

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, JANUARY 10, 2006

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JOURNAL OF THE SENATE

SECOND CALENDAR DAY
SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 10, 2006

The Senate met in regular session at 8:30 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Marvin Arnpriester, pastor of the Broadway United Methodist Church in Council Bluffs, Iowa. He was the guest of Senator Gronstal.

The Journal of Monday, January 9, 2006, was approved.

The Senate stood at ease at 8:38 a.m. until the fall of the gavel.

The Senate resumed session at 9:45 a.m., President Lamberti presiding.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to receive the Senate in joint convention.

In accordance with [House Concurrent Resolution 101](#), duly adopted, the Senate proceeded to the House chamber under the direction of the Secretary of the Senate and the Sergeant-at-Arms.

JOINT CONVENTION

The joint convention convened at 9:51 a.m., President Lamberti presiding.

Senator Gronstal moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present, which motion prevailed by a voice vote.

President Lamberti declared a quorum present and the joint convention duly organized.

Senator Gronstal moved that a committee of seven, four members from the Senate and three members from the House, be appointed to notify Governor Thomas J. Vilsack that the joint convention was ready to receive him.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Ragan, Ward, Johnson, and McCoy on the part of the Senate, and Representatives Schickel, Sands, and Smith on the part of the House.

Secretary of State Chet Culver, Treasurer of State Michael L. Fitzgerald, Secretary of Agriculture Patty Judge, Auditor of State David A. Vaudt, and Attorney General Tom Miller were escorted into the House chamber.

Chief Justice Louis A. Lavorato and the Justices of the Supreme Court and Chief Judge Rosemary Shaw Sackett and the Judges of the Court of Appeals were escorted into the House chamber.

Lieutenant Governor Sally J. Pederson was escorted into the House chamber.

First Lady Christie Vilsack, wife of the Governor, and their sons, Jess and Doug, were escorted into the House chamber.

The committee waited upon Governor Thomas J. Vilsack and escorted him to the Speaker's station.

President Lamberti presented Governor Thomas J. Vilsack, who delivered the following Condition of the State Address:

During the holidays, I traveled to my hometown of Mount Pleasant. At home I decided to go for a run around the high school track at the Mapleleaf Athletic Complex. Built in 1978, the complex serves as the athletic and band fields for the Mount Pleasant Community School District and Iowa Wesleyan College. As I ran around the track, my thoughts kept returning to how we built the complex and the amazing power and value of strong community.

Prior to 1978, the school district attempted to pass several bond issues to improve the facilities without success. Several of us decided to do something about the poor conditions of our facilities. We teamed up with a group of high school students from the fellowship of Christian athletes; we conducted a marathon telethon over the local

radio station and we encouraged people to call in pledges. We set a high goal—to raise \$100,000 in a single weekend. We surpassed the goal and raised over \$200,000. Children brought in jars of pennies while others called in pledges of a thousand dollars or more. The project grew as carpenters, bricklayers, steelworkers, and other construction workers gave of their time and talent. Businesses followed suit with in-kind and cash contributions. Together we built a state-of-the-art facility where later I would enjoy watching my sons perform in the band and play football. From that experience I learned a valuable lesson about the value and power of strong community—that in a strong community, people working together with a shared goal and common purpose can make the impossible, possible.

Mr. President, Mr. President, Mr. Speaker, my friends in the General Assembly, today I want to visit about the condition of our community, the great state of Iowa—how our work has strengthened our community and how by continuing to work together we can make Iowa the best place to live, work, and raise a family.

Before I begin, I want to acknowledge the Chief Justice, members of our Supreme Court and Court of Appeals, statewide elected officials, and members of the General Assembly for the dedicated service each of you provides to the people of Iowa. I want to welcome U.S. Congressman Leonard Boswell and former governor Robert Fulton. I want to especially recognize our Lieutenant Governor Sally Pederson for her extraordinary effort on behalf of all Iowans—particularly those with disabilities. I also want to recognize my first lady and our first lady, Christie Vilsack, for her full-time volunteer work promoting literacy and libraries—which has had a positive impact on the young readers of Iowa. Please join me in acknowledging each of these Iowans for their contributions to our state.

