

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, JANUARY 25, 2006

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JOURNAL OF THE SENATE

SEVENTEENTH CALENDAR DAY
ELEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 25, 2006

The Senate met in regular session at 8:32 a.m., President Kibbie presiding.

Prayer was offered by Reverend Ann Rouse of First Presbyterian Church in Monroe, Iowa. She was the guest of Senator McKinley.

The Journal of Tuesday, January 24, 2006, 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 January 24, 2006, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2050, a bill for an act relating to elections by making changes concerning requirements for entrances to certain polling places, arrangement of names on the ballot for nonpartisan offices, and election registers, and including effective and applicability date provisions.

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

House File 2051, a bill for an act relating to maintenance of a voter registration system separate from the state voter registration system and providing an effective date.

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

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 104](#).

[Senate Resolution 104](#)

On motion of Senator Dotzler, [Senate Resolution 104](#), a resolution naming National Association for Stock Car Auto Racing great Rusty Wallace an honorary Iowan, with report of committee recommending passage, was taken up for consideration.

Senator Dotzler moved the adoption of [Senate Resolution 104](#), which motion prevailed by a voice vote.

SPECIAL GUEST

Senator Dotzler welcomed to the Senate chamber NASCAR career racecar driver Rusty Wallace, who is the consultant and designer of the Iowa Speedway in Newton.

Senator Zieman presented Mr. Wallace a gift from the Iowa Senate.

Mr. Wallace addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:46 a.m. until 8:30 a.m., Thursday, January 26, 2006.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Earl L. Coppes, Burlington—For celebrating your 90th birthday. Senator Courtney (1/25/06).

Joyce Keeling, Clarion-Goldfield Elementary—For authoring your second published book of lesson plans. Senator Iverson (1/25/06).

Diane Lichtenberg, Bettendorf—For being named the Secondary Physical Education Teacher of the Year. Senator Tinsman (1/25/06).

Virginia Mieke, West Liberty—For receiving the Glass Apple Award. Senator Hahn (1/25/06).

Kenny Mineart, West Burlington—For achieving the rank of Eagle Scout, Boy Scout Troop 214. Senator Courtney (1/25/06).

Grace Reif, Wapello—For celebrating your 90th birthday. Senator Courtney (1/25/06).

Jeanette Swenson, Story City—For celebrating your 100th birthday. Senator Iverson (1/25/06).

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:

LEGISLATIVE OVERSIGHT COMMITTEE

Report on the activities during the 2005 legislative interim and topics selected for review during the 2006 legislative session, pursuant to 2002 Acts, [Senate File 2325](#). Report received on January 25, 2006.

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: January 25, 2006, 1:00 p.m.

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

Members Absent: Larson (excused).

Committee Business: Passed [SF 2001](#) (as amended) and approved Governor's appointees.

Adjourned: 1:40 p.m.

GOVERNMENT OVERSIGHT

Convened: January 25, 2006, 10:00 a.m.

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

Members Absent: None.

Committee Business: Senator Hahn discussed permanently moored vessels.

Adjourned: 11:30 a.m.

LOCAL GOVERNMENT

Convened: January 25, 2006, 1:30 p.m.

Members Present: Quirnbach and Shull, Co-chairs; Houser, Lundby, Mulder, Rielly, Schoenjahn, Stewart, and Zaun.

Members Absent: Kreiman, McCoy, and Putney (all excused).

Committee Business: Passed [SF 2016](#).

Adjourned: 1:45 p.m.

STATE GOVERNMENT

Convened: January 25, 2006, 1:40 p.m.

Members Present: Horn and McKibben, Co-chairs; Brunkhorst, Connolly, Danielson, Hancock, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, Wood, and Ziemann.

Members Absent: Black and Hatch (both excused).

Committee Business: Approved Governor's appointments.

Adjourned: 1:50 p.m.

WAYS AND MEANS

Convened: January 25, 2006, 2:10 p.m.

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

Members Absent: Larson, McCoy, McKibben, and Wieck (all excused).

Committee Business: Presentation by the Department of Revenue, approved Governor's appointment, and approved [HF 864](#).

Adjourned: 2:35 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: January 25, 2006, 9:40 a.m.

