

PROOF

STATE OF IOWA

Senate Journal

FRIDAY, APRIL 29, 2005

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JOURNAL OF THE SENATE

ONE HUNDRED TENTH CALENDAR DAY
SIXTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, April 29, 2005

The Senate met in regular session at 8:34 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Maggie Tinsman, member of the Senate from Scott County, Davenport, Iowa.

The Journal of Thursday, April 28, 2005, was approved.

The Senate stood at ease at 8:44 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:38 a.m., President Kibbie presiding.

RECESS

On motion of Senator Behn, the Senate recessed at 9:39 a.m. until the completion of a meeting of the committee on Ways and Means.

RECONVENED

The Senate reconvened at 9:52 a.m., President Kibbie presiding.

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolutions 52, 51, and 48.

Senate Resolution 52

On motion of Senator Stewart, **Senate Resolution 52**, a resolution honoring the city of Clinton on its sesquicentennial, with report of committee recommending passage, was taken up for consideration.

Senator Stewart moved the adoption of **Senate Resolution 52**, which motion prevailed by a voice vote.

Senate Resolution 51

On motion of Senator Miller, **Senate Resolution 51**, a resolution recognizing May 1, 2005, as Law Day, with report of committee recommending passage, was taken up for consideration.

Senator Miller moved the adoption of **Senate Resolution 51**, which motion prevailed by a voice vote.

Senate Resolution 48

On motion of Senator Rielly, **Senate Resolution 48**, a resolution honoring Iowa's Amana Colonies on its sesquicentennial, with report of committee recommending passage, was taken up for consideration.

Senator Rielly moved the adoption of **Senate Resolution 48**, which motion prevailed by a voice vote.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McCoy, for the day, on request of Senator Dearden; Senator Houser, until he arrives, on request of Senator Gaskill; Senator Lundby, until she arrives, on request of Senator Wieck; and Senator Putney, until he arrives, on request of Senator Angelo.

**CONSIDERATION OF BILL
(Appropriations Calendar)**

Senator Iverson asked and received unanimous consent to take up for consideration **House File 837**.

House File 837

On motion of Senator Johnson, **House File 837**, a bill for an act relating to state government financial matters concerning charter agencies, the state appeal board, and reinvention initiatives of the department of management, and making appropriations, with report of committee recommending passage, was taken up for consideration.

Senator Johnson 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. 837**), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

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

CONSIDERATION OF BILLS
(Ways and Means Calendar)

Senator Johnson asked and received unanimous consent to take up for consideration House Files 859 and 801.

House File 859

On motion of Senator Miller, **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, with report of committee recommending passage, was taken up for consideration.

Senator Miller 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. 859**), the vote was:

Yeas, 45:

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

Nays, 1:

Tinsman

Absent, 4:

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

House File 801

On motion of Senator Wieck, **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, with report of committee recommending passage, was taken up for consideration.

Senator Wieck 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. 801](#)), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

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

RECESS

On motion of Senator Iverson, the Senate recessed at 10:22 a.m. until 11:30 a.m.

RECONVENED

The Senate reconvened at 11:47 a.m., President Kibbie presiding.

HOUSE AMENDMENT CONSIDERED

Senate File 341

Senator Seymour called up for consideration **Senate File 341**, a bill for an act relating to the long-term living system in Iowa including establishment of the intent for Iowa's long-term living system, amended by the House in House amendment **S-3206**, filed April 28, 2005.

Senator Bolkcom asked and received unanimous consent that action on House amendment **S-3206** and **Senate File 341** be **deferred**.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Stewart, for the remainder of the day, on request of Senator Bolkcom; and Senator Gaskill, until he returns, on request of Senator Behn.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration **House File 834**.

House File 834

On motion of Senator Danielson, **House File 834**, a bill for an act relating to persons commercially cleaning toilet units and private sewage disposal facilities by providing regulations, fees, and civil penalties, and making appropriations, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Danielson offered amendment **S-3181**, filed by the committee on Ways and Means on April 26, 2005, to page 2 of the bill.

Senator Danielson offered amendment **S-3204**, filed by him on April 28, 2005, to page 1 of amendment **S-3181**, and moved its adoption.

Amendment [S-3204](#) was adopted by a voice vote.

Senator Danielson moved the adoption of amendment [S-3181](#), as amended, which motion prevailed by a voice vote.

Senator Danielson 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. 834](#)), the vote was:

Yeas, 46:

Angelo	Dvorsky	Kreiman	Seng
Beall	Fraise	Lamberti	Seymour
Behn	Gronstal	Larson	Shull
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	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	

Nays, none.

Absent, 4:

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

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [House File 870](#).

[House File 870](#)

On motion of Senator Wieck, [House File 870](#), a bill for an act relating to the applicability of motor vehicle financial responsibility provisions to special mobile equipment and providing an effective

date, with report of committee recommending passage, was taken up for consideration.

Senator Wieck 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. 870](#)), the vote was:

Yeas, 46:

Angelo	Dvorsky	Kreiman	Seng
Beall	Fraise	Lamberti	Seymour
Behn	Gronstal	Larson	Shull
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	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	

Nays, none.

Absent, 4:

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

WITHDRAWN

Senator Wieck asked and received unanimous consent that [Senate File 411](#) be **withdrawn** from further consideration of the Senate.

