

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, FEBRUARY 7, 2006

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JOURNAL OF THE SENATE

THIRTIETH CALENDAR DAY
EIGHTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 7, 2006

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

Prayer was offered by Sister Delores Hannon, superintendent of St. Edmond Catholic School in Fort Dodge, Iowa. She was the guest of Senator Beall.

The Journal of Monday, February 6, 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 February 6, 2006, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 103, a concurrent resolution to approve and confirm the appointment of the Citizens' Aide.

Read first time and attached to **companion Senate Concurrent Resolution 101**.

ALSO: That the House has on February 6, 2006, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2161, a bill for an act relating to the state of Iowa scholarship program administered by the college student aid commission and providing an effective date.

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

SPECIAL GUESTS

Senator Boettger introduced to the Senate chamber Dr. Daniel Bianchi, Mr. Daniel Pena, and Mr. Enrique Pintado from Uruguay, who were visiting the United States under the auspices of the Department of State's International Visitor Leadership Program. They were accompanied by Mr. Hoyt Rogers and Ms. Marta Etienne.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:55 a.m. until 8:30 a.m., Wednesday, February 8, 2006.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Dr. Daniel Bianchi, Congressman from Uruguay—For being an honored guest of the Iowa Senate (2/7/06).

Alyce Breen, Fort Dodge—For celebrating your 100th birthday. Senator Beall (2/7/06).

Cole Lambert, Muscatine—For being a first-round winner, representing your school in the National Geographic Bee. Senator Hahn (2/7/06).

Mr. Daniel Pena, Congressman from Uruguay—For being an honored guest of the Iowa Senate (2/7/06).

Mr. Enrique Pintado, Congressman from Uruguay—For being an honored guest of the Iowa Senate (2/7/06).

Mr. and Mrs. Walter and Ruth Stevens, Fort Dodge—For celebrating your 60th wedding anniversary. Senator Beall (2/7/06).

Skyler Wistrom, Stanton—For achieving the rank of Eagle Scout, Boy Scout Troop 45. Senator Angelo (2/7/06).

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: February 6, 2006, 4:40 p.m.

Members Present: Ragan and Seymour, Co-chairs; Behn, Boettger, Bolkcom, Dotzler, Gaskill, Hatch, Houser, Johnson, Kreiman, Quirmbach, Tinsman, and Wood.

Members Absent: None.

Committee Business: Presentation by the Bureau of Radiological Health.

Adjourned: 4:55 p.m.

JUDICIARY

Convened: February 6, 2006, 4:05 p.m.

Members Present: Kreiman and Miller, Co-chairs; Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, McKibben, Quirmbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun.

Members Absent: None.

Committee Business: Approved Governor's appointment.

Adjourned: 4:15 p.m.

ECONOMIC GROWTH

Convened: February 7, 2006, 1:05 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: Passed [SF 77](#) (as amended).

Adjourned: 1:25 p.m.

GOVERNMENT OVERSIGHT

Convened: February 7, 2006, 9:35 a.m.

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

Members Absent: Lundby, Co-chair (excused).

Committee Business: Presentations by the Department of Corrections, Department of Human Rights, and Attorney General's Office.

Adjourned: 12:00 p.m.

HUMAN RESOURCES

Convened: February 7, 2006, 2:10 p.m.

Members Present: Ragan and Seymour, Co-chairs; Behn, Boettger, Bolkcom, Dotzler, Gaskill, Hatch, Houser, Johnson, Kreiman, Quirnbach, Tinsman, and Wood.

Members Absent: None.

Committee Business: Presentations by the Department of Human Services and the Iowa Medicaid Enterprise.

Adjourned: 3:00 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 7, 2006, 1:10 p.m.

Members Present: Black and Houser, Co-chairs; Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood.

Members Absent: None.

Committee Business: Approved [SSB 3054](#) (as amended) and presentation by the Department of Natural Resources.

Adjourned: 2:05 p.m.

TRANSPORTATION

Convened: February 7, 2006, 2:00 p.m.

