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**STATE OF IOWA**

**Senate Journal**

**WEDNESDAY, FEBRUARY 1, 2006**

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# JOURNAL OF THE SENATE

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TWENTY-FOURTH CALENDAR DAY  
FIFTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, February 1, 2006

The Senate met in regular session at 8:35 a.m., President Lamberti presiding.

Prayer was offered by the Reverend David Ruhe, pastor of the Plymouth Congregational Church in Des Moines, Iowa. He was the guest of Senator Ward.

The Journal of Tuesday, January 31, 2006, was approved.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

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 January 31, 2006, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 2045**, a bill for an act relating to income taxation by providing for a senior taxpayer income tax exclusion and phasing out the state income tax on social security benefits and on pension and retirement income and including effective and applicability date provisions.

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

## RECESS

On motion of Senator Gronstal, the Senate recessed at 8:42 a.m. until 3:00 p.m.

**APPENDIX -- 1****CERTIFICATE OF RECOGNITION**

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

Leona Olhausen, Hartley—For celebrating your 100th birthday. Senator Johnson (2/1/06).

**COMMUNICATIONS RECEIVED**

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

**DEPARTMENT OF HUMAN RIGHTS**

Report on the Iowa Sex Offender Treatment and Supervision Task Force. Report received on January 31, 2006.

Commission on the Status of Women Annual Report. Report received on January 31, 2006.

**IOWA JUDICIAL BRANCH**

Report on the Enhanced Court Collections Fund and the Court Technology Fund, pursuant to the 2005 Acts, [House File 807](#). Report received on January 31, 2006.

**BILL ASSIGNED TO COMMITTEE**

President Lamberti announced that [Senate File 2130](#) was assigned to the **Agriculture** committee.

**REPORTS OF COMMITTEE MEETINGS****APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

**Convened:** February 1, 2006, 9:35 a.m.

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

**Members Absent:** Dvorsky.

**Committee Business:** Presentation on IPERS budget.

**Adjourned:** 10:15 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** February 1, 2006, 9:40 a.m.

**Members Present:** Gaskill, Co-chair; Black, Hahn, Houser, and Schoenjahn.

**Members Absent:** Seng, Co-chair (excused).

**Committee Business:** Presentation by the Secretary of Agriculture.

**Adjourned:** 10:25 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** February 1, 2006, 9:40 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentation by the coordinator of Community Empowerment.

**Adjourned:** 10:45 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** February 1, 2006, 9:35 a.m.

**Members Present:** Fraise and McKibben, Co-chairs; Hancock, Kreiman, Larson, and Miller.

**Members Absent:** None.

**Committee Business:** Presentations by the Iowa Law Enforcement Academy, State Public Defender, and the Iowa State Bar Association.

**Adjourned:** 11:40 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** February 1, 2006, 9:40 a.m.

**Members Present:** Warnstadt, Co-chair; Beall, Dearden, and Zaun.

**Members Absent:** Kettering, Co-chair; and Angelo (both excused).

**Committee Business:** Presentations by the Department of Public Defense, Department of Cultural Affairs, and the Iowa Law Enforcement Academy.

**Adjourned:** 10:50 a.m.

#### INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 102**, by McCoy, a concurrent resolution urging the Federal Railroad Administration to conduct regulatory proceedings regarding remote control locomotive operations by railroad companies.

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

#### INTRODUCTION OF BILLS

**Senate File 2131**, by Mulder, a bill for an act relating to substitute teaching assignments for persons holding a license or certification to teach issued by another state.

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

**Senate File 2132**, by Mulder, a bill for an act relating to a state of Iowa scholar program to award certificates of recognition to qualified graduating seniors.

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

**Senate File 2133**, by Kibbie, Beall, Houser, Wood, Lundby, Black, Schoenjahn, Johnson, Miller, Bolkcom, and Gaskill, a bill for an act relating to the renewable energy tax credit.

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

**Senate File 2134**, by Miller, a bill for an act 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.

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

[Senate File 2135](#), by Kibbie, a bill for an act providing for the regulation of packers and the purchase of swine from producers, and providing for penalties.

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

[Senate File 2136](#), by McCoy, a bill for an act relating to establishing smokefree public places and workplaces, and providing penalties.

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

[Senate File 2137](#), by Dotzler, a bill for an act increasing the speed limit on U.S. highway 20 between interstate 35 and the city of Cedar Falls.

