

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, MARCH 31, 2005

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JOURNAL OF THE SENATE

EIGHTY-FIRST CALENDAR DAY
FORTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 31, 2005

The Senate met in regular session at 8:33 a.m., President Kibbie presiding.

Prayer was offered by the Reverend Rob Noah, pastor of the Jubilee Family Church in Oskaloosa, Iowa. He was the guest of Senator Rielly.

The Journal of Wednesday, March 30, 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 30, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 610, a bill for an act relating to the transmission of electronic mail including the transmission of unsolicited bulk electronic mail, and the sale or offer for direct sale of prescription drugs and the sale of adulterated or misbranded drugs through the use of electronic mail or the internet, and providing for penalties.

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

House File 619, a bill for an act relating to persons convicted of criminal offenses requiring registration on the sex offender registry or requiring an additional indeterminate sentence, establishing a sex offender registry database task force, and providing penalties.

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

House File 748, a bill for an act providing for state employee payroll deductions for qualified tuition program contributions.

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

House File 797, a bill for an act relating to the establishment of a promotional program for national historic landmarks and certified cultural and entertainment districts.

Read first time and referred to committee on **Economic Growth**.

House File 816, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of cultural affairs, the department of education, and the state board of regents and providing an effective date.

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

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:55 a.m. until 1:00 p.m., Monday, April 4, 2005.

APPENDIX**CERTIFICATE OF RECOGNITION**

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

Shelley Hoffman, Washington—For being a recipient of the 100 Great Iowa Nurses for 2005 Award. Senator Miller (3/31/05).

REPORTS OF COMMITTEE MEETINGS**AGRICULTURE**

Convened: March 31, 2005, 1:50 p.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 HF 252, 476, 580, and 700. Approved Governor's appointees.

Adjourned: 2:05 p.m.

EDUCATION

Convened: March 31, 2005, 8:00 a.m.

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

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

Committee Business: Approved Governor's appointee. Subcommittee assignments.

Adjourned: 8:10 a.m.

GOVERNMENT OVERSIGHT

Convened: March 31, 2005, 11:05 a.m.

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

Members Absent: None.

Committee Business: Passed [SF 133](#). Approved SSBs 1296 and 1298.

Adjourned: 11:35 a.m.

HUMAN RESOURCES

Convened: March 31, 2005, 11:05 a.m.

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

Members Absent: Bolkcom, Houser, and Tinsman (all excused).

Committee Business: Approved Governor's appointees.

Adjourned: 11:15 a.m.

JUDICIARY

Convened: March 31, 2005, 10:00 a.m.

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

Members Absent: Brunkhorst and Tinsman (both excused).

Committee Business: Presentations by Department of Public Safety, Attorney General's Office, and DCI laboratory.

Adjourned: 11:00 a.m.

TRANSPORTATION

Convened: March 31, 2005, 1:05 p.m.

Members Present: Putney, Co-chair; Beall, Dearden, Fraise, Hahn, Kettering, Shull, Ward, and Warnstadt.

Members Absent: McCoy, Co-chair; Danielson and Zieman (all excused).

Committee Business: Passed HF's 717 and 757. Approved Governor's appointees.

Adjourned: 1:15 p.m.

INTRODUCTION OF BILLS

[Senate File 396](#), by committee on Government Oversight, a bill for an act authorizing the sale of Iowa communications network capacity under specified circumstances, affecting the operation of the network, and making appropriations.

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

[Senate File 397](#), by committee on Government Oversight, a bill for an act providing for energy performance-based contracts for certain public entities and public educational facilities.

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

[Senate File 398](#), by committee on Government Oversight, a bill for an act encouraging community investment in before and after school programs by allowing school districts to request additional allowable growth and providing for related matters.

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

STUDY BILL RECEIVED

[SSB 1300](#) **Ways and Means**

Creating a military family relief fund and providing an income tax checkoff for deposit in the fund, making an appropriation, and providing a retroactive applicability date.

SUBCOMMITTEE ASSIGNMENTS

[House File 536](#)

GOVERNMENT OVERSIGHT: Connolly and Lundby, Co-chairs

[House File 614](#)

COMMERCE: Behn and Rielly, Co-chairs; Bolcom and McKinley

[House File 616](#)

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

[House File 761](#)

HUMAN RESOURCES: Boettger and Wood, Co-chairs; Johnson and Quirnbach

[SSB 1296](#)

(Reassignment)

