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**STATE OF IOWA**

**Senate Journal**

**MONDAY, MARCH 7, 2005**

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# JOURNAL OF THE SENATE

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FIFTY-SEVENTH CALENDAR DAY  
THIRTY-THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, March 7, 2005

The Senate met in regular session at 1:04 p.m., President Lamberti presiding.

Prayer was offered by the Reverend Howard Vrankin, pastor of the First Lutheran Church in Newton, Iowa. He was the guest of Senator Black.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Nicole Webb.

The Journal of Thursday, March 3, 2005, was approved.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:10 p.m. until 8:30 a.m., Tuesday, March 8, 2005.

**APPENDIX****CERTIFICATES OF RECOGNITION**

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

Florence Bethurum, Dixon—For celebrating your 100th birthday. Senator Wood (3/7/05).

Amanda Larssen, Davenport—For celebrating your 95th birthday. Senator Wood (3/7/05).

Vaughn Lippoldt, Council Bluffs—For receiving a Hall of Fame award from the Kansas Music Educators Association. Senator Gronstal (3/7/05).

**REPORTS OF COMMITTEE MEETINGS****HUMAN RESOURCES**

**Convened:** March 7, 2005, 3:00 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:** Passed SFs 192 and 193. Approved [SSB 1140](#).

**Adjourned:** 3:45 p.m.

**TRANSPORTATION**

**Convened:** March 7, 2005, 3:05 p.m.

**Members Present:** McCoy and Putney, Co-chairs; Beall, Danielson, Dearden, Fraise, Hahn, Kettering, Shull, Ward, Warnstadt, and Zieman.

**Members Absent:** None.

**Committee Business:** Passed [SF 142](#) and [SF 51](#) (as amended). Approved [SSB 1235](#).

**Adjourned:** 3:30 p.m.

**INTRODUCTION OF RESOLUTIONS**

[Senate Joint Resolution 6](#), by Gronstal and Iverson, a joint resolution authorizing the temporary use and consumption of wine in

the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation.

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

[Senate Joint Resolution 7](#), by Gronstal and Iverson, a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol in conjunction with the 2005 National Governors Association Annual Meeting.

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

[Senate Resolution 12](#), by Zieman, a resolution to recognize the sesquicentennial of the town of New Hampton, Iowa.

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

#### INTRODUCTION OF BILLS

[Senate File 271](#), by committee on Natural Resources and Environment, a bill for an act relating to regulating and registering certain vessels, operating certain vessels by minors, inspecting certain vessels, operating vessels for hire or commercial vessels, providing for penalties, and appropriating the moneys collected from certain registration fee increases to the state fish and game protection fund.

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

[Senate File 272](#), by committee on Human Resources, a bill for an act relating to the council with which the director of human services consults regarding the medical assistance program.

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

[Senate File 273](#), by Bolkcom, Dearden, Seng, Kreiman, Dvorsky, Beall, Connolly, Fraise, Quirnbach, Kibbie, Black, Courtney, Schoenjahn, Wood, and Ragan, a bill for an act relating to the sale,

issuance, and redemption of gift certificates including providing for abandonment, establishing restrictions on fees and charges, prohibiting expiration dates and other restrictive terms, and making penalties applicable.

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

[Senate File 274](#), by Wood, a bill for an act directing the department of education to perform a review of the educational standards for physical education.

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

[Senate File 275](#), by Ragan, Angelo, Kreiman, Hancock, Mulder, Gaskill, Putney, and Stewart, a bill for an act requiring the department of agriculture and land stewardship to revise certain application requirements applicable to the women, infants, and children Iowa farmers market nutrition program and the senior farmers market nutrition program and providing an effective date.

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

[Senate File 276](#), by Houser, Seymour, Tinsman, Kettering, Wieck, Johnson, Boettger, Brunkhorst, McKinley, Connolly, Wood, Hancock, Kibbie, Courtney, and Seng, a bill for an act providing for the transfer of wine sale revenues to the grape and wine development fund.