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

[Senate File 2138](#), by McCoy, a bill for an act providing for the mistreatment of animals, and providing penalties.

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

[Senate File 2139](#), by Warnstadt, a bill for an act making an appropriation for the child protection center grant program.

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

**SUBCOMMITTEE ASSIGNMENTS**

**Senate File 77**  
(Reassignment)

ECONOMIC GROWTH: Seymour and Stewart, Co-chairs; Behn and Ragan

**Senate File 2050**  
(Reassignment)

ECONOMIC GROWTH: Hatch and McKinley, Co-chairs; Hahn and Rielly

**Senate File 2104**

ECONOMIC GROWTH: Behn and Hatch, Co-chairs; Beall, Brunkhorst, McKinley, and Stewart

**Senate File 2121**

TRANSPORTATION: Shull and Warnstadt, Co-chairs; Dearden and Ward

**Senate File 2129**

AGRICULTURE: Fraise and Johnson, Co-chairs; Black, Gaskill, Hahn, and Kibbie

**Senate File 2130**

AGRICULTURE: Fraise and Johnson, Co-chairs; Courtney, Gaskill, Hahn, and Kibbie

**AFTERNOON SESSION**

The Senate reconvened at 3:10 p.m., President Lamberti presiding.

**LEAVES OF ABSENCE**

Leaves of absence were granted as follows:

Senator Seng, for the remainder of the day, on request of Senator Dearden; and Senator Bolkcom, for the remainder of the day, on request of Senator Horn.

**CONFIRMATION OF GOVERNOR'S APPOINTMENTS**

In accordance with Senate Rule 59, Senator Connolly called up the following eligible appointees on the En Bloc Confirmation Calendar:

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

David Lyn Weatherwax – Board of Cosmetology Arts and Sciences Examiners

Max Phillips – State Board of Education

Robert Olney – Elevator Safety Board

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

Lawrence Lentz – Iowa Access Advisory Council

Mark Ripplinger – Landscape Architectural Examining Board

Doug Carlson – Board of Examiners for Massage Therapy

Rick Hecht – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission

Janice Heikes – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission

Tyrone Orr – Board of Mortuary Science Examiners



Mary Charlton – Board of Physician Assistant Examiners  
 Donald Klitgaard – Board of Physician Assistant Examiners

Marianne (Mary) Nehus – Prevention of Disabilities Policy Council

Gregory Seyfer – State Racing and Gaming Commission

Wanda Carlson – Iowa Railway Finance Authority  
 Dianna Darold – Iowa Railway Finance Authority

Laurel (Lori) Diehl – Real Estate Commission

Katinka Keith – Board of Social Work Examiners

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

Michael Mahaffey – Iowa Telecommunications and Technology  
 Commission

Andrea Coziahr – Commission on Tobacco Use Prevention and  
 Control

Curtis W. Stamp – Utilities Board

Carla Espinoza – Commission on the Status of Women

Senator Connolly moved that the foregoing appointees be  
 confirmed by the Senate.

On the question “Shall the appointees be confirmed?” the vote was:

Yeas, 48:

Angelo	Fraise	Kreiman	Rielly
Beall	Gaskill	Lamberti	Schoenjahn
Behn	Gronstal	Larson	Seymour
Black	Hahn	Lundby	Shull
Boettger	Hancock	McCoy	Stewart
Brunkhorst	Hatch	McKibben	Tinsman
Connolly	Horn	McKinley	Ward
Courtney	Houser	Miller	Warnstadt
Danielson	Iverson	Mulder	Wieck
Dearden	Johnson	Putney	Wood

Dotzler	Kettering	Quirnbach	Zaun
Dvorsky	Kibbie	Ragan	Zieman

Nays, none.

Absent, 2:

Bolkcom	Seng
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The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

**CONSIDERATION OF BILL  
(Appropriations Calendar)**

Senator Connolly asked and received unanimous consent to take up for consideration [Senate File 2056](#).

**[Senate File 2056](#)**

On motion of Senator Angelo, [Senate File 2056](#), a bill for an act relating to the Honey creek premier destination park bond program and providing an effective date, was taken up for consideration.

Senator Angelo offered amendment [S-5001](#), filed by Senators Angelo and Dvorsky on January 31, 2006, to page 3 and to the title page of the bill, and moved its adoption.

Amendment [S-5001](#) was adopted by a voice vote.