A strong community honors service. Joining us today are two Iowans that deserve our thanks for their service. Several weeks ago Christie and I traveled to Walter Reed Hospital to visit Sergeant Bobby Briggs and his wife Michelle Briggs. Bobby is a proud member of the 224th Engineering Battalion of our National Guard from southeast Iowa. The 224th distinguished itself with incredible bravery and effectiveness in Iraq. During their tour of duty, the Army National Guard's 224th Engineer Battalion lost four brave men in Iraq: Second Lieutenant Brian Gienau, Sergeant Seth Garceau, Specialist John Wayne Miller, and Sergeant Casey Byers. Our thoughts and prayers go to the families of those four soldiers and all who have lost loved ones during this war.

While Bobby Briggs was in Iraq, he sustained serious injuries after a rocket was fired into the base camp. During our brief visit, Bobby bravely talked of his hope for the future while Michelle shared her feelings about Bobby's service, his deployment, his injury, and the impact on her family. Michelle gave up her job in Mount Pleasant to have the time to take care of Bobby and their children, and to ensure he got the care he deserved. She pointed out how expensive the travel was for trips to and from hospitals in and out of state. She gave me a sheet of paper with an outline of a plan in Minnesota to provide a one-time payment of up to \$10,000 to those in the National Guard and Reserve who were seriously injured in combat. I made a promise to them that I would ask the General Assembly to adopt a similar plan for Iowa. Today, I keep that promise. The National Guard and Reserve are all about community. Our Guard and reserve members dedicate themselves to protecting us. They do it to make our state, our community safer and more secure. A strong community values that service. When a member of the community hurts, a strong community helps. That is why the first bill passed and signed into law should be Bobby and Michelle's bill to help injured soldiers and their families. Please acknowledge Bobby and Michelle, who are seated in the gallery, for their service and as representatives of all who sacrifice for us.

A strong community supports quality schools and depends upon well-educated citizens. In this grand Capitol, we dedicated much of our work and effort to improving learning in Iowa.

When we focused on reducing class sizes and emphasized better reading and math skills for our early learners, our children reversed an eight-year decline in Iowa Basic Skills test scores. Today we take pride in five straight years of improved scores. We should expect even greater gains in the future as a result of our Strong Start, early childhood efforts that now provide more help to parents as their child's first and best teacher, improve the quality of child care, and expand preschool opportunities.

A strong community recognizes that access to health care remains a right and should never be recognized as a privilege. As a result of our work, more of our children, more of our seniors, more of our veterans, more of those struggling to make ends meet, and more of those coping with mental illness receive health care as their right and not as a result of privilege.

A strong community creates opportunity. We worked hard on the Values Fund, venture capital, and utility regulation to create more jobs and increase incomes for Iowans. Today, a record number of Iowans are at work and incomes rose here at rates higher than all other states in the nation. Iowans should be encouraged by the fact that our economy is the fastest-growing economy in the Midwest and 8th fastest in the nation.

A strong community protects its people. When we focused on safety and security, we cracked down on drunk drivers, sex offenders, and meth makers. Our efforts combined with the dedication of law enforcement means our highways are safer, our communities are more secure, and our children are better protected. Our efforts must continue in the area of Homeland Security, from support for a new hygienic lab to creating a greater awareness in the private sector of risks and responsibilities. Additional efforts must also be made to ensure that when prisoners go to prison, they stay in prison.

A strong community preserves its natural resources. God blessed us with rich soil, abundant water, and clean air. Iowans value good stewardship. Iowa's national leadership in clean energy and renewable fuel combined with our recent efforts at soil conservation and improved water quality reflect that preservation ethic. These efforts must be continued and expanded this year, with an additional \$50 million dollar commitment to improve water quality.

Working together we've made a difference. Iowa changed and lives improved. Iowa is a stronger community and became an even better place to live, work, and raise a family. But, our work is not finished. A strong community never stops striving to be stronger.

