

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, MARCH 8, 2005

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JOURNAL OF THE SENATE

FIFTY-EIGHTH CALENDAR DAY
THIRTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 8, 2005

The Senate met in regular session at 8:36 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Jim Wakelin, pastor of the Bloomfield Christian Church in Bloomfield, Iowa. He was the guest of Senator Kreiman.

The Journal of Monday, March 7, 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 7, 2005, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 114](#), a bill for an act relating to tax credit certificates issued by the Iowa capital investment board and providing an effective date.

ALSO: That the House has on March 7, 2005, **concurred in the Senate amendment and passed** the following bill in which the concurrence of the House was asked:

[House File 277](#), a bill for an act relating to the deregulation of communications services including considering market forces, eliminating accounting plan requirements, establishing antitrust procedures and remedies, eliminating reporting requirements, eliminating the Iowa broadband initiative, and providing a penalty.

ALSO: That the House has on March 7, 2005, **passed** the following bill in which the concurrence of the Senate is asked:

House File 418, a bill for an act concerning billing for anatomic pathology services and making licensing sanctions applicable.

Read first time and attached to **companion Senate File 269**.

SPECIAL GUESTS

Senator Mulder introduced the George-Little Rock Mustang girls' basketball team and their coach Ken Roseberry. The team is participating in the 2005 Iowa Girls' State Basketball Tournament.

The Senate welcomed the coach and players.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:45 a.m. until 8:30 a.m., Wednesday, March 9, 2005.

APPENDIX**CERTIFICATES OF RECOGNITION**

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

Jared Enderton, Graettinger-Terril High School—For becoming the Class 1A 171-pound 3rd place finisher at the 2005 State Wrestling Tournament. Senator Kibbie (3/8/05).

Alex Helmich, Graettinger-Terril High School—For becoming the Class 1A 103-pound 6th place finisher at the 2005 State Wrestling Tournament. Senator Kibbie (3/8/05).

Ken Roseberry and the George-Little Rock Mustang basketball team—For participating in the 2005 Iowa Girls' State Tournament. Senator Mulder (3/8/05).

Todd Tidgren and the Maurice Orange City-Floyd Valley Lady Dutch basketball team—For participating in the 2005 Iowa Girls' State Tournament. Senator Mulder (3/8/05).

REPORTS OF COMMITTEE MEETINGS**AGRICULTURE**

Convened: March 8, 2005, 9:05 a.m.

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

Members Absent: None.

Committee Business: Passed SFs 251 and 275. Approved [SSB 1244](#).

Adjourned: 10:05 a.m.

COMMERCE

Convened: March 8, 2005, 10:30 a.m.

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

Members Absent: Kettering (excused).

Committee Business: Passed [SF 194](#). Approved [SSB 1090](#) (as amended).

Adjourned: 10:50 a.m.

JUDICIARY

Convened: March 8, 2005, 1:00 p.m.

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

Members Absent: None.

Committee Business: Passed SFs 6 (as amended) and 131 (as amended). Approved SSBs 1016 (as amended), 1028, 1070 (as amended), 1128 (as amended), 1170, and 1228.

Adjourned: 2:05 p.m.

INTRODUCTION OF BILLS

Senate File 301, by Warnstadt, a bill for an act relating to the required fuel efficiency of newly purchased state vehicles.

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

Senate File 302, by committee on Transportation, a bill for an act relating to the annual registration fee for certain motor vehicles equipped for persons with disabilities or used by persons with wheelchairs.

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

Senate File 303, by committee on Human Resources, 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 **placed on calendar**.

Senate File 304, by committee on Human Resources, a bill for an act relating to the provisions of the elder Iowans Act.

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

[Senate File 305](#), by committee on Human Resources, 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 **placed on calendar.**

[Senate File 306](#), by Tinsman, a bill for an act providing for the establishment of a regional academy pilot program.

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

[Senate File 307](#), by Danielson, a bill for an act relating to the issuance of a temporary injunction prohibiting the enforcement of financial obligations and liabilities related to an action seeking damages for personal injury.

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

[Senate File 308](#), by Kreiman, a bill for an act relating to the utilities board, including board revocation of franchises for the construction or operation of electric transmission lines and the terms of service of members of the board.