HOUSE AMENDMENT CONSIDERED

[Senate File 343](#)

Senator Behn called up for consideration [Senate File 343](#), a bill for an act relating to governmental services involving audit reports and the family investment program, amended by the House in House amendment [S-3207](#), filed April 28, 2005.

Senator Behn 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 Behn moved that the bill, 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 voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 343](#)), the vote was:

Yeas, 46:

Angelo	Dvorsky	Kreiman	Seng
Beall	Fraise	Lamberti	Seymour
Behn	Gronstal	Larson	Shull
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	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	

Nays, none.

Absent, 4:

Gaskill	Lundby	McCoy	Stewart
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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 Iverson asked and received unanimous consent to take up for consideration [House File 862](#).

House File 862

On motion of Senator Bolkcom, [House File 862](#), a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Bolkcom offered amendment [S-3192](#), filed by the committee on Appropriations on April 27, 2005, to pages 5, 6, and 8 of the bill.

Senator Bolkcom offered amendment [S-3213](#), filed by him from the floor to page 1 of amendment [S-3192](#), and moved its adoption.

A nonrecord roll call was requested.

The ayes were 25, nays 21.

Amendment [S-3213](#) was adopted.

Senator Bolkcom offered amendment [S-3211](#), filed by Senator Bolkcom, et al., from the floor to pages 1 and 6 of amendment [S-3192](#), and moved its adoption.

Amendment [S-3211](#) was adopted by a voice vote.

Senator Quirmbach asked and received unanimous consent to withdraw amendment [S-3214](#) filed by Senator Quirmbach, et al., from the floor, to page 1 of the bill.

Senator Bolkcom moved the adoption of amendment [S-3192](#), as amended, which motion prevailed by a voice vote.

Senator Bolkcom 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. 862](#)), the vote was:

Yeas, 38:

Angelo	Dvorsky	Kibbie	Seng
Beall	Fraise	Kreiman	Seymour
Black	Gronstal	Lamberti	Shull
Boettger	Hahn	Larson	Tinsman
Bolkcom	Hancock	McKibben	Ward
Connolly	Hatch	Putney	Warnstadt
Courtney	Horn	Quirnbach	Wood
Danielson	Houser	Ragan	Zieman
Dearden	Iverson	Rielly	
Dotzler	Johnson	Schoenjahn	

Nays, 8:

Behn	Kettering	Miller	Wieck
Brunkhorst	McKinley	Mulder	Zaun

Absent, 4:

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

The Senate stood at ease at 12:55 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 1:40 p.m., President Kibbie presiding.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:41 p.m. until 10:00 a.m., Monday, May 2, 2005.

APPENDIX**REPORTS OF COMMITTEE MEETINGS****BUSINESS AND LABOR RELATIONS**

Convened: April 29, 2005, 11:15 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 415](#).

Adjourned: 11:30 a.m.

WAYS AND MEANS

Convened: April 29, 2005, 9:40 a.m.

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

Members Absent: McCoy (excused).

Committee Business: Subcommittee assignments.

Adjourned: 9:45 a.m.

INTRODUCTION OF RESOLUTION

[Senate Concurrent Resolution 15](#), by Black, Behn, Gronstal, Connolly, and Iverson, a concurrent resolution expressing the State of Iowa's appreciation of its strong relations with the Republic of China on Taiwan and urging the establishment of an Iowa presence in the Republic of China on Taiwan.

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

INTRODUCTION OF BILL

[Senate File 415](#), by Gronstal and Iverson, a bill for an act relating to the direct deposit of wages paid by an employer, requiring a regular payday statement, and making a civil penalty applicable.

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

SUBCOMMITTEE ASSIGNMENTS

[Senate Concurrent Resolution 15](#)

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

[Senate File 415](#)

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

[House File 873](#)

WAYS AND MEANS: Connolly and McKinley, Co-chairs; Danielson and Zieman

[House File 876](#)

WAYS AND MEANS: Bolcom and Larson, Co-chairs; Connolly and McKibben

[House File 879](#)

WAYS AND MEANS: Dotzler and Hahn, Co-chairs; Miller and Seng

[House File 880](#)

WAYS AND MEANS: Stewart and Zaun, Co-chairs; Hahn and McCoy

FINAL COMMITTEE REPORT OF BILL ACTION

BUSINESS AND LABOR RELATIONS

Bill Title: [SENATE FILE 415](#), a bill for an act relating to the direct deposit of wages paid by an employer, requiring a regular payday statement, and making a civil penalty applicable.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Dearden, Wieck, Behn, Dotzler, Horn, McKibben, Seng, Seymour, and Shull. Nays, 1: Courtney. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which [House File 862](#) passed the Senate on April 29, 2005.

JOE BOLKCOM

BILL ASSIGNED TO COMMITTEE

President Kibbie announced that [House File 876](#) was assigned to the committee on **Ways and Means**.

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 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 29th day of April, 2005:

[Senate File 313](#).

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S-3211	H.F. 862	Joe Bolkcom James A. Seymour Jeff Angelo Robert E. Dvorsky
S-3212	H.F. 810	Michael Connolly
S-3213	H.F. 862	Joe Bolkcom
S-3214	H.F. 862	Herman C. Quirnbach Tom Rielly Jeff Danielson Joe Bolkcom
S-3215	H.F. 833	William A. Dotzler, Jr. Charles W. Larson, Jr.
S-3216	H.F. 807	Stewart E. Iverson, Jr.