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**STATE OF IOWA**

**Senate Journal**

**THURSDAY, APRIL 21, 2005**

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# JOURNAL OF THE SENATE

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ONE HUNDRED SECOND CALENDAR DAY  
SIXTIETH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, April 21, 2005

The Senate met in regular session at 8:36 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, April 20, 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 April 20, 2005, passed the following bills in which the concurrence of the Senate is asked:

**House File 833**, a bill for an act making changes relating to the practice of pharmacy, providing for the creation of an electronic drug database, establishing and appropriating fees, providing penalties, and providing an effective date.

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

**House File 841**, a bill for an act relating to health care reform, including provisions relating to the medical assistance program, providing appropriations, providing effective dates, and providing for retroactive applicability.

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

[House File 857](#), a bill for an act relating to eligible housing businesses under the enterprise zone program.

Read first time and **attached to similar** [Senate File 410](#).

[House File 859](#), a bill for an act relating to the establishment of a form of business association referred to as a cooperative, and providing for fees and tax credits, providing penalties, and providing an effective date.

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

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Concurrent Resolution 14](#).

[Senate Concurrent Resolution 14](#)

On motion of Senator Ragan, [Senate Concurrent Resolution 14](#), a concurrent resolution designating November 13 through 19, 2005, as Iowa Homeless Awareness Week, with report of committee recommending passage, was taken up for consideration.

Senator Ragan moved the adoption of [Senate Concurrent Resolution 14](#), which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate Concurrent Resolution 14](#) be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:06 a.m. until 10:00 a.m.

## RECONVENED

The Senate reconvened at 10:10 a.m., President Lamberti presiding.

## 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 April 21, 2005, **passed** the following bills in which the concurrence of the House was asked:

[Senate File 201](#), a bill for an act providing for veterinary emergency preparedness and response by the department of agriculture and land stewardship.

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

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

ALSO: That the House has on April 21, 2005, **concurred** in the Senate amendment and **passed** the following bills in which the concurrence of the House was asked:

[House File 253](#), a bill for an act relating to governmental ethics and the duties of the Iowa ethics and campaign disclosure board.

[House File 538](#), a bill for an act revising child welfare requirements involving children with mental health, behavioral, or emotional disorders and providing a contingent effective date.

[House File 616](#), a bill for an act revising requirements applicable to county and multicounty decategorization of child welfare and juvenile justice funding projects.

[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.

ALSO: That the House has on April 21, 2005, **concurred** in the Senate amendment to the House amendment, and **passed** the following bill in which the concurrence of the House was asked:

**Senate File 330**, a bill for an act relating to family law provisions including dissolution of marriage and domestic relations and termination of parental rights provisions.

ALSO: That the House has on April 21, 2005, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, and **passed** the following bill in which the concurrence of the Senate is asked:

**House File 683**, a bill for an act authorizing the appointment of an attorney to represent an indigent parole violator, and providing effective and retroactive applicability date provisions. (**S-3158**)

ALSO: That the House has on April 21, 2005, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 801**, a bill for an act providing a deduction in computing the individual income tax for certain unreimbursed expenses relating to a human organ transplant and including a retroactive applicability date.

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

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McKinley, until he arrives, on request of Senator Gaskill.

#### HOUSE AMENDMENT CONSIDERED (Deferred April 19, 2005)

#### **Senate File 350**

The Senate resumed consideration of **Senate File 350**, a bill for an act relating to the suspension of a child support obligation, and House amendment **S-3130**, deferred April 19, 2005.

Senator Kreiman offered amendment [S-3157](#), filed by Senators Kreiman and Miller from the floor to pages 1 and 4 of House amendment [S-3130](#), and moved its adoption.

Amendment [S-3157](#) was adopted by a voice vote.

Senator Kreiman moved that the Senate concur in the House amendment, as amended.

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

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

On the question “Shall the bill pass?” ([S.F. 350](#)), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

McKinley

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

**CONSIDERATION OF BILL  
(Ways and Means Calendar)**

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 405](#).

**[Senate File 405](#)**

On motion of Senator Dotzler, [Senate File 405](#), a bill for an act establishing an interior design examining board, providing for the registration of interior designers, and providing fees and penalties, was taken up for consideration.

Senator Ward offered amendment [S-3156](#), filed by her from the floor to pages 1–3 and 6 of the bill, and moved its adoption.

Amendment [S-3156](#) was adopted by a voice vote.

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?” ([S.F. 405](#)), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

McKinley

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 350 and 405** be **immediately messaged** to the House.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 408](#).

[Senate File 408](#)

On motion of Senator Connolly, [Senate File 408](#), 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, was taken up for consideration.

Senator Lundby asked and received unanimous consent that action on [Senate File 408](#) be **deferred**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:35 a.m. until 2:00 p.m.



**APPENDIX — 1****CERTIFICATES OF RECOGNITION**

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

Connie Gronstal, Council Bluffs—For completing Touchpoints Training at Harvard Medical School. Senator Gronstal (4/21/05).