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

[Senate File 309](#), by Dvorsky, a bill for an act relating to the manufacture and sale of native distilled spirits, and establishing a permit fee.

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

[Senate File 310](#), by Dvorsky, a bill for an act prohibiting the possession, transfer, or sale of a firearm or offensive weapon by a person who is the subject of a protective order or who has been convicted of a misdemeanor crime of domestic violence in violation of federal law and providing a penalty.

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

[Senate File 311](#), by Johnson, a bill for an act relating to counties by authorizing the board of supervisors to establish an alternative government charter commission by resolution and by authorizing a county to impose an impact fee for new construction.

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

[Senate File 312](#), by committee on Transportation, a bill for an act relating to advance notification of the need to renew a driver's license and making an appropriation.

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

[Senate File 313](#), by committee on Transportation, a bill for an act relating to traffic citations issued for railroad crossing violations.

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

[Senate File 314](#), by Brunkhorst, Seymour, Shull, Ward, Zieman, Mulder, Miller, Tinsman, Behn, Putney, Gaskill, Hahn, and Houser , a bill for an act relating to contributions made to medical savings accounts for state income tax purposes and including effective and retroactive applicability date provisions.

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

[Senate File 315](#), by Tinsman, a bill for an act relating to county processing of orders for observation, evaluation, and treatment of public patients at the state psychiatric hospital at the state university of Iowa.

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

[Senate File 316](#), by Ragan, a bill for an act relating to employment, by regulating the display of social security numbers on employee paychecks.

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

[Senate File 317](#), by Ward, a bill for an act authorizing a city to sell land gifted or dedicated to a city for park purposes.

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

[Senate File 318](#), by Mulder and Dotzler, a bill for an act legalizing the sale and use of fireworks, providing for exceptions and limitations on sales and use, and providing penalties.

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

[Senate File 319](#), by Warnstadt, a bill for an act assessing a brain injury surcharge, creating a brain injury surcharge fund, and making appropriations to the fund.

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

STUDY BILLS RECEIVED

[SSB 1267](#) **Economic Growth**

Relating to vertical infrastructure funding by providing for the crediting of gambling revenues, authorizing the issuance of bonds to provide vertical infrastructure funding, and making appropriations.

[SSB 1268](#) **Education**

Increasing and expanding the tuition tax credit under the individual income tax and including a retroactive applicability date provision.

SSB 1269 Judiciary

Relating to the appointment of counsel in termination of parental rights proceedings.

SSB 1270 Commerce

Relating to the regulation and supervision of title insurance agents, to the sale of title insurance, providing for penalties, and providing for effective and applicability dates.

SSB 1271 Human Resources

Retaining and expending revenues generated from nurse licensing fees.

SSB 1272 Human Resources

Relating to the long-term living system in Iowa including establishment of the intent for Iowa's long-term living system.

SSB 1273 Local Government

Authorizing a city to sell land gifted or dedicated to a city for park purposes.

SUBCOMMITTEE ASSIGNMENTS**Senate Joint Resolution 6**

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

Senate Joint Resolution 7

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

Senate File 187

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

[Senate File 234](#)

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

[Senate File 242](#)

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

[Senate File 244](#)

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

[Senate File 256](#)

APPROPRIATIONS: Dvorsky and Kettering, Co-chairs; Hatch and Ward

[Senate File 263](#)

LOCAL GOVERNMENT: Putney and Stewart, Co-chairs; Schoenjahn and Zaun

[Senate File 268](#)

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

[Senate File 273](#)

COMMERCE: Bolkcom and Kettering, Co-chairs; Beall and McKinley

[Senate File 274](#)

EDUCATION: Mulder and Wood, Co-chairs; Boettger and Schoenjahn

[Senate File 277](#)

STATE GOVERNMENT: Hatch and Wieck, Co-chairs; Black and Kettering

[Senate File 278](#)

WAYS AND MEANS: Connolly and Hahn, Co-chairs; Seng and Wieck

[Senate File 279](#)

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

[Senate File 284](#)

COMMERCE: Bolkcom and Wieck, Co-chairs; Courtney and Kettering

[Senate File 286](#)

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

[Senate File 287](#)