Members Present: Putney and Stewart, Co-chairs; McCoy, Mulder, and Ziemann.

Members Absent: Dvorsky (excused).

Committee Business: Presentation by the office of the Secretary of State on the Help America Vote Act.

Adjourned: 10:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: January 25, 2006, 9:40 a.m.

Members Present: Gaskill and Seng, Co-chairs; Hahn, Houser, and Schoenjahn.

Members Absent: Black (excused).

Committee Business: Presentation by the Department of Natural Resources.

Adjourned: 10:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: January 25, 2006, 9:45 a.m.

Members Present: Dotzler and Ward, Co-chairs; Behn, Brunkhorst, Danielson, and Rielly.

Members Absent: None.

Committee Business: Presentations by the Board of Regents, the Department of Economic Development, and the Greater Des Moines Convention and Visitors' Bureau.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: January 25, 2006, 9:40 a.m.

Members Present: Boettger and Horn, Co-chairs; McKinley, Quirnbach, and Wood.

Members Absent: Shull (excused).

Committee Business: Presentation by the Board of Regents.

Adjourned: 10:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: January 25, 2006, 9:45 a.m.

Members Present: Hatch and Tinsman, Co-chairs; Bolkcom, Johnson, Ragan, and Seymour.

Members Absent: None.

Committee Business: Presentations by the Department of Human Services, Iowa Veterans Home commandant, and the Department of Veterans Affairs.

Adjourned: 11:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: January 25, 2006, 9:45 a.m.

Members Present: Fraise, Co-chair; Hancock, Kreiman, and Miller.

Members Absent: McKibben, Co-chair; and Larson (both excused).

Committee Business: Presentation by the Department of Corrections.

Adjourned: 10:50 a.m.

INTRODUCTION OF BILLS

[Senate File 2072](#), by Zaun, a bill for an act relating to county, city, and school board publication of allowed claims.

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

[Senate File 2073](#), by Bolkcom, a bill for an act relating to the temporary appointment of a conservator for a dependent adult in an emergency situation.

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

[Senate File 2074](#), by Miller, a bill for an act relating to Medicaid reform through the use of managed care and opt-out provisions.

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

[Senate File 2075](#), by Houser, a bill for an act regulating manure management plans and related documents submitted by the department of natural resources to counties.

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

[Senate File 2076](#), by committee on Agriculture, a bill for an act relating to confinement feeding operations by providing for manure management plans.

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

[Senate File 2077](#), by Bolkcom, Connolly, Beall, Stewart, Ragan, Kreiman, Hatch, Dvorsky, Danielson, Horn, Hancock, Rielly, Wood, Schoenjahn, Fraise, Courtney, Gronstal, Kibbie, and Black, a bill for an act providing a sales tax exemption for purchases of solar energy equipment.

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

[Senate File 2078](#), by Bolkcom, a bill for an act relating to the age at which an elector is eligible to register to vote and to vote in a school district election.

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

[Senate File 2079](#), by Bolkcom, Connolly, Stewart, Ragan, Hancock, Dearden, Schoenjahn, Wood, Fraise, Courtney, Gronstal, Kibbie, Dvorsky, and Beall, a bill for an act exempting from the state sales tax the sale of certain multifuel pellet stoves.

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

[Senate File 2080](#), by Ragan, a bill for an act providing appropriations to the department of veterans affairs.

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

[Senate File 2081](#), by Stewart, a bill for an act providing an annual appropriation to the department of veterans affairs for the state veterans cemetery.

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

[Senate File 2082](#), by Ragan, a bill for an act making appropriations to the Iowa veterans home.

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

STUDY BILLS RECEIVED

[SSB 3040](#) **Appropriations**

Relating to financial and regulatory matters by making and revising appropriations for the fiscal year beginning July 1, 2005, and providing an effective date and applicability provisions.

[SSB 3041](#) **Appropriations**

Relating to and making appropriations to the department of human services, the department of elder affairs, the Iowa department of public health, the department of veterans affairs and the Iowa veterans home, and the department of inspections and appeals, providing for fee increases, and including other related provisions and appropriations, and providing effective dates.

SSB 3042 Appropriations

Making an annual appropriation to the department of veterans affairs for the state veterans cemetery.