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

[Senate File 277](#), by Bolkom, a bill for an act creating the home loan protection Act, and providing a penalty.

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

[Senate File 278](#), by Kettering, a bill for an act relating to the exemption from property taxation of certain low-rent housing and including effective date and applicability date provisions.

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

[Senate File 279](#), by Iverson, a bill for an act relating to an alternative dispute resolution process in a residential construction defect case and including a mediation provision.

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

[Senate File 280](#), by committee on Local Government, a bill for an act relating to vital statistics, by allowing the county registrar to certify copies of records on the county registrar's intranet website.

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

[Senate File 281](#), by committee on Local Government, a bill for an act relating to the assessment and collection of penalty, fee, and interest charges imposed for the late payment of building code penalties, fines, and inspection and enforcement fees.

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

[Senate File 282](#), by committee on Local Government, a bill for an act providing for the establishment of a committee to examine alternatives and develop an implementation plan regarding adoption of an integrated state fire code.

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

[Senate File 283](#), by committee on Judiciary, a bill for an act relating to the department of public safety by updating references, changing the names of divisions in the department, and changing practices and procedures.

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

[Senate File 284](#), by Bolkcom, a bill for an act relating to the issuance of group insurance policies to certain nonprofit organizations.

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

[Senate File 285](#), by Houser, a bill for an act relating to the imposition of a countywide hotel and motel tax.

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

[Senate File 286](#), by Bolkcom, a bill for an act relating to motor vehicle fuel taxes, by exempting small biofuel producers.

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

[Senate File 287](#), by Warnstadt, a bill for an act concerning the subrogation rights for a city under the statewide fire and police retirement system.

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

[Senate File 288](#), by Hatch, a bill for an act relating to the registration of residential real estate appraisers and providing a penalty.

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

[Senate File 289](#), by Hatch, a bill for an act providing for an increase in hotel, home food establishment, and food establishment inspection fees.

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

[Senate File 290](#), by Warnstadt, a bill for an act relating to school finance by increasing the foundation property tax, increasing the regular program and special education support services foundation base, distributing specified program funds on a per pupil basis through the school finance formula, making an appropriation, and providing an effective date and applicability provision.

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

[Senate File 291](#), by Hatch, a bill for an act providing for the establishment of an Iowa health freedom Act.

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

[Senate File 292](#), by Warnstadt, a bill for an act extending veterans' benefits, preferences, eligibility for appointments, and the military service tax credit and exemption to certain members of the reserve forces of the United States and the Iowa national guard and providing an effective date.

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

[Senate File 293](#), by Tinsman, a bill for an act providing for increased flexibility in school district utilization of funding when authorized by the school budget review committee under specified circumstances.

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

[Senate File 294](#), by Beall, a bill for an act prohibiting a business entity from requesting or requiring certain state or federal information from another business entity and providing a penalty.

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



[Senate File 295](#), by Bolkcom, a bill for an act providing that a child who is ten years of age or older, truant, and who refuses to engage in mediation or who violates a truancy mediation agreement commits a delinquent act.

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

[Senate File 296](#), by Dearden, a bill for an act relating to the rights of a peace officer during an investigation of that officer.

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

[Senate File 297](#), by Connolly, a bill for an act providing for the establishment of an Iowa educator professional growth program, making an appropriation, and including effective and applicability date provisions.

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

[Senate File 298](#), by Warnstadt, a bill for an act requiring creation of a small business health care coverage assistance program in the insurance division of the department of commerce.

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

[Senate File 299](#), by Warnstadt, a bill for an act establishing pilot projects requiring the division of insurance to allow flexible small employer group health insurance coverage and requiring the insurance division to review insurance rating issues affecting small employers.

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

[Senate File 300](#), by Warnstadt, a bill for an act relating to civil protections for military service members and dependents of military service members.

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

STUDY BILLS RECEIVED

**SSB 1255**      **Education**

Requiring successful completion of certain examinations prior to licensure and endorsement by the board of educational examiners and providing for related matters and an effective date.