GOVERNMENT OVERSIGHT: Courtney and Lundby, Co-chairs; Connolly and Wieck

SSB 1300

WAYS AND MEANS: Larson and Stewart, Co-chairs; Dotzler and McKibben

FINAL COMMITTEE REPORTS OF BILL ACTION**AGRICULTURE**

Bill Title: [HOUSE FILE 252](#), a bill for an act relating to the control of noxious weeds on land by providing alternative notice procedures to landowners and other responsible persons.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Fraise, Johnson, Black, Brunkhorst, Courtney, Gaskill, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, and Ragan. Nays, none. Absent, 1: Rielly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 476](#), a bill for an act regulating the sale of ammonium nitrate by fertilizer dealers, and providing penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Fraise, Johnson, Black, Brunkhorst, Courtney, Gaskill, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, and Ragan. Nays, none. Absent, 1: Rielly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 580](#), a bill for an act 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.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Fraise, Johnson, Black, Brunkhorst, Courtney, Gaskill, Hahn, Hancock, Houser, Kibbie, Mulder, and Ragan. Nays, none. Absent, 2: Putney and Rielly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 700](#), a bill for an act relating to the Iowa soybean association, by providing for its board of directors, market development, and providing for an assessment.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Fraise, Johnson, Black, Brunkhorst, Courtney, Gaskill, Hahn, Hancock, Houser, Kibbie, Mulder, and Ragan. Nays, none. Absent, 2: Putney and Rielly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNMENT OVERSIGHT

Bill Title: [SENATE FILE 396](#) (formerly [SF 133](#)), a bill for an act authorizing the sale of Iowa communications network capacity under specified circumstances, affecting the operation of the network, and making appropriations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 4: Courtney, Lundby, Connolly, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 397](#) ([SSB 1296](#)), a bill for an act providing for energy performance-based contracts for certain public entities and public educational facilities.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 3: Courtney, Lundby, and Connolly. Nays, 1: Wieck. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 398](#) ([SSB 1298](#)), a bill for an act encouraging community investment in before and after school programs by allowing school districts to request additional allowable growth and providing for related matters.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 4: Courtney, Lundby, Connolly, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Bill Title: [HOUSE FILE 717](#), a bill for an act prohibiting the unauthorized sale, ownership, possession, or use of traffic signal preemption devices and providing a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Putney, Beall, Dearden, Fraise, Hahn, Kettering, Shull, Ward, and Warnstadt. Nays, none. Absent, 3: McCoy, Danielson, and Ziemann.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 757](#), a bill for an act relating to the disposition of abandoned vehicles.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Putney, Beall, Dearden, Fraise, Hahn, Kettering, Shull, Ward, and Warnstadt. Nays, none. Absent, 3: McCoy, Danielson, and Ziemann.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 31, 2005, the Governor approved and transmitted to the Secretary of State the following bill:

[S.F. 71](#) – Relating to an appropriation from the environment first fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local governmental units, and providing an effective date.

PETITION

The following petition was presented and placed on file:

From 662 residents of Polk County opposing legislation to increase funding for community colleges in the State of Iowa. Senator Horn.

GOVERNOR'S APPOINTEE PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

HUMAN RESOURCES

Walter Reed, Jr. – Director of the Department of Human Rights

**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:

AGRICULTURE

Sandy Simpson – Iowa Grain Indemnity Fund Board
Donna Winburn – Iowa Grain Indemnity Fund Board

Karen Foster – Grape and Wine Development Commission
Linda Larson-Melin – Grape and Wine Development Commission

Keith Lau – State Soil Conservation Committee
Duane Sand – State Soil Conservation Committee
John Sellers, Jr. – State Soil Conservation Committee

EDUCATION

Thomas Paulsen – Board of Educational Examiners

HUMAN RESOURCES

Mark Coberley – Board of Athletic Training Examiners
Holly Healey – Board of Athletic Training Examiners
Lynn Lindaman – Board of Athletic Training Examiners

Marcia Michaels – Board of Behavioral Science Examiners
Elizabeth Shannahan – Board of Behavioral Science Examiners
Vilia Tarvydas – Board of Behavioral Science Examiners

Julia Scurr – Commission for the Blind

Anna Bratney – Child Advocacy Board
Joseph DeHart – Child Advocacy Board
Michael Isaacson – Child Advocacy Board
Katherine Kaminsky – Child Advocacy Board

Amy Peiffer – Commission on Community Action Agencies

James Grover – Commission on the Deaf
David Jones – Commission on the Deaf

Lisa Carlson – Commission of Elder Affairs
Yvonne Minton – Commission of Elder Affairs
Robert Neumann – Commission of Elder Affairs

Susan Salter – Healthy and Well Kids in Iowa (HAWK-I) Board

Charles Follett – Health Facilities Council
Karen Hope – Health Facilities Council (appointment)
Karen Hope – Health Facilities Council (reappointment)

Mark Peltan – Council on Human Services
Sylvia Schoer – Council on Human Services

Carissa Huffman – Board of Interpreters for the Hearing Impaired Examiners
Stuart Thiessen – Board of Interpreters for the Hearing Impaired Examiners

Shelly Chandler – Mental Health, Mental Retardation, Developmental Disabilities,
and Brain Injury Commission

Linda Kellen – Mental Health, Mental Retardation, Developmental Disabilities,
and Brain Injury Commission

Patricia Penning – Mental Health, Mental Retardation, Developmental Disabilities,
and Brain Injury Commission

John Willey – Mental Health, Mental Retardation, Developmental Disabilities, and
Brain Injury Commission

Noreen Humphrey – Commission on Tobacco Use Prevention and Control

STATE GOVERNMENT

Thomas Engelmann – Accountancy Examining Board
Marianne Mickelson – Accountancy Examining Board

