

PROOF

STATE OF IOWA

Senate Journal

MONDAY, MAY 2, 2005

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JOURNAL OF THE SENATE

ONE HUNDRED THIRTEENTH CALENDAR DAY
SIXTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, May 2, 2005

The Senate met in regular session at 10:07 a.m., President Lamberti presiding.

Prayer was offered by the Honorable Dave Mulder, member of the Senate from Sioux County, Sioux Center, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Senate pages.

The Journal of Friday, April 29, 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 29, 2005, **concurred** in the Senate amendment and **passed** the following bills in which the concurrence of the House was asked:

House File 805, a bill for an act relating to agricultural production including animal feeding operations, by providing for the regulation of open feedlot operations, and agricultural production liens, and providing for penalties.

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

ALSO: That the House has on April 29, 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 245, a bill for an act relating to a secondary school core curriculum, including requiring the state board of education to determine a model core curriculum and set a statewide core curriculum completion rate goal, requiring school districts to develop a core curriculum plan for eighth grade students and to report student core curriculum progress annually, requiring school districts and schools to report core curriculum completion percentages annually, and providing for the coordination of an educational data definitions working group.

ALSO: That the House has on April 29, 2005, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 413, 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. (**S-3218**)

ALSO: That the House has on April 29, 2005, **amended** the Senate amendment, **concurrent** in the Senate amendment as amended, and **passed** the following bill in which the concurrence of the Senate is asked:

House File 869, a bill for an act relating to tax credits provided for purposes of acquiring agricultural assets by beginning farmers, and providing effective and applicability dates. (**S-3217**)

ALSO: That the House has on April 29, 2005, **passed** the following bills in which the concurrence of the Senate is asked:

House File 861, a bill for an act relating to the provision of telecommunications services through a telecommunications system owned or operated by a city, city utility, combined city utility, city enterprise, or combined city enterprise, and providing an effective date.

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

House File 881, a bill for an act relating to the compensation and benefits for public officials and employees and members of the general assembly, providing for related matters, making appropriations, and including effective and retroactive applicability date provisions.

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

[House File 882](#), a bill for an act making, reducing, and transferring appropriations, providing for fees, and providing for properly related matters and including effective and retroactive applicability date provisions.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lundby, until she arrives, on request of Senator Wieck.

The Senate stood at ease at 10:14 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:48 a.m., President Lamberti presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Angelo and Larson, until they arrive, on request of Senator Iverson.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 856](#).

[House File 856](#)

On motion of Senator Dotzler, [House File 856](#), a bill for an act providing a sales and use tax exemption for certain nonprofit organizations that build or repair low-income dwellings, with report of committee recommending passage, 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. 856](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Angelo Larson

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 343](#) and **House Files 834, 837, 856, 859, and 870** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:56 a.m. until 2:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 3:27 p.m., President Lamberti presiding.

SPECIAL GUESTS

Senators Boettger and Beall introduced five leaders of the Kaduna State Assembly, Nigeria, Africa: Bashir Usman Zubairu, Audu Emmanuel Maisango, Mohammad Mahmood Abubakar, Patrick Stephen Mangari, and Mohammed Auwal Mohammed.

The Senate rose and expressed its welcome.

MOTION TO RECONSIDER WITHDRAWN

[House File 862](#)

Senator Bolkcom withdrew the motion to reconsider **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, filed by him on April 29, 2005, found on page 1090 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 801** and **862** be **immediately messaged** to the House.

UNFINISHED BUSINESS
(Deferred April 27, 2005)[House File 619](#)

The Senate resumed consideration of [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, deferred April 27, 2005.

Senator Dvorsky offered amendment [S-3185](#), filed by Senator Dvorsky, et al., on April 27, 2005, striking and replacing everything after the enacting clause of the bill.

Senator Kreiman offered amendment [S-3198](#), filed by him on April 28, 2005, to pages 1-22 and to the title provisions of amendment [S-3185](#).

Senator Miller asked and received unanimous consent that action on amendment [S-3198](#) to [S-3185](#) and [House File 619](#) be deferred.

