[Senate File 240](#), by Bolkcom, a bill for an act related to chromated copper arsenate treated wood and providing a penalty.

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

[Senate File 241](#), by Bolkcom, a bill for an act relating to the purchase, possession, or consumption of alcohol by a person under 21 years of age and increasing fines.

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

[Senate File 242](#), by Ragan, a bill for an act relating to consumer education and outreach for the Medicare Part D program, and providing an appropriation.

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

[Senate File 243](#), by Wieck, a bill for an act defining the term "possession" for purposes of the criminal law.

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

[Senate File 244](#), by Courtney, a bill for an act relating to workers' compensation, including certain benefits and procedures administered by the workers' compensation commissioner, workers' compensation liability insurance, liability insurance, confidential information filed with the workers' compensation commission, liability of third parties, subrogation and indemnification of employers, and repeal of provisions specific to occupational disease compensation, and providing penalties.

Read first time under Rule 28 and referred to committee on **Business and Labor Relations**.

[Senate File 245](#), by committee on Education, a bill for an act relating to a secondary school core curriculum, including requiring the state board of education to determine a model core curriculum and set a statewide core curriculum completion rate goal, and requiring school districts and schools to report core curriculum completion percentages annually.

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

STUDY BILLS RECEIVED

SSB 1230 Ways and Means

Relating to tax credits provided for purposes of acquiring agricultural assets by beginning farmers, and providing effective and applicability dates.

SSB 1231 Ways and Means

Increasing the maximum rate of the local hotel and motel tax.

SSB 1232 Natural Resources and Environment

Providing for the retention of solid waste tonnage fees by sanitary landfills for purposes of regional collection centers and third parties providing services similar to regional collection centers.

SSB 1233 Natural Resources and Environment

Relating to various conservation and recreation activities under the purview of the department of natural resources, modifying fees, and making penalties applicable.

SSB 1234 Transportation

Relating to close-clearance warning devices along railways and providing a penalty.

SSB 1235 Transportation

Relating to traffic citations issued for railroad crossing violations.

SSB 1236 Transportation

Relating to the licensing requirements of dealers of new motor vehicles including the license application, establishing or changing the location of the place of business of a dealer of new motor vehicles, and providing for payment of costs and providing an effective date.

SSB 1237 Transportation

Relating to the licensing requirements of dealers of new motor vehicles including the license application, establishing or changing the location of a dealer's place of business, and providing for payment of costs and providing an effective date.

SSB 1238 Transportation

Relating to the local regulation of motor vehicles including the renewal of motor vehicle registrations by county treasurers and the collection of delinquent parking fines owed to a city or county.

SSB 1239 Transportation

Relating to regional transit districts.

SSB 1240 Ways and Means

Relating to taxation by making changes relating to property tax, income tax, city and county budgets, and providing effective dates and for the Act's applicability.

SSB 1241 Judiciary

Relating to the criminal offense of theft of leased or rented personal property and making penalties applicable.

SSB 1242 Economic Growth

Relating to economic development activities, providing for tax credits, and making appropriations.

SSB 1243 Ways and Means

Relating to local government budgets by modifying statutory state mandate language, requiring funding of essential services by cities and counties, requiring state approval of a proposed levy for a special appraiser's fund, placing a maximum dollars limitation on cities and counties, modifying property assessment guidelines, creating a property assessment appeal board to hear appeals of the actions of

local boards of review, stating the intent of the general assembly as to future property tax proposals, and including applicability date provisions.

SSB 1244 Agriculture

Relating to the promotion of biodiesel and E-85 blended gasoline as renewable fuels.

SSB 1245 Human Resources

Relating to shelter care services funded through the department of human services and providing effective and applicability date provisions.

SSB 1246 Agriculture

Relating to animal feeding operations, by providing for the regulation of open feedlot operations, and providing for penalties.

SUBCOMMITTEE ASSIGNMENTS

Senate File 79

AGRICULTURE: Fraise and Johnson, Co-chairs; Gaskill and Hancock

Senate File 107

NATURAL RESOURCES AND ENVIRONMENT: Putney and Schoenjahn, Co-chairs; Hancock and Kettering

Senate File 185

NATURAL RESOURCES AND ENVIRONMENT: Dearden and Johnson, Co-chairs; Hancock and Kettering

Senate File 211

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

Senate File 214

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

Senate File 218

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

[Senate File 219](#)

LOCAL GOVERNMENT: Kreiman and Putney, Co-chairs; Houser and Stewart

[Senate File 223](#)

NATURAL RESOURCES AND ENVIRONMENT: Gaskill and Wood, Co-chairs;
Putney and Seng

[Senate File 225](#)

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

[Senate File 229](#)

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

[SSB 1230](#)

WAYS AND MEANS: Miller and Stewart, Co-chairs; Hahn and Seng

[SSB 1231](#)

WAYS AND MEANS: McKibben and Quirnbach, Co-chairs; Connolly and Zaun

[SSB 1232](#)

NATURAL RESOURCES AND ENVIRONMENT: Johnson and Wood, Co-chairs;
Kettering and Seng

[SSB 1233](#)

NATURAL RESOURCES AND ENVIRONMENT: Dearden and Johnson, Co-chairs;
Kettering and Seng

[SSB 1234](#)

TRANSPORTATION: Danielson, Chair; Kettering, Warnstadt, and Zieman

[SSB 1235](#)

TRANSPORTATION: Warnstadt, Chair; Fraise, Hahn, and Putney

[SSB 1236](#)

TRANSPORTATION: McCoy, Chair; Shull, Ward, and Warnstadt

[SSB 1237](#)

TRANSPORTATION: McCoy, Chair; Shull, Ward, and Warnstadt

SSB 1238

TRANSPORTATION: Dearden, Chair; McCoy, Shull, and Ward

SSB 1239

TRANSPORTATION: Dearden, Chair; Beall, Hahn, and Zieman

SSB 1240

WAYS AND MEANS: Quirmbach and Zieman, Co-chairs; Connolly and McKibben

SSB 1241

JUDICIARY: Kreiman and Zaun, Co-chairs; Dvorsky and Miller

SSB 1242

ECONOMIC GROWTH: Brunkhorst and Hatch, Co-chairs

SSB 1243

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

SSB 1244

AGRICULTURE: Kibbie and Putney, Co-chairs; Brunkhorst and Fraise

SSB 1245

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

SSB 1246

AGRICULTURE: Johnson and Kibbie, Co-chairs; Fraise and Houser

FINAL COMMITTEE REPORT OF BILL ACTION**EDUCATION**

Bill Title: *[SENATE FILE 245](#) (formerly [SF 46](#)), a bill for an act relating to a secondary school core curriculum, including requiring the state board of education to determine a model core curriculum and set a statewide core curriculum completion rate goal, and requiring school districts and schools to report core curriculum completion percentages annually.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Connolly, McKinley, Angelo, Beall, Boettger, Brunkhorst, Dvorsky, Mulder, Quirmbach, Schoenjahn, and Wood. Nays, 1: Kreiman. Absent, 2: Larson 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 Education Committee on [Senate File 245](#), and they were attached to the committee report.

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 1st day of March, 2005:

[Senate File 113](#).

MICHAEL E. MARSHALL
Secretary of the Senate