While Iowans worked hard to improve, so did the rest of the world.

Thomas Friedman, columnist for the New York Times, wrote a best-selling book last year entitled *The World Is Flat*. He wrote of the convergence of three technologies that will forever change most of what we do and how we do it. The combination of the personal computer, the worldwide web, and compatible software packages meant that anyone or everyone could instantaneously transmit unlimited information to anywhere or everywhere. The rules of the game have forever changed. Friedman's advice to his readers and to all of us is that opportunity and success in the future will belong to the most creative and innovative among us.

In the future, strong communities must be creative and innovative. Our effort this session must help to prepare Iowa for that future. Strong communities, through innovation and creativity, will help to create a pathway to our future. We have work to do, and no time to waste.

For Iowa's communities to be creative, innovative, and strong, we must continue to improve our children's education.

One of the greatest gifts God gives to children is a vivid imagination. Children depend upon parents, teachers, and others to nurture it. Several months ago, I visited a preschool center in Ames. I will never forget the four-year-old child I met there who used large Legos to build a structure taller than him. When I asked him what he was building, he quickly told me a skyscraper on wheels. Imagine a skyscraper on wheels. If we do our job at improving education, can you imagine what his future will be? Can you imagine what our future will be?

Last year we launched Strong Start—a coordinated early childhood effort with the goal that every child starts school healthy and ready to learn. This year we must build upon that effort. Investment in Strong Start ensures that we will always have the new discoveries that our state and country need to create opportunity and support community.

To meet this important responsibility, every four-year-old child should have access to quality preschool. Last year we helped more children access that important opportunity, but we can not rest until all of our children have that opportunity. During this session we must increase our investment in Strong Start until quality preschool is accessible to all. For all of our children who have dreams bigger than a skyscraper on wheels—a strong start will make those dreams their reality.

I am blessed. I married a classroom teacher and consider it a great privilege. I watched for years as Christie worked hard to teach and reach every child in the middle school in Mount Pleasant, and later college students at Iowa Wesleyan College. I learned a valuable lesson—dedicated teachers are an invaluable community resource and deserve our respect.

But, our respect is not enough when our teacher compensation ranks 41st in the nation.

Several years ago we embarked on an effort to improve teacher quality and teacher compensation. We worked in a bipartisan effort to establish a real mentoring program for beginning teachers, quality standards for teachers, a career pathway focused on professional development, and better professional evaluations coupled with the opportunity to earn more. The fiscal challenges of several years ago slowed down our effort. We must finish this important work.

Strong communities rely on great schools, and great teachers make great schools. Let us commit this year to an effort over the next five years to raise salaries to the national average—moving Iowa from the bottom half of the class to the top half of the class. Our teachers deserve it, and more importantly, our children's future depends on it.

In a future dependent upon creativity and innovation, what more needs to be done in education that is not being done? Now is not the time and Iowa is not the place for complacency. Schools more than ever before must be creative learning centers where innovation and experimentation are encouraged.

Children from all over the world spend more time learning during the school day and school year than our children. Students in many lands use computers for personalized study. Creative school districts in other states expand music and art instruction and hire certified teacher-librarians. Schools experiment with class and school size, by consolidating or developing schools within schools, as an effort to find the optimum size for best learning. One state, Delaware, is now being encouraged to restructure its entire K-12 system.

Recently, I met with Kevin Johnson, former NBA star who played for the Phoenix Suns. Kevin retired and moved back to Sacramento, his hometown, to start several charter schools. Kevin understood that parental involvement is key to student success. His charter schools developed an innovative way to engage parents, particularly

parents of poorer performing students. This example of innovation in education should permeate our efforts in Iowa.

We must not rest on the fact that our children score higher on ACT and SAT than most students or that Iowa graduates a higher percentage from high school. We must press forward.

Districts longing to extend the school day or school year to individualize learning, to consolidate or to create schools within schools, to recruit teachers in shortage areas, to bring back music and art classes, or to staff libraries with certified teacher-librarians should be encouraged to do so.