UNFINISHED BUSINESS
(Deferred April 14, 2005)

[House File 774](#)

The Senate resumed consideration of [House File 774](#), a bill for an act relating to the petition and vote requirements for increasing or reducing board of supervisors membership in certain counties, deferred April 14, 2005.

Senator Lundby asked and received unanimous consent to withdraw amendment [S-3202](#), filed by Senators Horn and Lundby on April 28, 2005, to page 1 of the bill.

Senator Quirnbach 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. 774](#)), 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.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [House File 774](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:25 p.m. until 8:30 a.m., Tuesday, May 3, 2005.

APPENDIX**CERTIFICATES OF RECOGNITION**

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

Bettendorf High School Football Team—For winning the 2004 4A Championship. Senator Tinsman (5/2/05).

Bettendorf High School Golf Team—For winning the 2004 4A Championship. Senator Tinsman (5/2/05).

Bettendorf High School Soccer Team—For winning the 2004 2A Championship. Senator Tinsman (5/2/05).

Jenna Caffrey, Burlington—For being a member of the high school shuttle hurdle relay team winning 1st place at the Drake Relays with a time of 1:00.96, which is the second fastest in Iowa history. Senator Courtney (5/2/05).

Tiffany Hendricks, Burlington—For being a member of the high school shuttle hurdle relay team winning 1st place at the Drake Relays with a time of 1:00.96, which is the second fastest in Iowa history. Senator Courtney (5/2/05).

Kurt Kruger, Sheldon—For achieving the rank of Eagle Scout, Boy Scout Troop 155. Senator Johnson (5/2/05).

Joanne Lueken, Dubuque—For receiving the 2005 Dubuque Community School District Team Award. Senator Connolly (5/2/05).

James Pitcher, Coralville—For achieving the rank of Eagle Scout, Boy Scout Troop 207. Senator Dvorsky (5/2/05).

Natalie Sandard, Burlington—For being a member of the high school shuttle hurdle relay team winning 1st place at the Drake Relays with a time of 1:00.96, which is the second fastest in Iowa history. Senator Courtney (5/2/05).

Judy Schmidt, Dubuque—For receiving the 2005 Teacher of the Year Award for the Dubuque Community School District. Senator Connolly (5/2/05).

Kelsey Smith, Burlington—For being a member of the high school shuttle hurdle relay team winning 1st place at the Drake Relays with a time of 1:00.96, which is the second fastest in Iowa history. Senator Courtney (5/2/05).

Mr. and Mrs. Don and Mary Steinkamp, Madrid—For celebrating your 50th wedding anniversary. Senator Quirnbach (5/2/05).

Bradley Youngs, Sheldon—For achieving the rank of Eagle Scout, Boy Scout Troop 155. Senator Johnson (5/2/05).

INTRODUCTION OF RESOLUTION

[Senate Resolution 53](#), by Gaskill, a resolution honoring the city of Corwith on its quasiquicentennial.

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

SUBCOMMITTEE ASSIGNMENTS

[House File 875](#)

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

[House File 881](#)

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs; Connolly and Gaskill

[House File 882](#)

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

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 2nd day of May, 2005:

Senate Files 210, 375, 403, and 405.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S-3217	H.F. 869	House
S-3218	S.F. 413	House
S-3219	H.F. 619	Larry McKibben Jeff Lamberti Jerry Behn Jeff Angelo James A. Seymour Paul McKinley

		John Putney
		Nancy J. Boettger
		Ron Wieck
		Pat Ward
		Bob Brunkhorst
		Steve Kettering
		James F. Hahn
		Hubert Houser
		Stewart E. Iverson, Jr.
<u>S-3220</u>	<u>H.F. 729</u>	Jack Hatch
<u>S-3221</u>	<u>H.F. 619</u>	Larry McKibben
<u>S-3222</u>	<u>H.F. 619</u>	David Miller
		Jerry Behn
<u>S-3223</u>	<u>H.F. 807</u>	Robert E. Dvorsky
		Jeff Angelo
<u>S-3224</u>	<u>S.F. 200</u>	John Putney