

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, MARCH 2, 2005

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JOURNAL OF THE SENATE

FIFTY-SECOND CALENDAR DAY
THIRTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 2, 2005

The Senate met in regular session at 8:40 a.m., President Kibbie presiding.

Prayer was offered by the Reverend Chris Bozung, pastor of the Cornerstone Church in Marion, Iowa. He was the guest of Senator Lundby.

The Journal of Tuesday, March 1, 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 March 1, 2005, **adopted** the following resolutions in which the concurrence of the Senate is asked:

[House Concurrent Resolution 4](#), a concurrent resolution relating to Pioneer Lawmakers.

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

[House Concurrent Resolution 5](#), a concurrent resolution relating to a biennial memorial session.

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

BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that [Senate File 206](#) be referred from the Regular Calendar to the committee on **Ways and Means**.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:48 a.m. until 8:30 a.m., Thursday, March 3, 2005.

APPENDIX**CERTIFICATES OF RECOGNITION**

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

Helen Bie, Ames—For celebrating your 90th birthday. Senator Quirnbach (3/2/05).

Emmetsburg/Armstrong-Ringsted Wrestling Team—For becoming the Class 2A Iowa High School Athletic Association 2005 State Wrestling Tournament Champions. Senator Kibbie (3/2/05).

Aaron Janssen, Emmetsburg—For becoming the Class 2A 152-pound 4th place finisher at the 2005 State Wrestling Tournament. Senator Kibbie (3/2/05).

Adam Kenny, Emmetsburg—For becoming the Class 2A 215-pound 2nd place finisher at the State Wrestling Tournament. Senator Kibbie (3/2/05).

Justin Kerber, Emmetsburg—For becoming the Class 2A 145-pound 1st place finisher at the 2005 State Wrestling Tournament. Senator Kibbie (3/2/05).

Joe Noonan, Emmetsburg—For becoming the Class 2A 189-pound 4th place finisher at the 2005 State Wrestling Tournament. Senator Kibbie (3/2/05).

Phyllis Pals, Belmond—For celebrating 70 years in business with P&G Supermarket and for celebrating your 90th birthday on March 24, 2005. Senator Iverson (3/2/05).

Matt Stillman, Emmetsburg—For becoming the Class 2A 119-pound 5th place finisher at the 2005 State Wrestling Tournament. Senator Kibbie (3/2/05).

Bryan Sundall, Emmetsburg—For becoming the Class 2A 125-pound 4th place finisher at the 2005 State Wrestling Tournament. Senator Kibbie (3/2/05).

Hannah Hauge Tesdall, Story City—For celebrating your 100th birthday on January 2, 2005. Senator Iverson (3/2/05).

Fern Thompson, Madrid—For celebrating your 88th birthday. Senator Quirnbach (3/2/05).

PETITION

The following petition was presented and placed on file:

From residents of Clay and Palo Alto counties opposing the cutting of trees on public lands by the Iowa Department of Natural Resources and requesting a meeting in Ruthven, Iowa, concerning this issue. Senator Kibbie.

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: March 2, 2005, 3:05 p.m.

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

Members Absent: Larson and McCoy (both excused).

Committee Business: Approved SSBs 1149 and 1206 (as amended).

Adjourned: 3:15 p.m.

EDUCATION

Convened: March 2, 2005, 10:00 a.m.

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

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

Committee Business: Informational meeting for Governor's appointee.

Adjourned: 10:45 a.m.

HUMAN RESOURCES

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

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

Members Absent: Gaskill, Hatch, and Houser (all excused).

Committee Business: Approved SSBs 1042 (as amended) and 1131.

Adjourned: 2:25 p.m.

LOCAL GOVERNMENT

Convened: March 2, 2005, 11:00 a.m.

Members Present: Quirnbach and Shull, Co-chairs; Houser, Kreiman, McCoy, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun.

Members Absent: Lundby (excused).

Committee Business: Passed [SF 170](#) (as amended).

Adjourned: 11:25 a.m.

TRANSPORTATION

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

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

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

Committee Business: Annett Holdings Trucking Company field trip.