Adam Hargrave, Letts—For qualifying for the State Wrestling Tournament four times, finishing 3rd the last two years, setting a 160–21 new career wins record and including 93 career pins. Senator Courtney (4/21/05).

Christy Nielsen, Council Bluffs—For winning First Place in the women's division of the Little Rock Marathon. Senator Gronstal (4/21/05).

Derek Townsend, Thomas Jefferson High School, Council Bluffs—For being named the 2005 Council Bluffs Boys' Basketball Player of the Year. Senator Gronstal (4/21/05).

**REPORT OF COMMITTEE MEETING****WAYS AND MEANS**

**Convened:** April 21, 2005, 9:10 a.m.

**Members Present:** Bolkom and Ziemann, Co-chairs; Connolly, Danielson, Dotzler, Hahn, Larson, McKibben, McKinley, Miller, Quirnbach, Seng, Stewart, Wieck, and Zaun.

**Members Absent:** McCoy (excused).

**Committee Business:** Passed [SF 407](#) and [HF 836](#). Approved [SSB 1310](#).

**Adjourned:** 9:40 a.m.

**INTRODUCTION OF RESOLUTION**

[Senate Resolution 45](#), by Lamberti and Ward, a resolution honoring actress Annette Bening and her Iowa roots.

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

## INTRODUCTION OF BILL

**Senate File 412**, by committee on Ways and Means, a bill for an act relating to asset disregard under the medical assistance program for the purchase of a certified long-term care insurance policy, providing for a repeal, providing a contingent effective date, and providing an appropriation.

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

## SUBCOMMITTEE ASSIGNMENTS

**Senate File 332**

JUDICIARY: Quirnbach and Tinsman, Co-chairs; Horn and Larson

**Senate File 357**

JUDICIARY: Fraise and Larson, Co-chairs; Brunkhorst and Kreiman

## FINAL COMMITTEE REPORTS OF BILL ACTION

## WAYS AND MEANS

**Bill Title:** **SENATE FILE 412** (formerly **SF 407**), a bill for an act relating to asset disregard under the medical assistance program for the purchase of a certified long-term care insurance policy, providing for a repeal, providing a contingent effective date, and providing an appropriation.

**Recommendation:** APPROVED COMMITTEE BILL.

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

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

**ALSO:**

**Bill Title:** **HOUSE FILE 836**, a bill for an act relating to cemeteries and cemetery regulation, providing administration and enforcement procedures, establishing requirements for interment rights agreements and reporting, establishing and appropriating fees, and providing penalties.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Bolcom, Zieman, Connolly, Danielson, Dotzler, Hahn, McKibben, McKinley, Miller, Quirnbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 2: Larson and McCoy.

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

## AFTERNOON SESSION

The Senate reconvened at 2:05 p.m., President Lamberti presiding.

## 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 April 21, 2005, **concurred** in the Senate amendment and **passed** the following bill in which the concurrence of the House was asked:

**House File 682**, a bill for an act relating to the assessment of a civil penalty upon the entry of a deferred judgment.

ALSO: That the House has on April 21, 2005, **amended** and **passed** the following bill in which the concurrence of the Senate is asked:

**Senate File 355**, a bill for an act relating to the creation of a task force to provide for the implementation of Medicare Part D and providing an effective date. (**S-3162**)

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kreiman, until he returns, on request of Senator Gronstal.

## UNFINISHED BUSINESS

**Senate File 392**

On motion of Senator Connolly, **Senate File 392**, a bill for an act relating to entities eligible to claim certain property-related tax credits, placed on the Unfinished Business Calendar on April 7, 2005, was taken up for consideration.

Senator Connolly offered amendment **S-3148**, filed by him on April 20, 2005, to pages 1-3 of the bill.

Senator Connolly offered amendment **S-3159**, filed by him from the floor to page 1 of amendment **S-3148**, and moved its adoption.

Amendment [S-3159](#) was adopted by a voice vote.

Senator Connolly moved the adoption of amendment [S-3148](#), as amended, which motion prevailed by a voice vote.

Senator Connolly 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. 392](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Kreiman                      McKinley

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

#### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 821](#).

#### [House File 821](#)

On motion of Senator Seymour, [House File 821](#), a bill for an act relating to the establishment of a prescription drug assistance clearinghouse program by the commissioner of insurance, and

providing for a contingent appropriation, with report of committee recommending passage, was taken up for consideration.

Senator Seymour 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. 821](#)), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

McKinley

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

UNFINISHED BUSINESS  
(Deferred April 14, 2005)

[House File 787](#)

The Senate resumed consideration of [House File 787](#), a bill for an act relating to information to be reported regarding an induced termination of pregnancy performed on a minor, and making penalties applicable, deferred April 14, 2005.

Senator Johnson offered amendment [S-3128](#), filed by him on April 14, 2005, to pages 1 and 2 of the bill.

Senator Johnson asked and received unanimous consent that action on amendment [S-3128](#) and [House File 787](#) be **deferred**.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 839](#).

[House File 839](#)

On motion of Senator Putney, [House File 839](#), a bill for an act providing for the establishment of a technology governance board within the department of administrative services, and making an appropriation, with report of committee recommending passage, was taken up for consideration.