SSB 3043 Appropriations

Relating to the community empowerment initiative and making an appropriation.

SSB 3044 Appropriations

Relating to and making appropriations to the judicial branch.

SSB 3045 Appropriations

Appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

SSB 3046 Ways and Means

Relating to the determination of the holding period for purposes of certain capital gains under the individual income tax and including effective and retroactive applicability date provisions.

SSB 3047 Ways and Means

Relating to taxation by making changes relating to property tax, income tax, city and county budgets, creating an implementation task force and providing an appropriation, and providing effective and applicability dates.

SUBCOMMITTEE ASSIGNMENTS

Senate File 315
(Reassignment)

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

Senate File 2031

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

Senate File 2048

HUMAN RESOURCES: Bolkcom and Johnson, Co-chairs; Ragan and Seymour

Senate File 2059

HUMAN RESOURCES: Boettger and Quirnbach, Co-chairs; Bolkcom and Houser

Senate File 2068

HUMAN RESOURCES: Quirnbach and Seymour, Co-chairs; Bolkcom and Houser

Senate File 2061

ECONOMIC GROWTH: Behn and Dotzler, Co-chairs; Brunkhorst and Danielson

Senate File 2071

JUDICIARY: Quirnbach and Zaun, Co-chairs; Ward and Warnstadt

Senate File 2073

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

Senate File 2074

HUMAN RESOURCES: Kreiman and Seymour, Co-chairs; Gaskill and Quirnbach

House File 2051

STATE GOVERNMENT: Wood and Zieman, Co-chairs; Danielson and Ward

SSB 3040

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

SSB 3041

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

SSB 3042

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

SSB 3043

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

SSB 3044

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

SSB 3045

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

SSB 3046

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

SSB 3047

WAYS AND MEANS: Quirnbach and Zieman, Co-chairs; Bolkcom, Connolly, Miller, and Wieck

FINAL COMMITTEE REPORTS OF BILL ACTION**AGRICULTURE****Bill Title:** [SENATE FILE 2076 \(SSB 3017\)](#), a bill for an act relating to confinement feeding operations by providing for manure management plans.**Recommendation:** APPROVED COMMITTEE BILL.**Final Vote:** Ayes, 12: Fraise, Johnson, Brunkhorst, Courtney, Gaskill, Hahn, Hancock, Houser, Kibbie, Mulder, Ragan, and Rielly. Nays, none. Absent, 2: Black and Putney.**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.**WAYS AND MEANS****Bill Title:** [HOUSE FILE 864](#), a bill for an act providing an exemption from and a refund of sales and use taxes on materials and services used in the construction of a building or addition to a building to be used as a collaborative educational facility and including effective and applicability date provisions.**Recommendation:** DO PASS.

Final Vote: Ayes, 12: Bolcom, Zieman, Connolly, Danielson, Dotzler, Hahn, McKinley, Miller, Quirnbach, Seng, Stewart, and Zaun. Nays, none. Absent, 4: Larson, McCoy, McKibben, and Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

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 recommendation for confirmation:

EDUCATION

Sandra Cowie – Technology Governance Board
Randall Ramundt – Technology Governance Board

STATE GOVERNMENT

Kristina Lusk – Board of Barber Examiners
Robert VanVooren – Board of Barber Examiners

David Lyn Weatherwax – Board of Cosmetology Arts and Sciences Examiners

Robert Olney – Elevator Safety Board

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

Lawrence Lentz – IowaAccess Advisory Council

Mark Ripplinger – Landscape and Architectural Examining Board

Doug Carlson – Board of Massage Therapy Examiners
Aaron Landmesser – Board of Massage Therapy Examiners

Tyrone Orr – Board of Mortuary Science Examiners

WAYS AND MEANS

Wanda Carlson – Iowa Railway Finance Authority

**GOVERNOR'S APPOINTEE PLACED ON
EN BLOC CALENDAR**

The following appointee, assigned to a standing committee for investigation, was placed on the En Bloc Calendar without recommendation for confirmation:

STATE GOVERNMENT

E. Karl Reichert – Real Estate Commission

REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar":

STATE GOVERNMENT

E. Karl Reichert – Real Estate Commission

STEWART E. IVERSON, JR.