Senator Angelo 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. 2056](#)), the vote was:

Yeas, 47:

Angelo	Fraise	Kreiman	Rielly
Beall	Gaskill	Lamberti	Schoenjahn
Behn	Gronstal	Larson	Seymour
Black	Hahn	Lundby	Shull
Boettger	Hancock	McCoy	Stewart
Brunkhorst	Hatch	McKibben	Tinsman
Connolly	Horn	McKinley	Ward

Courtney	Houser	Miller	Warnstadt
Danielson	Iverson	Mulder	Wieck
Dearden	Johnson	Putney	Wood
Dotzler	Kettering	Quirnbach	Zieman
Dvorsky	Kibbie	Ragan	

Nays, 1:

Zaun

Absent, 2:

Bolkcom                      Seng

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 Connolly asked and received unanimous consent to take up for consideration [House File 864](#).

**[House File 864](#)**

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

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. 864](#)), the vote was:

Yeas, 48:

Angelo	Fraise	Kreiman	Rielly
Beall	Gaskill	Lamberti	Schoenjahn
Behn	Gronstal	Larson	Seymour
Black	Hahn	Lundby	Shull
Boettger	Hancock	McCoy	Stewart
Brunkhorst	Hatch	McKibben	Tinsman

Connolly	Horn	McKinley	Ward
Courtney	Houser	Miller	Warnstadt
Danielson	Iverson	Mulder	Wieck
Dearden	Johnson	Putney	Wood
Dotzler	Kettering	Quirnbach	Zaun
Dvorsky	Kibbie	Ragan	Zieman

Nays, none.

Absent, 2:

Bolkcom                      Seng

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

#### CONSIDERATION OF BILLS (Regular Calendar)

Senator Connolly asked and received unanimous consent to take up for consideration Senate Files 2087 and 2076.

#### Senate File 2087

On motion of Senator Schoenjahn, Senate File 2087, a bill for an act relating to an increase in per diem paid to trustees of sanitary districts, was taken up for consideration.

Senator Schoenjahn 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. 2087), the vote was:

Yeas, 48:

Angelo	Fraise	Kreiman	Rielly
Beall	Gaskill	Lamberti	Schoenjahn
Behn	Gronstal	Larson	Seymour
Black	Hahn	Lundby	Shull
Boettger	Hancock	McCoy	Stewart
Brunkhorst	Hatch	McKibben	Tinsman
Connolly	Horn	McKinley	Ward
Courtney	Houser	Miller	Warnstadt
Danielson	Iverson	Mulder	Wieck
Dearden	Johnson	Putney	Wood

Dotzler	Kettering	Quirnbach	Zaun
Dvorsky	Kibbie	Ragan	Zieman

Nays, none.

Absent, 2:

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

### **Senate File 2076**

On motion of Senator Mulder, **Senate File 2076**, a bill for an act relating to confinement feeding operations by providing for manure management plans, was taken up for consideration.

Senator Mulder 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. 2076**), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

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

**IMMEDIATELY MESSAGED**

Senator Connolly asked and received unanimous consent that **Senate Files 2056, 2076, and 2087** and **[House File 864](#)** be **immediately messaged** to the House.

**ADJOURNMENT**

On motion of Senator Gronstal, the Senate adjourned at 3:38 p.m. until 8:30 a.m., Thursday, February 2, 2006.

**APPENDIX -- 2****CERTIFICATE OF RECOGNITION**

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

Private 2nd Class Christopher Joseph Schute, Dubuque—For achieving the rank of Eagle Scout. Senator Connolly (2/1/06).

**REPORTS OF COMMITTEE MEETINGS****EDUCATION**

**Convened:** February 1, 2006, 1:40 p.m.

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

**Members Absent:** Dvorsky, Kreiman, and Larson (all excused).

**Committee Business:** Presentation on the Heartland Early Literacy Project.

**Adjourned:** 2:25 p.m.

**GOVERNMENT OVERSIGHT**

**Convened:** February 1, 2006, 10:05 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentations on sentencing and sentencing reform.

**Adjourned:** 11:50 a.m.

#### **LOCAL GOVERNMENT**

**Convened:** February 1, 2006, 2:05 p.m.

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

**Members Absent:** Kreiman and Putney (both excused).

**Committee Business:** Presentation on the Iowa Great Places program.

**Adjourned:** 2:35 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** February 1, 2006, 9:40 a.m.

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

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

**Committee Business:** Presentation by the LSA Fiscal Services Division.

**Adjourned:** 10:05 a.m.

#### **INTRODUCTION OF RESOLUTION**

**[Senate Resolution 107](#)**, by Danielson, Dotzler, and Brunkhorst, a resolution honoring the University of Northern Iowa Football Team.