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

[Senate File 289](#)

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

[Senate File 290](#)

EDUCATION: Angelo and Kreiman, Co-chairs; Connolly and Ward

[Senate File 291](#)

STATE GOVERNMENT: Hatch and Wieck, Co-chairs; Black and Tinsman

[Senate File 292](#)

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

[Senate File 293](#)

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

[Senate File 294](#)

BUSINESS AND LABOR RELATIONS: Horn and Shull, Co-chairs; Seng and Seymour

[Senate File 295](#)

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

[Senate File 296](#)

JUDICIARY: Fraise and Larson, Co-chairs; Hancock and Zaun

[Senate File 297](#)

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

[Senate File 299](#)

COMMERCE: Warnstadt and Wieck, Co-chairs; Courtney and Kettering

[Senate File 300](#)

STATE GOVERNMENT: Brunkhorst and Kibbie, Co-chairs; Danielson and Miller

[Senate File 301](#)

TRANSPORTATION: Hahn, Chair; Beall, Dearden and Shull

Senate File 308

COMMERCE: Courtney and McKinley, Co-chairs; McCoy and Zaun

House File 312

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

House File 373

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

House File 374

STATE GOVERNMENT: Danielson and McKibben, Co-chairs; Horn and Kettering

House File 375

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

House File 400

WAYS AND MEANS: Larson and Quirnbach, Co-chairs; Danielson and Miller

House File 466

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

SSB 1267

ECONOMIC GROWTH: Brunkhorst and Hatch, Co-chairs

SSB 1268

EDUCATION: Mulder and Quirnbach, Co-chairs; Ward and Wood

SSB 1269

JUDICIARY: McKibben and Warnstadt, Co-chairs; Boettger and Hancock

SSB 1270

COMMERCE: Courtney and Zieman, Co-chairs; Bolkcom and Zaun

SSB 1271

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

SSB 1272

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

SSB 1273

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

FINAL COMMITTEE REPORTS OF BILL ACTION**AGRICULTURE**

Bill Title: [SENATE FILE 275](#), 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.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Fraise, Johnson, Black, Brunkhorst, Courtney, Gaskill, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, Ragan, and Rielly. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: *[SENATE FILE 303](#) (formerly [SF 193](#)), a bill for an act relating to the providing of another business or activity in a health care facility.

Recommendation: APPROVED COMMITTEE BILL.

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

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 303](#), and they were attached to the committee report.

ALSO:

Bill Title: *[SENATE FILE 304](#) ([SSB 1140](#)), a bill for an act relating to the provisions of the elder Iowans Act.

Recommendation: APPROVED COMMITTEE BILL.

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

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 304](#), and they were attached to the committee report.

ALSO:

Bill Title: *[SENATE FILE 305](#) (formerly [SF 192](#)), a bill for an act requiring the department of human services to develop and implement a voluntary child care quality rating system.

Recommendation: APPROVED COMMITTEE BILL.

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

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 305](#), and they were attached to the committee report.

TRANSPORTATION

Bill Title: [SENATE FILE 302](#) (formerly [SF 142](#)), a bill for an act relating to the annual registration fee for certain motor vehicles equipped for persons with disabilities or used by persons with wheelchairs.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: McCoy, Putney, Beall, Danielson, Dearden, Fraise, Hahn, Kettering, Shull, Ward, Warnstadt, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *[SENATE FILE 312](#) (formerly [SF 51](#)), a bill for an act relating to advance notification of the need to renew a driver's license and making an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: McCoy, Putney, Beall, Danielson, Dearden, Fraise, Hahn, Kettering, Shull, Ward, Warnstadt, and Zieman. Nays, none. Absent, none.

Fiscal Note: 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 312](#), and they were attached to the committee report.

ALSO:

Bill Title: [SENATE FILE 313 \(SSB 1235\)](#), a bill for an act relating to traffic citations issued for railroad crossing violations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: McCoy, Putney, Beall, Danielson, Dearden, Fraise, Hahn, Kettering, Shull, Ward, Warnstadt, and Ziemann. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

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 8th day of March, 2005:

[Senate File 75.](#)

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENT FILED

[S-3012](#) [S.F. 265](#) Roger Stewart