Adjourned: 3:15 p.m.

INTRODUCTION OF RESOLUTION

[Senate Concurrent Resolution 5](#), by McKibben and Dotzler, a concurrent resolution urging the United States Congress to appropriate funding for the Historic Barn Preservation Act.

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

INTRODUCTION OF BILLS

[Senate File 246](#), by committee on Judiciary, a bill for an act prohibiting a donation or contribution to an agency, organization, or political subdivision of the state in a criminal proceeding.

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

[Senate File 247](#), by Lundby, a bill for an act relating to notifying the parent or legal guardian and the school of enrollment if certain persons under legal age are in possession of an alcoholic beverage.

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

[Senate File 248](#), by Hatch, a bill for an act providing for the establishment and administration of a mental health court pilot project.

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

[Senate File 249](#), by Lundby, a bill for an act relating to sanitary disposal projects and sanitary landfills, by prohibiting the siting of a landfill within three miles of a city's boundaries without city approval and providing an effective date.

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

[Senate File 250](#), by Lundby, a bill for an act relating to dogs housed in animal shelters and pounds by providing for the administration of rabies vaccinations.

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

[Senate File 251](#), by Wood, a bill for an act relating to animal feeding operations, by establishing a regulatory information service and providing for compliance.

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

[Senate File 252](#), by Hahn, a bill for an act relating to the issuance of free antlerless deer depredation permits to landowners and providing a penalty.

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

[Senate File 253](#), by Warnstadt, a bill for an act relating to the appropriation of the interest and earnings on sales and use tax revenues for state technology.

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

[Senate File 254](#), by Warnstadt, a bill for an act providing for the use of biomass as an additive or supplement to natural gas.

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

[Senate File 255](#), by Kreiman and Ragan, a bill for an act relating to criminal law, including the criminal offense of harassment and issuing a search warrant.

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

[Senate File 256](#), by Hatch, a bill for an act making an appropriation to the real estate appraiser examining board for investigators.

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

[Senate File 257](#), by Tinsman, a bill for an act relating to protesting a county or city budget.

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

[Senate File 258](#), by Dotzler, Danielson, Dvorsky, Bolkcom, Wood, Schoenjahn, Courtney, Black, Kibbie, Quirnbach, Connolly, and Hatch, a bill for an act relating to the property assessment limitation on property classified as residential and providing an applicability date.

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

[Senate File 259](#), by committee on Agriculture, a bill for an act relating to the regulation of agricultural seed, by providing for preemption of local legislation.

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

[Senate File 260](#), by committee on Commerce, a bill for an act relating to debt collection disclosure requirements for certain financial institution affiliates.

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

[Senate File 261](#), by Zieman, a bill for an act relating to refund values for empty beverage containers.

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

[Senate File 262](#), by Ward, a bill for an act providing an exemption to the regulation of boilers and unfired steam pressure vessels.

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

[Senate File 263](#), by Warnstadt, a bill for an act relating to city contract letting procedures.

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

STUDY BILLS RECEIVED

[SSB 1247](#) **State Government**

Establishing an interior design examining board, providing for the registration of interior designers, and providing fees and penalties.

[SSB 1248](#) **Local Government**

Providing for payroll deduction for county, city, and school district employees for charitable giving.

[SSB 1249](#) **State Government**

Relating to the regulation of auctions and the licensing of auctioneers and other auction personnel and providing fees, penalties, and an appropriation.

SSB 1250 Judiciary

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

SSB 1251 Judiciary

Relating to the Iowa probate code, the Iowa trust code, and certain other trusts.

SSB 1252 Judiciary

Relating to liens associated with agricultural production by providing for the termination of those liens.

SSB 1253 Judiciary

Authorizing the juvenile court under a juvenile delinquency or child in need of assistance permanency order to also appoint a guardian or conservator for the child for purposes of probate.