**SSB 1256**      **Education**

Relating to state aid for teacher shortage incentives.

**SSB 1257**      **Education**

Relating to the Iowa early intervention block grant program.

**SSB 1258**      **Education**

Establishing a value-added assessment system to calculate annually the academic growth of students enrolled in school districts at grade levels three through eleven.

**SSB 1259**      **Education**

Relating to state aid for teacher shortage incentives.

**SSB 1260**      **Education**

Relating to organizations supportive of community colleges and schools by allowing individual income tax credits for contributions made to certain school tuition organizations, authorizing a school district or community college to include a nonprofit educational foundation in its insurance coverages if reimbursed, exempting from the scope of negotiations dues checkoff authorizations for teachers represented by a certified employee organization, and including an applicability date provision.

**SSB 1261      Agriculture**

Relating to the administration of the Iowa egg council, including by providing for the use, promotion, and research of eggs and egg products, and providing for an assessment.

**SSB 1262      State Government**

Relating to the licensure of gambling treatment programs.

**SSB 1263      Agriculture**

Relating to the regulating of establishments having custody of animals, and providing for fees and penalties.

**SSB 1264      Education**

Relating to school finance by increasing the regular program foundation base, providing for the repeal of specified levies, providing for a gradual increase in state funding for the instructional support program and incorporation of the program into the school finance formula, requiring school districts to publicize higher educational opportunities available to students enrolled in the district, removing certain barriers between secondary and post secondary institutions relating to supplementary weighting and post secondary enrollment options, requiring the school budget review committee to grant transportation assistance aid to school districts under certain circumstances, requiring the department of management to study the issue of tax increment financing for purposes of urban renewal, making an appropriation, and providing applicability and effective dates.

**SSB 1265      Education**

Establishing an energy conservation program for school districts, area education agencies, and community colleges.

**SSB 1266 Appropriations**

Relating to appropriation matters by making and increasing appropriations for the fiscal year beginning July 1, 2004, and providing effective and applicability date provisions.

**SUBCOMMITTEE ASSIGNMENTS****Senate Resolution 11**

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

**Senate Resolution 12**

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

**Senate File 92**

EDUCATION: Brunkhorst and Kreiman, Co-chairs; Connolly and Larson

**Senate File 221**

EDUCATION: Larson and Schoenjahn, Co-chairs; Beall and Brunkhorst

**Senate File 224**

EDUCATION: Angelo and Wood, Co-chairs; Connolly and McKinley

**Senate File 228**

COMMERCE: Stewart and Wieck, Co-chairs; Kettering and McCoy

**Senate File 250**

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

**Senate File 251**

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

**Senate File 267**

AGRICULTURE: Kibbie and Putney, Co-chairs; Gaskill and Ragan

**Senate File 275**

AGRICULTURE: Johnson and Ragan, Co-chairs; Hahn and Hancock

[Senate File 276](#)

NATURAL RESOURCES AND ENVIRONMENT: Black and Houser, Co-chairs; Bolkcom and Kettering

[SSB 1255](#)

EDUCATION: Brunkhorst and Schoenjahn, Co-chairs; Connolly and Mulder

[SSB 1256](#)

EDUCATION: McKinley and Schoenjahn, Co-chairs; Angelo and Beall

[SSB 1257](#)

EDUCATION: Dvorsky and McKinley, Co-chairs; Boettger and Connolly

[SSB 1258](#)

EDUCATION: McKinley and Wood, Co-chairs; Angelo and Quirnbach

[SSB 1259](#)

EDUCATION: Mulder and Schoenjahn, Co-chairs; Dvorsky and Ward

[SSB 1260](#)

EDUCATION: Mulder and Quirnbach, Co-chairs; Brunkhorst and Dvorsky

[SSB 1261](#)

AGRICULTURE: Black and Johnson, Co-chairs; Houser and Rielly

[SSB 1262](#)

