

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, MARCH 9, 2005

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JOURNAL OF THE SENATE

FIFTY-NINTH CALENDAR DAY
THIRTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 9, 2005

The Senate met in regular session at 8:43 a.m., President Lamberti presiding.

Prayer was offered by Father Chris Fontanini of the Greater Des Moines Catholic Diocese of Des Moines, Iowa. He was the guest of Senator Zaun.

The Journal of Tuesday, March 8, 2005, was approved.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 264](#).

[Senate File 264](#)

On motion of Senator Angelo, [Senate File 264](#), a bill for an act relating to the funding of the dual party relay service through assessments on telecommunications carriers providing telephone service, was taken up for consideration.

President Pro Tempore McKibben took the chair at 9:00 a.m.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 264](#)), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

[Senate Concurrent Resolution 3](#)

Senator Gronstal called up for consideration [Senate Concurrent Resolution 3](#), a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-first general assembly, amended by the House in House amendment [S-3009](#), filed March 3, 2005.

Senator Lamberti moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Lamberti moved that the resolution, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the resolution was read the last time.

The resolution passed the Senate by a voice vote.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 269](#).

[Senate File 269](#)

On motion of Senator Dotzler, [Senate File 269](#), a bill for an act concerning billing for anatomic pathology services and making licensing sanctions applicable, was taken up for consideration.

Senator Dotzler asked and received unanimous consent that [House File 418](#) be substituted for [Senate File 269](#).

[House File 418](#)

On motion of Senator Dotzler, [House File 418](#), a bill for an act concerning billing for anatomic pathology services and making licensing sanctions applicable, was taken up for consideration.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 418](#)), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Dotzler asked and received unanimous consent that [Senate File 269](#) be withdrawn from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate Concurrent Resolution 3](#), [Senate File 264](#), and [House File 418](#) be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:16 a.m. until 1:00 p.m.

APPENDIX — 1**REPORTS OF COMMITTEE MEETINGS****NATURAL RESOURCES AND ENVIRONMENT**

Convened: March 8, 2005, 2:35 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: Passed [SF 110](#) and approved [SSB 1130](#).

Adjourned: 2:50 p.m.

BUSINESS AND LABOR RELATIONS

Convened: March 9, 2005, 10:10 a.m.

Members Present: Dearden and Wieck, Co-chairs; Behn, Courtney, Dotzler, Horn, McKibben, Seng, Seymour, and Shull.

Members Absent: None.

Committee Business: Passed [SF 316](#) and [HF 141](#). Approved [SSB 1051](#).

Adjourned: 10:25 a.m.

WAYS AND MEANS

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

Members Present: Bolkcom and Zieman, Co-chairs; Connolly, Danielson, Dotzler, Hahn, Miller, Quirnbach, Stewart, and Wieck.

Members Absent: Larson, McCoy, McKibben, McKinley, Seng, and Zaun (all excused).

Committee Business: Passed [SF 206](#).

Adjourned: 8:20 a.m.

INTRODUCTION OF BILLS

[Senate File 320](#), by committee on Commerce, a bill for an act requiring performance of a criminal history check of applicants for real estate broker and salesperson licenses.

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

[Senate File 321](#), by committee on Judiciary, a bill for an act relating to the use of moneys deposited into the inmate labor fund.

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

[Senate File 322](#), by committee on Judiciary, a bill for an act allowing certain abstractors to request a mortgage release.

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

[Senate File 323](#), by committee on Judiciary, a bill for an act establishing a uniform mediation Act.

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

[Senate File 324](#), by committee on Commerce, a bill for an act relating to equipment dealerships, by providing for the sale or transfer of a dealership and providing for the Act's applicability.

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

SUBCOMMITTEE ASSIGNMENTS

[Senate File 288](#)

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

[Senate File 306](#)

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

[Senate File 309](#)

STATE GOVERNMENT: Connolly and Miller, Co-chairs; Kibbie and Zieman

[Senate File 316](#)

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

[Senate File 318](#)

STATE GOVERNMENT: Hatch and Tinsman, Co-chairs; Brunkhorst and Kibbie

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: *[SENATE FILE 320](#) (formerly [SF 194](#)), a bill for an act requiring performance of a criminal history check of applicants for real estate broker and salesperson licenses.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Behn, Warnstadt, Angelo, Beall, Bolkcom, Courtney, Gronstal, Larson, McCoy, McKinley, Rielly, Stewart, Wieck, Zaun, and Zieman. Nays, none. Absent, 1: Kettering.