Iowa should be the first state in the country to explore research and development for the K-12 system. We should create a Vanguard Schools grant program that should empower our state Board of Education to do for schools what the Vision Iowa board did with cities and towns—spur transformation. Strong communities never fear the challenge of change. Strong communities embrace it.

The future will challenge us. Finishing our work in early childhood and teacher compensation and instilling innovation in education will equip our children to meet that challenge. Our work here will enable our children to shape a brighter and better future for themselves, their state, and their nation. We have no more important work.

A strong community shapes its own future and never stops working to grow. Iowa must continue its economic transformation if we are to shape our future and continue our recent growth.

Our national leader's position in clean energy and renewable fuel production in Iowa provides a solid foundation for that effort. I pledge to work with members of the General Assembly to expand ethanol and biodiesel use and production in Iowa. Let us dedicate ourselves to make E-85 and biodiesel the future fuel of Iowa and America.

As important as that is we must expand our efforts to support innovation and creativity in more areas.

Our strategic plan for continued transformation and growth focuses on the areas of most potential for the state: agriculture and chemical biotechnology, advanced manufacturing and information solutions, and financial services, while emphasizing the important role that higher education will play. Specifically, the plan crafted by the Battelle Group encourages us to invest in the human capital and physical infrastructure necessary for innovation. Endowed chairs and faculty recruitment efforts would enable our regents universities to attract the brightest and the best to our campuses. Building and equipping more labs and incubators would enable the ideas from those bright minds to become new products and new opportunities.

Higher education—our colleges, universities, and community colleges have made great strides over the last few years to increase their commitment to the economic well-being of all of us. An additional \$50 million investment from the restructured tobacco settlement and additional investments from the Rebuild Iowa Infrastructure Fund should be invested in the human capital and physical infrastructure needed to grow our economy and continue our momentum.

A strong community embraces change. New discoveries require new approaches. One area that calls for a new approach is the area of medical research. Several years ago, we limited medical research involving nuclear cell transplants at the University of Iowa Hospitals and Clinics. At the time we never dreamt that new treatments dependent upon such transplants would be developed so quickly. Well, they have been, and as a result we should revisit our ban on nuclear cell transplants. We should remove the restrictions and allow lifesaving treatments to be administered to Iowans here in Iowa rather than forcing them to leave our state. A strong community would never do otherwise.

A strong community depends on small business for most of its new jobs. Small business remains the lifeblood of our Iowa economy. Innovation and opportunity intersect at small business. Small business owners in Iowa face unprecedented challenges from competitors around the globe. We should do more to help them effectively compete.

Many small business owners confront the dilemma of choosing either to competitively price their products or pay for health insurance for employees. There are steps we can take and should take to avoid having our small business owners make this false choice.

The key concept of insurance is the sharing and spreading of risk. The more people who shoulder the risk, the less each pays. Small steps were taken last year to spread the risk and more fairly allocate it. More must be done this year. If we allow small business to pool their risk, we will lower costs and make their businesses more competitive.

We must also recognize that when a small business owner wants to provide his or her employees with health insurance, the cost of treatment for a serious illness or injury is allocated among a very small number of people. In a strong community, we all have a stake in making sure that good, hard-working people get the help they need without bankrupting their family or their employer. By creating a state reinsurance fund, patterned after successful efforts in New York and Arizona, we can help small businesses better shoulder the burden of catastrophic illness or injury, keep their costs down, make them more competitive, and make our community stronger.

The budget we submit to the General Assembly proposes a \$30 million a year reinsurance effort funded from an increase in the fees on cigarettes and tobacco products. While I appreciate that some may not agree with the increase, the public supports it. The research is clear. When the cost of cigarettes goes up, fewer young people start smoking. Your vote will save lives, allow thousands of young people to enjoy a full and complete life, make our small businesses more competitive, and our community stronger.

Too many of our young people also die tragic deaths—car crashes that could have been avoided. Our children, fresh from getting their driver's licenses, distracted by friends in the car or a ringing cell phone, lose control and lose their lives. High school students growing up too fast think they can buck the odds by drinking and driving. We must do all we can to prevent these tragedies from repeating themselves year in and year out.

