

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, MARCH 24, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

SEVENTY-FOURTH CALENDAR DAY
FORTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 24, 2005

The Senate met in regular session at 8:45 a.m., President Lamberti presiding.

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ocheyedan, Iowa, and the Honorable Doug Shull, member of the Senate from Warren County, Indianola, Iowa.

The Journal of Wednesday, March 23, 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 23, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 702, a bill for an act relating to the responsibilities of divisions within the department of workforce development, including training for occupational safety and health inspections and investigations, and workers' compensation.

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

House File 703, a bill for an act concerning private sector employee drug testing.

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

[House File 808](#), a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources.

Read first time and referred to committee on **Appropriations**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lundby, for the day, on request of Senator Wieck.

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:54 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 9:00 a.m., President Lamberti presiding.

The Senate stood at ease at 9:01 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:01 a.m., President Lamberti presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, for the day, on request of Senator Boettger.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 354, 361, and 351.

Senate File 354

On motion of Senator Warnstadt, **Senate File 354**, 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, was taken up for consideration.

Senator Warnstadt offered amendment **S-3055**, filed by Senators Behn and Warnstadt on March 23, 2005, to page 1 of the bill, and moved its adoption.

Amendment **S-3055** was adopted by a voice vote.

Senator Warnstadt 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. 354**), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Houser Lundby

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

Senate File 361

On motion of Senator Zaun, **Senate File 361**, a bill for an act relating to the criminal offense of theft of leased or rented personal property and making penalties applicable, was taken up for consideration.

Senator Zaun asked and received unanimous consent that **House File 745** be substituted for **Senate File 361**.

House File 745

On motion of Senator Zaun, **House File 745**, a bill for an act relating to the criminal offense of theft of leased or rented personal property and making penalties applicable, was taken up for consideration.

Senator Zaun asked and received unanimous consent that action on **House File 745** be deferred.

Senate File 351

On motion of Senator Ziemann, **Senate File 351**, 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, was taken up for consideration.

Senator Ziemann 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. 351**), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kreiman	Schoenjahn
Beall	Fraise	Lamberti	Seng
Behn	Gaskill	Larson	Seymour
Black	Gronstal	McCoy	Shull
Boettger	Hahn	McKibben	Stewart
Bolkcom	Hancock	McKinley	Tinsman
Brunkhorst	Hatch	Miller	Ward
Connolly	Horn	Mulder	Warnstadt
Courtney	Iverson	Putney	Wieck

Danielson	Johnson	Quirnbach	Wood
Dearden	Kettering	Ragan	Zaun
Dotzler	Kibbie	Rielly	Zieman

Nays, none.

Absent, 2:

Houser Lundby

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 Files 351 and 354** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:15 a.m. until 1:00 p.m., Monday, March 28, 2005.

APPENDIX

APPOINTMENTS

The following appointees were submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

BY THE GOVERNOR

	<u>TERM</u>
COMMISSIONER OF INSURANCE (Sec. 505.2) Susan E. Voss, Des Moines	05/01/2005 – 04/30/2009
BOARD OF PSYCHOLOGY EXAMINERS (Sec. 147.14(7)) Susan Enzle, Iowa City	05/01/2005 – 04/30/2008

The appointments were referred to the committee on **Rules and Administration**.

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on March 24, 2005.

COMMERCE

Susan E. Voss – Commissioner of Insurance

STATE GOVERNMENT

Susan Enzle – Board of Psychology Examiners

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on March 24, 2005, to investigate the appointment and reappointment of the following appointees:

COMMERCE

As Commissioner of Insurance:

SUSAN E. VOSS – Behn and McCoy, Co-chairs; Rielly and Wieck

STATE GOVERNMENT

As a member of the Board of Psychology Examiners:

SUSAN ENZLE – Black and Tinsman, Co-chairs; Hatch and Wieck

WITHDRAWAL OF GOVERNOR'S APPOINTEE

The following letter from the Governor was received in the office of the Secretary of the Senate on March 22, 2005:

I submitted the name of Craig Rypma to serve on the Board of Psychology Examiners on March 15, 2005. I am withdrawing his name from further consideration by the Senate.

Sincerely,
THOMAS J. VILSACK
Governor

BILLS ASSIGNED TO COMMITTEE

President Lamberti announced the assignment of the following bills to committee:

H.F. 769	Human Resources
H.F. 777	Judiciary
H.F. 781	Human Resources
H.F. 784	Human Resources
H.F. 789	Human Resources
H.F. 809	Appropriations

REPORTS OF COMMITTEE MEETINGS**EDUCATION**

Convened: March 24, 2005, 1:05 p.m.

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

Members Absent: Larson (excused).

Committee Business: Approved Governor's appointees.

Adjourned: 1:55 p.m.

GOVERNMENT OVERSIGHT

Convened: March 24, 2005, 11:00 a.m.

Members Present: Courtney, Co-chair; Connolly and Wieck.