Charlotte Westerhaus – Commission on the Status of African-Americans

James Clayton – Alcoholic Beverages Commission
Gayle Collins – Alcoholic Beverages Commission

Terry Allers – Architectural Examining Board
Annabelle Diehl – Architectural Examining Board
Teresa Petrzalek – Architectural Examining Board

Clark (Sam) Kauffman – Board of Barber Examiners

Robert Brecke – Boiler and Pressure Vessel Board
Timothy Fehr – Boiler and Pressure Vessel Board
Amy Iles – Boiler and Pressure Vessel Board

Kathleen Doohen – Board of Chiropractic Examiners
Steven Kraus – Board of Chiropractic Examiners
Karen Whalen – Board of Chiropractic Examiners

Becky Brockmann – Board of Cosmetology Arts and Sciences Examiners
Lois Leytem – Board of Cosmetology Arts and Sciences Examiners
Mary Beth Myers – Board of Cosmetology Arts and Sciences Examiners
Janet Olsen – Board of Cosmetology Arts and Sciences Examiners

Mary Kelly – Board of Trustees of the Iowa Cultural Trust
Henry Neuman – Board of Trustees of the Iowa Cultural Trust

Alan Hathaway – Board of Dental Examiners
Suzan Stewart – Board of Dental Examiners
Debra Yossi – Board of Dental Examiners

Christine O'Brien – Board of Dietetic Examiners
Robert Schweers – Board of Dietetic Examiners

Kristine Kesterson – Elevator Safety Board
Wayne Sims – Elevator Safety Board
Siobhan Workman – Elevator Safety Board

Susan Albright – Engineering and Land Surveying Examining Board
Gary Benjamin – Engineering and Land Surveying Examining Board
Lyle TeKippe – Engineering and Land Surveying Examining Board

Patricia Harper – Iowa Ethics and Campaign Disclosure Board
Gerald Sullivan – Iowa Ethics and Campaign Disclosure Board

Mary Jane McWilliams – Board for the Licensing and Regulation of Hearing Aid
Dispensers

Lana Dettbarn – Investment Board of the IPERS
Joanne Stockdale – Investment Board of the IPERS

Carolyn Magnani – Landscape Architectural Examining Board
Ann Reinhart – Landscape Architectural Examining Board

Michael Tramontina – Director of the Department of Management

Judith Heath – Board of Massage Therapy Examiners
Kenneth Lang – Board of Massage Therapy Examiners
Kathy Spencer-Jensen – Board of Massage Therapy Examiners

Susan Johnson – Board of Medical Examiners
Sally Schroeder – Board of Medical Examiners
Dana Shaffer – Board of Medical Examiners

Karen Thomsen – Board of Mortuary Science Examiners
Marcus Vigen – Board of Mortuary Science Examiners

John Connors – Board of Nursing Examiners
Mary Jacobus – Board of Nursing Examiners
Pauline Taylor – Board of Nursing Examiners

Larry Hertel – State Board of Examiners for Nursing Home Administrators
Michael Van Sickle – State Board of Examiners for Nursing Home Administrators

Terry Brown – Board of Optometry Examiners
Edwina O'Farrell – Board of Optometry Examiners
Michael Ohlson – Board of Optometry Examiners

Paul Abramowitz – Board of Pharmacy Examiners
Vernon Benjamin – Board of Pharmacy Examiners
Barbara O'Roake – Board of Pharmacy Examiners

Lisabeth Kestel – Board of Physical and Occupational Therapy Examiners
Theodore Peterson – Board of Physical and Occupational Therapy Examiners
Armando Rosales – Board of Physical and Occupational Therapy Examiners

Patsy Hastings – Board of Podiatry Examiners
Robert Yoho – Board of Podiatry Examiners

Susan Enzle – Board of Psychology Examiners
Jennifer Lock Oman – Board of Psychology Examiners

Gerald Bair – State Racing and Gaming Commission
Kathryne Cutler – State Racing and Gaming Commission

Michael Lara – Real Estate Appraiser Examining Board
Amy Thorne – Real Estate Appraiser Examining Board

Patricia Daniels – Real Estate Commission
James O'Neill – Real Estate Commission

Craig Bainbridge – State Board for Respiratory Care
Kathelene Semke – State Board for Respiratory Care

W. Robert Schmidt – Board of Social Work Examiners
Joyce Westphal – Board of Social Work Examiners

Jeannette Adamski – Board of Speech Pathology and Audiology Examiners
Christine Donner-Tiernan – Board of Speech Pathology and Audiology Examiners

Daniel Steen – Commandant of the Iowa Veterans Home

Sarah Garst – Iowa Board of Veterinary Medicine
Michael Stein – Iowa Board of Veterinary Medicine

Andrew Anderson – Chair of the Vision Iowa Board

Mary Ellen Chamberlin – Vision Iowa Board
Charles Graf – Vision Iowa Board
David Odekirk – Vision Iowa Board
Carolyn Rants – Vision Iowa Board

TRANSPORTATION

Randy Krukow – Iowa Law Enforcement Academy Council
Patty Link – Iowa Law Enforcement Academy Council

Patricia Crawford – State Transportation Commission
Thomas Hart – State Transportation Commission