One of those youngsters needlessly killed was Nick Bisignano, son of former senator Tony Bisignano and his wife, Kim Bisignano. My first encounter with Nick was when Tony and I were sworn in as state senators in 1993. On that day Nick and the rest of the Bisignano family sat behind my family in the Senate balcony. He proudly pointed out his dad on the Senate floor. For many years later I heard stories from a proud father about his hopes for his son. My heart ached when I heard of his loss.

The Department of Public Safety, the Department of Transportation, and the Department of Public Health in conjunction with local law enforcement prepared the Keep Young Drivers Safe (KYDS) program that proposes to improve our graduated driver's license program and stiffen penalties for those providing alcohol to minors.

In honor of Nick and all of those we lost too soon, let us limit the use of cell phones and the number of passengers riding in a car with a young person operating under the graduated license. In honor of Nick and all of those we lost too soon, let us do a better job of educating young drivers about the deadly consequences of drinking and driving. In honor of Nick and all of those we lost too soon, let us toughen the penalties for those who make alcohol available to minors.

Tony and Kim are with us today. I want to thank them for their efforts to keep our kids safe after losing one of theirs. They are here today representing all the parents of children we lost too soon.

Let us, by our actions, keep our kids safe and honor the memory of those no longer here. A strong community never forgets.

Joseph Stephen Akwharti of Tanzania was a world-class runner. He trained and won the right to represent his country in the Olympic Games in the marathon. The marathon covers 26.2 miles and is a race that tests the determination of all who run it. When the race began, he hoped to medal. Early in the race, Joseph stayed near the lead. About midway in the race, he suffered a severe and disabling injury that slowed him to a jog. He kept on competing. He fell behind. He fell way behind. An hour after all other racers finished, Joseph entered the stadium and crossed the finish line to the cheers of those still in the stadium. After the race, the press asked him why he finished. He had no need to prove himself. He responded, "My country did not send me 5,000 miles to start the race; they sent me to finish the race." He understood that his community counted on him to give his best effort.

So it is with us. The citizens of this state expect us to give our best effort. They want us to put aside partisanship and dedicate our efforts to solving the people's problems and strengthen our community. People are counting on us.

Children with dreams are counting on us. Families with needs are counting on us. Small business owners with high hopes are counting on us. Patients in need of cures are counting on us. Parents protecting their children are counting on us. For all those counting on us, let us finish what we started—to strengthen our community and make Iowa the best place to live, work, and raise a family. May God bless us in this work and may God bless the great state of Iowa and these United States.

Governor Thomas J. Vilsack was escorted from the House chamber by the committee previously appointed.

Representative Jacobs moved that the joint convention be dissolved, which motion prevailed by a voice vote.

The Senate returned to the Senate chamber.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 10:50 a.m., upon the dissolution of the joint convention, until 8:30 a.m., Wednesday, January 11, 2006.

APPENDIX**COMMUNICATION RECEIVED**

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF ADMINISTRATIVE SERVICES

State's Comprehensive Annual Financial Report, pursuant to Iowa Code section 8A.502(8). Report received on January 10, 2006.

REPORTS OF COMMITTEE MEETINGS**COMMERCE**

Convened: January 10, 2006, 3:00 p.m.

Members Present: Behn and Warnstadt, Co-chairs; Beall, Bolkcom, Gronstal, Larson, McKinley, Rielly, Stewart, Zaun, and Ziemann.

Members Absent: Angelo, Courtney, Kettering, McCoy, and Wieck (all excused).

Committee Business: Organizational meeting.

Adjourned: 3:05 p.m.

ECONOMIC GROWTH

Convened: January 10, 2006, 1:15 p.m.

Members Present: Brunkhorst and Hatch, Co-chairs; Beall, Behn, Danielson, Dotzler, Hahn, McKinley, Ragan, Rielly, Seymour, Shull, Stewart, and Zaun.

Members Absent: None.

Committee Business: Reassigned SFs 65, 77, 117, 129, and 231 and assigned [HF 720](#) to committee co-chairs.