SUBCOMMITTEE ASSIGNMENTS**Senate Joint Resolution 5**

STATE GOVERNMENT: Connolly and Kettering, Co-chairs; Kibbie and Tinsman

Senate Concurrent Resolution 5

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

Senate File 199

HUMAN RESOURCES: Bolckom and Houser, Co-chairs; Gaskill and Hatch

Senate File 213

STATE GOVERNMENT: Connolly and Wieck, Co-chairs; Kibbie and Tinsman

Senate File 216

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

[Senate File 226](#)

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

[Senate File 227](#)

JUDICIARY: Brunkhorst and Warnstadt, Co-chairs; Hancock and Zaun

[Senate File 230](#)

JUDICIARY: Boettger and Kreiman, Co-chairs; Ward and Warnstadt

[Senate File 233](#)

STATE GOVERNMENT: Black and Tinsman, Co-chairs; Wood and Ziemann

[Senate File 238](#)

JUDICIARY: Kreiman and Tinsman, Co-chairs; Miller and Warnstadt

[Senate File 240](#)

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

[Senate File 241](#)

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

[Senate File 243](#)

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

[Senate File 247](#)

JUDICIARY: Boettger and Kreiman, Co-chairs; Warnstadt and Zaun

[Senate File 248](#)

JUDICIARY: Brunkhorst and Hancock, Co-chairs; Schoenjahn and Ward

[Senate File 255](#)

JUDICIARY: Hancock and Larson, Co-chairs; Kreiman and Ward

[House File 173](#)

JUDICIARY: Kreiman and Larson, Co-chairs; Hancock and Ward

[House File 247](#)

STATE GOVERNMENT: Kibbie and Wieck, Co-chairs; Brunkhorst and Connolly

[House File 248](#)

STATE GOVERNMENT: Kibbie and Wieck, Co-chairs; Brunkhorst and Connolly

[House File 339](#)

STATE GOVERNMENT: Hatch and Ward, Co-chairs; Danielson and Tinsman

[SSB 1237](#)

(Reassignment)

TRANSPORTATION: Putney, Chair; Beall, Fraise, and Kettering

[SSB 1247](#)

STATE GOVERNMENT: Black and Ward, Co-chairs; Kibbie and Tinsman

[SSB 1248](#)

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

[SSB 1249](#)

STATE GOVERNMENT: Hancock and Tinsman, Co-chairs; McKibben and Wood

[SSB 1250](#)

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

[SSB 1251](#)

JUDICIARY: Ward and Warnstadt, Co-chairs; Hancock and Miller

[SSB 1252](#)

JUDICIARY: Schoenjahn and Zaun, Co-chairs; Ward and Warnstadt

[SSB 1253](#)

JUDICIARY: Boettger and Quirnbach, Co-chairs; Kreiman and Tinsman

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: *[SENATE FILE 259 \(SSB 1144\)](#), a bill for an act relating to the regulation of agricultural seed, by providing for preemption of local legislation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Fraise, Johnson, Brunkhorst, Gaskill, Hahn, Kibbie, Mulder, Putney, and Rielly. Nays, 3: Courtney, Hancock, and Ragan. Absent, 2: Black and Houser.

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 Agriculture Committee on [Senate File 259](#), and they were attached to the committee report.

COMMERCE

Bill Title: *[SENATE FILE 260 \(SSB 1099\)](#), a bill for an act relating to debt collection disclosure requirements for certain financial institution affiliates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Behn, Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, McCoy, McKinley, Rielly, Stewart, Wieck, Zaun, and Zieman. Nays, none. Absent, 2: Warnstadt and Larson.

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 Commerce Committee on [Senate File 260](#), and they were attached to the committee report.

JUDICIARY

Bill Title: [SENATE FILE 246 \(SSB 1073\)](#), a bill for an act prohibiting a donation or contribution to an agency, organization, or political subdivision of the state in a criminal proceeding.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, McKibben, Quirnbach, Schoenjahn, Tinsman, and Zaun. Nays, 1: Kreiman. Absent, 3: Larson, Ward, and Warnstadt.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [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.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL ASSIGNED TO COMMITTEE

President Kibbie announced that [House File 420](#) was assigned to the committee on **Commerce**.

AMENDMENTS FILED

S-3005	S.F. 220	Steve Warnstadt
S-3006	S.F. 71	Jeff Angelo
S-3007	H.F. 277	David Johnson