STATE GOVERNMENT: Black and McKibben, Co-chairs; Connolly and Zieman

[SSB 1263](#)

AGRICULTURE: Mulder and Ragan, Co-chairs; Hancock and Johnson

[SSB 1264](#)

EDUCATION: Kreiman and McKinley, Co-chairs; Boettger and Connolly

[SSB 1265](#)

EDUCATION: Angelo and Schoenjahn, Co-chairs; Dvorsky and Mulder

[SSB 1266](#)

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

## FINAL COMMITTEE REPORTS OF BILL ACTION

## HUMAN RESOURCES

**Bill Title:** \*[SENATE FILE 272 \(SSB 1042\)](#), a bill for an act relating to the council with which the director of human services consults regarding the medical assistance program.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Ragan, Seymour, Behn, Boettger, Bolkcom, Dotzler, Johnson, Kreiman, Quirnbach, Tinsman, and Wood. Nays, none. Absent, 3: Gaskill, Hatch, 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 Human Resources Committee on [Senate File 272](#), and they were attached to the committee report.

## JUDICIARY

**Bill Title:** \*[SENATE FILE 283 \(SSB 1108\)](#), a bill for an act relating to the department of public safety by updating references, changing the names of divisions in the department, and changing practices and procedures.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Hancock, Horn, McKibben, Quirnbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, 1: Fraise. Absent, 1: 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 Judiciary Committee on [Senate File 283](#), and they were attached to the committee report.

## ALSO:

**Bill Title:** [HOUSE FILE 227](#), a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3011](#).

**Final Vote:** Ayes, 15: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, McKibben, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: Larson.

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

#### LOCAL GOVERNMENT

**Bill Title:** \*[SENATE FILE 280](#) (formerly [SF 50](#)), a bill for an act relating to vital statistics, by allowing the county registrar to certify copies of records on the county registrar's intranet website.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Quirmbach, Shull, Kreiman, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun. Nays, 1: McCoy. Absent, 2: Houser 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 Local Government Committee on [Senate File 280](#), and they were attached to the committee report.

#### ALSO:

**Bill Title:** \*[SENATE FILE 281 \(SSB 1215\)](#), a bill for an act relating to the assessment and collection of penalty, fee, and interest charges imposed for the late payment of building code penalties, fines, and inspection and enforcement fees.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Quirmbach, Shull, Kreiman, Lundby, McCoy, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun. Nays, none. Absent, 1: 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 Local Government Committee on [Senate File 281](#), and they were attached to the committee report.

#### ALSO:

**Bill Title:** \*[SENATE FILE 282 \(SSB 1213\)](#), a bill for an act providing for the establishment of a committee to examine alternatives and develop an implementation plan regarding adoption of an integrated state fire code.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: Quirmbach, Shull, Lundby, Mulder, Rielly, Schoenjahn, Stewart, and Zaun. Nays, 2: Kreiman and Putney. Present, 1: McCoy. Absent, 1: 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 Local Government Committee on [Senate File 282](#), and they were attached to the committee report.

#### NATURAL RESOURCES AND ENVIRONMENT

**Bill Title:** [SENATE FILE 271 \(SSB 1109\)](#), a bill for an act relating to regulating and registering certain vessels, operating certain vessels by minors, inspecting certain vessels, operating vessels for hire or commercial vessels, providing for penalties, and appropriating the moneys collected from certain registration fee increases to the state fish and game protection fund.

**Recommendation:** APPROVED COMMITTEE BILL.

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

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

#### PETITIONS

The following petitions were presented and placed on file:

From 56 residents of Polk County favoring legislation on mental health parity. Senator Lamberti.

From 16 residents of Wayne County favoring legislation to continue funding in the state budget for the fairs of Iowa. Senator McKinley.

#### BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 3, 2005, the Governor approved and transmitted to the Secretary of State the following bill:

[S.F. 113](#) – Relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

#### AMENDMENT FILED

[S-3011](#)      [H.F. 227](#)      Judiciary