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

ALSO:

Bill Title: [SENATE FILE 324 \(SSB 1090\)](#), a bill for an act relating to equipment dealerships, by providing for the sale or transfer of a dealership and providing for the Act's applicability.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Behn, Warnstadt, Angelo, Beall, Bolkcom, Courtney, Gronstal, Larson, McCoy, McKinley, Rielly, Stewart, Wieck, Zaun, and Zieman. Nays, none. Absent, 1: Kettering.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: [SENATE FILE 321 \(SSB 1228\)](#), a bill for an act relating to the use of moneys deposited into the inmate labor fund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, McKibben, Quirnbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 322 \(SSB 1028\)](#), a bill for an act allowing certain abstractors to request a mortgage release.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, McKibben, Quirnbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 323 \(SSB 1170\)](#), a bill for an act establishing a uniform mediation Act.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, McKibben, Quirnbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

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

Recommendation: DO PASS.

Final Vote: Ayes, 10: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, Miller, Quirnbach, Stewart, and Wieck. Nays, none. Absent, 6: Larson, McCoy, McKibben, McKinley, Seng, and Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 1:06 p.m., President Lamberti presiding.

QUORUM CALL

Senator Gronstal requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 45 present, 5 absent, and a quorum present.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Iverson, for the remainder of the day, and Senator Hatch, until he returns, on request of Senator Gronstal.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that [Senate File 312](#) be referred from the Regular Calendar to the committee on **Appropriations**.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 270](#).

[Senate File 270](#)

On motion of Senator Kettering, [Senate File 270](#), a bill for an act 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, was taken up for consideration.

Senator Kettering moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 270](#)), the vote was:

Yeas, 48:

Angelo	Dvorsky	Lamberti	Schoenjahn
Beall	Fraise	Larson	Seng
Behn	Gaskill	Lundby	Seymour
Black	Gronstal	McCoy	Shull
Boettger	Hahn	McKibben	Stewart
Bolkcom	Hancock	McKinley	Tinsman
Brunkhorst	Horn	Miller	Ward
Connolly	Houser	Mulder	Warnstadt
Courtney	Johnson	Putney	Wieck
Danielson	Kettering	Quirnbach	Wood
Dearden	Kibbie	Ragan	Zaun
Dotzler	Kreiman	Rielly	Zieman

Nays, none.

Absent, 2:

Hatch Iverson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 270](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:17 p.m. until 8:30 a.m., Thursday, March 10, 2005.

APPENDIX — 2**REPORTS OF COMMITTEE MEETINGS****HUMAN RESOURCES**

Convened: March 9, 2005, 1:30 p.m.

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

Members Absent: None.

Committee Business: Approved SSBs 1080 (as amended), 1202, 1203, 1204 (as amended), 1211 (as amended), and 1272.

Adjourned: 2:30 p.m.

LOCAL GOVERNMENT

Convened: March 9, 2005, 10:35 a.m.

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

Members Absent: None.

Committee Business: Discussion on status of bills.

Recessed: 10:40 a.m.

Reconvened: 11:20 a.m.

Adjourned: 11:25 a.m.

STATE GOVERNMENT

Convened: March 9, 2005, 10:40 a.m.

Members Present: Horn and McKibben, Co-chairs; Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, Wood, and Ziemann.

Members Absent: None.

Committee Business: Passed [SF 292](#) and approved SSBs 1196, 1199, 1247, and 1249.

Adjourned: 11:35 a.m.

TRANSPORTATION

Convened: March 9, 2005, 1:40 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 301](#) and approved SSBs 1238 and 1239.

Adjourned: 2:10 p.m.

INTRODUCTION OF RESOLUTIONS

[Senate Concurrent Resolution 6](#), by McCoy and Tinsman, a concurrent resolution designating March 2005 as Iowa Women's History Month.