Senator Putney 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. 839](#)), the vote was:

Yeas, 48:

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

Nays, 1:

Hatch

Absent, 1:

McKinley

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

President Pro Tempore McKibben took the chair at 2:32 p.m.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 392](#) and **House Files 821** and **839** be **immediately messaged** to the House.

#### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 410](#).

#### [Senate File 410](#)

On motion of Senator Zieman, [Senate File 410](#), a bill for an act relating to the transferability of eligible housing business tax credits for new housing investment under the enterprise zone program, was taken up for consideration.

Senator Zieman asked and received unanimous consent that action on [Senate File 410](#) be **deferred**.

#### BUSINESS PENDING

#### [Senate File 408](#)

The Senate resumed consideration of [Senate File 408](#), 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, previously deferred.

Senator Lundby offered amendment [S-3160](#), filed by her from the floor to page 1 of the bill, and moved its adoption.

Amendment [S-3160](#) was adopted by a voice vote.



Senator Gronstal asked and received unanimous consent that action on [Senate File 408](#) be deferred.

#### HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 21, 2005, **adopted** the following resolution in which the concurrence of the House was asked:

[Senate Concurrent Resolution 14](#), a concurrent resolution designating November 13 through 19, 2005, as Iowa Homeless Awareness Week.

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 2:45 p.m. until 1:00 p.m., Monday, April 25, 2005.

**APPENDIX — 2****CERTIFICATE OF RECOGNITION**

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

Dickie Helm and family, Mediapolis—For being one of the families of the five-generation Nelson family. Senator Courtney (4/21/05).

**PRESENTATION OF VISITORS**

The Chair welcomed the following visitors who were present in the Senate gallery:

Nine 4th grade talented and gifted students from Cooper and Duncombe elementary schools in Fort Dodge, Iowa, accompanied by Janet Singer. Senator Beall.

**INTRODUCTION OF BILL**

**[Senate File 413](#)**, by committee on Ways and Means, a bill for an act relating to sales and use tax changes, excise taxes on rental of rooms and sleeping quarters, and the sale and use of construction equipment, and including an effective and retroactive applicability date provision.

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

**STUDY BILLS RECEIVED****[SSB 1316](#) Appropriations**

Relating to settlement of state financial and tort claims, establishing a state liability fund, providing for charging of costs for the fund to state departments, making an appropriation, and providing an effective and applicability date.

**SSB 1317 Government Oversight**

Relating to various conservation and recreation activities under the jurisdiction of the department of natural resources, modifying fees, and making penalties applicable.

**SSB 1318 Ways and Means**

Relating to taxation by making changes to assessment of property for purposes of property taxation, county and city budgets funded primarily by property taxes and service charges, school district budgets funded primarily by state and local taxes, state mandates funding, local assessors, and property tax exemptions and credits, creating an implementation committee, and including effective and applicability date provisions.

**SUBCOMMITTEE ASSIGNMENTS****House File 833**

WAYS AND MEANS: Danielson and Larson, Co-chairs; McCoy and Zaun

**House File 837**

APPROPRIATIONS: Johnson and Warnstadt, Co-chairs; Dvorsky and Ward

**House File 859**

WAYS AND MEANS: Miller and Seng, Co-chairs; Stewart and Zieman

**SSB 1316**

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

**SSB 1317**

GOVERNMENT OVERSIGHT: Courtney and Lundby, Co-chairs

**SSB 1318**

WAYS AND MEANS: Miller and Quirnbach, Co-chairs; Connolly and McKinley

## FINAL COMMITTEE REPORT OF BILL ACTION

### WAYS AND MEANS

**Bill Title:** \*[SENATE FILE 413 \(SSB 1310\)](#), a bill for an act relating to sales and use tax changes, excise taxes on rental of rooms and sleeping quarters, and the sale and use of construction equipment, and including an effective and retroactive applicability date provision.

**Recommendation:** APPROVED COMMITTEE BILL.

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

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

### BILLS 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 bills have 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 21st day of April, 2005:

Senate Files 260, 304, and 335.

MICHAEL E. MARSHALL  
Secretary of the Senate

### AMENDMENTS FILED

<a href="#">S-3155</a>	<a href="#">H.F. 740</a>	Jeff Danielson
<a href="#">S-3156</a>	<a href="#">S.F. 405</a>	Pat Ward
<a href="#">S-3157</a>	<a href="#">S.F. 350</a>	Keith A. Kreiman
		David Miller
<a href="#">S-3158</a>	<a href="#">H.F. 683</a>	House
<a href="#">S-3159</a>	<a href="#">S.F. 392</a>	Michael Connolly
<a href="#">S-3160</a>	<a href="#">S.F. 408</a>	Mary Lundby
<a href="#">S-3161</a>	<a href="#">S.F. 398</a>	Steve Warnstadt

[S-3162](#)  
[S-3163](#)

[S.F. 355](#)  
[H.F. 740](#)

House  
James F. Hahn  
Larry McKibben  
David Johnson  
Nancy J. Boettger  
James A. Seymour  
Dave Mulder  
Hubert Houser  
John Putney