Adjourned: 1:30 p.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 102](#), by Johnson and Boettger, a resolution honoring the life and accomplishments of Hugh Sidey.

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

INTRODUCTION OF BILLS

[Senate File 2011](#), by Brunkhorst, a bill for an act relating to the operation of or travel in an all-terrain vehicle with a firearm in a person's possession and providing a penalty.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

[Senate File 2012](#), by Johnson, a bill for an act appropriating moneys to reimburse commissioners of soil and water conservation districts for administrative expenses, and providing an effective date.

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

[Senate File 2013](#), by Zieman, a bill for an act relating to elections by making changes concerning requirements for entrances to certain polling places, arrangements of names on the ballot for nonpartisan offices, and election registers.

Read first time under Rule 28 and referred to committee on **State Government**.

[Senate File 2014](#), by Zieman, a bill for an act relating to the possession of marijuana, and providing a penalty.

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

[Senate File 2015](#), by Kettering, a bill for an act increasing the speed limit on primary highways.

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

[Senate File 2016](#), by Kibbie, a bill for an act relating to an increase in per diem paid to trustees of sanitary districts.

Read first time under Rule 28 and referred to committee on **Local Government**.

[Senate File 2017](#), by Courtney, a bill for an act prohibiting inducements to purchase certain insurance contracts, providing penalties, and providing an applicability date.

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

[Senate File 2018](#), by Kibbie, a bill for an act concerning the purchase of service under the Iowa public employees' retirement system and the Iowa department of public safety peace officers' retirement, accident, and disability system.

Read first time under Rule 28 and referred to committee on **State Government**.

[Senate File 2019](#), by Kibbie, a bill for an act concerning the purchase of credit and recalculation of benefits for certain city managers under the Iowa public employees' retirement system.

Read first time under Rule 28 and referred to committee on **State Government**.

STUDY BILLS RECEIVED

[SSB 3001](#) **Rules and Administration**

To approve and confirm the appointment of the Citizens' Aide.

[SSB 3002](#) **Judiciary**

Relating to exemptions for certain personal property from execution by creditors in state court debt collection and federal bankruptcy actions.

[SSB 3003](#) **Judiciary**

Prohibiting a donation or contribution to an agency, organization, or political subdivision of the state in a criminal proceeding.

SSB 3004 Judiciary

Relating to peace officer examinations of logbooks signed by purchasers of pseudoephedrine products.

SSB 3005 Judiciary

Relating to definitions in the Iowa consumer credit code.

SSB 3006 Judiciary

Concerning the appointment and removal of the chief administrative officer of the board of parole.

SUBCOMMITTEE ASSIGNMENTS**Senate File 65**

(Reassignment)

ECONOMIC GROWTH: Brunkhorst and Hatch, Co-chairs

Senate File 77

(Reassignment)

ECONOMIC GROWTH: Brunkhorst and Hatch, Co-chairs

Senate File 117

(Reassignment)

ECONOMIC GROWTH: Brunkhorst and Hatch, Co-chairs

Senate File 129

(Reassignment)

ECONOMIC GROWTH: Brunkhorst and Hatch, Co-chairs

Senate File 231

(Reassignment)

ECONOMIC GROWTH: Brunkhorst and Hatch, Co-chairs

Senate File 2001

EDUCATION: Brunkhorst and Wood, Co-chairs; Connolly and McKinley

Senate File 2003

WAYS AND MEANS: Quirnbach and Zaun, Co-chairs; Miller and Stewart

Senate File 2007

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

House File 720

ECONOMIC GROWTH: Brunkhorst and Hatch, Co-chairs

SSB 3001

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

SSB 3002

JUDICIARY: Fraise and McKibben, Co-chairs; Ward and Warnstadt

SSB 3003

JUDICIARY: Kreiman and McKibben, Co-chairs; Dvorsky and Ward

SSB 3004

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

SSB 3005

JUDICIARY: Hancock and Zaun, Co-chairs; Boettger and Kreiman

SSB 3006

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