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

#### **INTRODUCTION OF BILLS**

**[Senate File 2140](#)**, by Hancock, a bill for an act permitting cash prizes at annual game nights conducted by qualified organizations representing volunteer emergency services providers.

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

**Senate File 2141**, by Miller, a bill for an act revising foster care licensing requirements applicable to the relative of a child.

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

#### STUDY BILLS RECEIVED

**SSB 3064**      **Economic Growth**

Relating to certified capital companies and providing for an insurance premium tax credit and for penalties.

**SSB 3066**      **Economic Growth**

Relating to property taxation and local budgets by modifying the school foundation formula and making related property tax credit changes, abolishing county compensation boards, changing the number of signatures necessary to protest an adopted county budget, requiring a separate vote by a city council or county board of supervisors to raise property tax revenues, eliminating the assessment limitation for residential and agricultural property, limiting taxable value of residential property, and including effective and retroactive and other applicability date provisions.

**SSB 3067**      **Economic Growth**

Relating to certified capital companies and providing a certified capital company insurance premium tax credit and penalties.

**SSB 3068**      **Agriculture**

Relating to motor fuel, including renewable fuel, providing for tax credits, and providing penalties.

**SSB 3069**      **Natural Resources and Environment**

Relating to water quality standards.



**SSB 3070 Appropriations**

Relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources.

**SSB 3071 Appropriations**

Relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund.

**SSB 3072 Human Resources**

Relating to placing nursing facility beds in reserve, and providing an effective date.

**SSB 3073 Business and Labor Relations**

Relating to debt collection and insurance practices regulated under workers' compensation laws.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2034**

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

**Senate File 2080**

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

**Senate File 2081**

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

**Senate File 2082**

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

**Senate File 2097**

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

**Senate File 2114**

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

**Senate File 2115**

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

**Senate File 2118**

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

**Senate File 2119**

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

**Senate File 2135**

AGRICULTURE: Gaskill and Kibbie, Co-chairs; Brunkhorst, Hahn, Hancock, and Ragan

**House File 2002**

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

**SSB 3054**

(Reassignment)

NATURAL RESOURCES AND ENVIRONMENT: Black and Houser, Co-chairs; Gaskill, Hancock, Lundby, Putney, Schoenjahn, and Wood

**SSB 3064**

ECONOMIC GROWTH: Behn and Hatch, Co-chairs; Beall, Brunkhorst, McKinley, and Stewart

**SSB 3066**

ECONOMIC GROWTH: Brunkhorst and Stewart, Co-chairs; Beall, Hahn, Hatch, and Zaun

**SSB 3067**

ECONOMIC GROWTH: Behn and Hatch, Co-chairs; Beall, Brunkhorst, McKinley, and Stewart

**SSB 3068**

AGRICULTURE: Houser and Rielly, Co-chairs; Brunkhorst, Fraise, Gaskill, and Ragan

**SSB 3069**

NATURAL RESOURCES AND ENVIRONMENT: Lundby and Wood, Co-chairs; Black, Bolkcom, Houser, Johnson, Kettering, and Schoenjahn

**SSB 3070**

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

**SSB 3071**

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

**SSB 3072**

HUMAN RESOURCES: Ragan and Seymour, Co-chairs; Boettger and Hatch

**SSB 3073**

BUSINESS AND LABOR RELATIONS: Dearden and Shull, Co-chairs; Courtney and McKibben

**WITHDRAWAL OF GOVERNOR'S APPOINTEE**

The following letter from the Governor was received in the office of the Secretary of the Senate on January 31, 2006:

I submitted the name of Aaron Landmesser to serve on the Board of Examiners for Massage Therapy on January 3, 2006. I am withdrawing his name from further consideration by the Senate.

Sincerely,  
THOMAS J. VILSACK  
Governor

**GOVERNOR'S DEFERRAL LETTER**

The following letter from the Governor was received in the office of the Secretary of the Senate on January 31, 2006:

Pursuant to Iowa Code Section 2.32(4), the appointment for the Board of Examiners for Massage Therapy vacancy, formerly held by Aaron Landmesser, is being deferred because no appropriate candidate has been found for this position at this time.

Sincerely,  
THOMAS J. VILSACK  
Governor