Members Absent: Lundby, Co-chair (excused).

Committee Business: Presentations by Department of Management and Iowa County Recorders Association.

Adjourned: 12:20 p.m.

RULES AND ADMINISTRATION

Convened: March 24, 2005, 8:55 a.m.

Members Present: Gronstal and Iverson, Co-chairs; Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan.

Members Absent: Angelo and Boettger (both excused).

Committee Business: Passed [SCR 10](#) and [SR 21](#). Discussed Governor's appointees.

Adjourned: 9:00 a.m.

INTRODUCTION OF RESOLUTIONS

[Senate Resolution 24](#), by Wieck, a resolution honoring the Morningside College Women's Basketball Team on their national championship.

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

[Senate Resolution 25](#), by Lamberti, Ward, Lundby, Larson, Dearden, Horn, McCoy, Hatch, Zaun, Angelo, and Dvorsky, a resolution honoring Iowa athletes Jenna Schrack, Matt LaRue, Michelle Pettitt, and their coach, Rob Wagner, for their participation in the Special Olympics World Winter Games in Nagano, Japan.

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

[Senate Resolution 26](#), by Lamberti, a resolution honoring the Ankeny High School Girls' Basketball Team.

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

INTRODUCTION OF BILLS

[Senate File 389](#), by committee on Ways and Means, a bill for an act providing individual and corporate income tax credits for soy-based cutting tool oil and including an applicability date provision.

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

[Senate File 390](#), by committee on Ways and Means, a bill for an act relating to the generation and purchase of renewable energy including establishing a renewable energy tax credit program administered by the utilities division of the department of commerce and the department of revenue, and providing an effective date.

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

[Senate File 391](#), by Brunkhorst, a bill for an act relating to school finance and related tax changes, providing a penalty, and including effective and applicability date provisions.

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

STUDY BILLS RECEIVED

[SSB 1295](#) **Government Oversight**

Providing for the receipt of and costs relating to public records requests.

[SSB 1296](#) **Government Oversight**

Providing for energy performance-based contracts for certain public entities and public educational facilities.

SUBCOMMITTEE ASSIGNMENTS**[Senate Resolution 24](#)**

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

[Senate Resolution 25](#)

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

[Senate Resolution 26](#)

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

[House File 540](#)

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

[House File 585](#)

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

[House File 587](#)

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

[House File 617](#)

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

[House File 674](#)

WAYS AND MEANS: Danielson and Hahn, Co-chairs; Stewart and Zieman

[House File 710](#)

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

[House File 712](#)

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

[House File 722](#)

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

[House File 746](#)

LOCAL GOVERNMENT: Houser and Schoenjahn, Co-chairs; Mulder and Rielly

[House File 754](#)

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

[House File 760](#)

HUMAN RESOURCES: Boettger and Quirnbach, Co-chairs; Dotzler and Houser

[House File 774](#)

LOCAL GOVERNMENT: Houser and Quirnbach, Co-chairs; Mulder and Stewart

[House File 787](#)

HUMAN RESOURCES: Boettger and Dotzler, Co-chairs; Johnson and Kreiman

[SSB 1295](#)

GOVERNMENT OVERSIGHT: Courtney and Lundby, Co-chairs

[SSB 1296](#)

GOVERNMENT OVERSIGHT: Courtney and Lundby, Co-chairs

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 21](#), a resolution relating to the musical programming on Iowa Public Radio.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Gronstal, Iverson, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, 2: Angelo and Boettger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: *[SENATE FILE 389 \(SSB 1177\)](#), a bill for an act providing individual and corporate income tax credits for soy-based cutting tool oil and including an applicability date provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, McCoy, McKibben, McKinley, Miller, Quirnbach, Seng, Stewart, Wieck, and Zaun. Nays, none. 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 Ways and Means Committee on [Senate File 389](#), and they were attached to the committee report.

ALSO:

Bill Title: [SENATE FILE 390](#) (formerly [SF 371](#)), a bill for an act relating to the generation and purchase of renewable energy including establishing a renewable energy tax credit program administered by the utilities division of the department of commerce and the department of revenue, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, McCoy, McKibben, McKinley, Miller, Quirnbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 1: Larson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEES PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendations for confirmation:

EDUCATION

Anita Walker – Director of the Department of Cultural Affairs

Judy Jeffrey – Director of the Department of Education

Thomas Bedell – State Board of Regents

Michael Gartner – State Board of Regents

Ruth Harkin – State Board of Regents

Teresa Wahlert – State Board of Regents

**GOVERNOR'S APPOINTEES PLACED ON
EN BLOC CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

EDUCATION

John Aboud – Board of Educational Examiners

Ying Ying Chen – Board of Educational Examiners

Jeffrey Henderson – Board of Educational Examiners

Jean Seeland – Board of Educational Examiners

Robert Fleming – Iowa Higher Education Loan Authority