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

[Senate Resolution 13](#), by Iverson, a resolution honoring Rotary International on the occasion of its 100th anniversary and recognizing February 23, 2005, as Rotary International Day.

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

[Senate Resolution 14](#), by Warnstadt and Behn, a resolution designating April 2005 as Financial Literacy for Youth Month in Iowa.

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

INTRODUCTION OF BILLS

[Senate File 325](#), by committee on Judiciary, a bill for an act relating to the procedures and duties of the judicial branch, and making an appropriation to the enhanced court collections fund.

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

[Senate File 326](#), by Kettering, a bill for an act relating to the property taxation of a residential dwelling of a religious institution and including effective and applicability date provisions.

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

[Senate File 327](#), by Zieman and Kibbie, a bill for an act relating to voting machines, including by requiring that direct recording electronic voting machines used in the state produce paper records to be verified by voters.

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

[Senate File 328](#), by Lundby, a bill for an act relating to annexation by prohibiting a city from conditioning the approval of a subdivision plat or plat of survey on an agreement to be annexed into the city unless the city agrees to provide city utility services, and including effective date and retroactive applicability provisions.

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

[Senate File 329](#), by committee on Natural Resources and Environment, a bill for an act relating to water quality, by eliminating certain public water supply system permit fee requirements, creating a water quality needs and infrastructure program and fund, providing for an advisory committee, and making appropriations.

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

STUDY BILLS RECEIVED

[SSB 1274](#) **Ways and Means**

Relating to the repeal of the state inheritance tax and state qualified use inheritance tax.

SSB 1275 Government Oversight

Relating to electronic notices of bidding opportunities for state purchases and of any extension or renewal of existing contracts.

SSB 1276 Appropriations

Relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources.

SSB 1277 Appropriations

Relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the general fund, the road use tax fund, and the primary road fund.

SSB 1278 Appropriations

Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and including an effective date.

SSB 1279 Appropriations

Relating to and making appropriations to the justice system.

SSB 1280 Appropriations

Relating to and making appropriations for health and human services for the fiscal year beginning July 1, 2005, and providing effective dates.

SSB 1281 Commerce

Requiring health care benefit coverage for certain prosthetic devices and providing an applicability date.

SUBCOMMITTEE ASSIGNMENTS**Senate Concurrent Resolution 6**

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

Senate Resolution 13

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

Senate Resolution 14

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

Senate File 298

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

Senate File 315

HUMAN RESOURCES: Quirnbach and Seymour, Co-chairs; Behn and Kreiman

Senate File 319

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

Senate File 327

STATE GOVERNMENT: Kibbie and Zieman, Co-chairs; Horn and McKibben

Senate File 328

GOVERNMENT OVERSIGHT: Courtney and Lundby, Co-chairs

SSB 1274

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

SSB 1275

GOVERNMENT OVERSIGHT: Courtney and Lundby, Co-chairs

SSB 1276

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

[SSB 1277](#)

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

[SSB 1278](#)

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

[SSB 1279](#)

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

[SSB 1280](#)

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

[SSB 1281](#)

COMMERCE: Angelo and Courtney, Co-chairs; Stewart and Ziemann

FINAL COMMITTEE REPORTS OF BILL ACTION

BUSINESS AND LABOR RELATIONS

Bill Title: [HOUSE FILE 141](#), a bill for an act relating to the training and certification of designated security personnel working at commercial establishments with a liquor control license or wine or beer permit.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Dearden, Wieck, Behn, Courtney, Dotzler, Horn, McKibben, Seng, Seymour, and Shull. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: *[SENATE FILE 325 \(SSB 1128\)](#), a bill for an act relating to the procedures and duties of the judicial branch, and making an appropriation to the enhanced court collections fund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, McKibben, Quirnbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, none. Absent, none.

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

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: [SENATE FILE 329 \(SSB 1130\)](#), a bill for an act relating to water quality, by eliminating certain public water supply system permit fee requirements, creating a water quality needs and infrastructure program and fund, providing for an advisory committee, and making appropriations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Black, Houser, Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-3013	S.F. 281	Herman C. Quirnbach
S-3014	S.J.R. 7	Michael E. Gronstal