Members Present: McCoy and Putney, Co-chairs; Beall, Danielson, Dearden, Fraise, Hahn, Kettering, Shull, Ward, Warnstadt, and Zieman.

Members Absent: None.

Committee Business: Approved [SSB 3025](#) (without recommendation) and approved Governor's appointment (without recommendation).

Adjourned: 3:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 7, 2006, 9:35 a.m.

Members Present: Stewart, Co-chair; McCoy, Mulder, and Zieman.

Members Absent: Putney, Co-chair; and Dvorsky (both excused).

Committee Business: Presentation by the Department of Administrative Services.

Adjourned: 9:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 7, 2006, 9:40 a.m.

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

Members Absent: Black and Houser (both excused).

Committee Business: Presentation by the Department of Natural Resources.

Adjourned: 10:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 7, 2006, 9:40 a.m.

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

Members Absent: None.

Committee Business: Presentation by the Department of Economic Development.

Adjourned: 10:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 7, 2006, 9:35 a.m.

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

Members Absent: Bolkcom and Johnson (both excused).

Committee Business: Presentations on substance abuse and transitional housing options and by Lutheran Social Services.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 7, 2006, 9:35 a.m.

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

Members Absent: Larson (excused).

Committee Business: Presentation by the Department of Public Safety.

Adjourned: 10:40 a.m.

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

Convened: February 7, 2006, 9:35 a.m.

Members Present: Kettering and Warnstadt, Co-chairs; Beall, Dearden, and Zaun.

Members Absent: Angelo (excused).

Committee Business: Presentation by the Department of Administrative Services.

Adjourned: 11:10 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 108, by Black, Rielly, Dvorsky, Putney, and McKibben, a resolution welcoming the Whirlpool Corporation to the State of Iowa and offering support and assistance for Whirlpool's success and future in Iowa.

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

INTRODUCTION OF BILLS

Senate File 2156, by Warnstadt, Dotzler, Horn, Rielly, Hancock, Wood, Schoenjahn, Black, Gronstal, Kibbie, Connolly, Stewart, Beall, Ragan, Hatch, Dvorsky, Danielson, Dearden, and McCoy, a bill for an act relating to tax incentives and assistance available to qualified historic property located in designated enterprise zones and other historic property, and including effective and applicability date provisions.

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

Senate File 2157, by Dotzler, a bill for an act increasing the scheduled fines for certain violations by motor vehicle operators under age eighteen.

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

[Senate File 2158](#), by Warnstadt, a bill for an act providing for an appropriation to the department of education for the establishment and implementation of an area education agency infrastructure grant program.

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

[Senate File 2159](#), by Ward, a bill for an act relating to identification of publicly owned motor vehicles used by persons who provide off-site or in-home medical or mental health services.

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

[Senate File 2160](#), by Iverson, Behn, Lamberti, McKibben, Angelo, Johnson, Kettering, Gaskill, Brunkhorst, Seymour, Boettger, Putney, Houser, Shull, Ward, Wieck, Zaun, Hahn, Mulder, Zieman, and Larson, a bill for an act exempting active duty pay of members of the armed forces, armed forces military reserve, and national guard and including a retroactive applicability date provision.

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

[Senate File 2161](#), by Johnson, a bill for an act relating to funding for unified law enforcement districts.

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

[Senate File 2162](#), by Tinsman, a bill for an act relating to voluntary mental health screening of teenage youth.

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

[Senate File 2163](#), by committee on Local Government, a bill for an act relating to protesting a county or city budget.

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

[Senate File 2164](#), by Kreiman, a bill for an act relating to child welfare services by requiring services to be provided to families of children removed from the home by court order and repealing restrictions on court orders for placement of children in group foster care.

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

[Senate File 2165](#), by Kreiman, a bill for an act providing for the usage of family team meetings prior to the out-of-home placement of a child under a child in need of assistance proceeding.

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

[Senate File 2166](#), by Danielson, a bill for an act concerning the awarding of cash prizes for participation in a card or parlor game or tournament conducted by an organization primarily representing veterans.

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

[Senate File 2167](#), by Hahn, a bill for an act relating to the removal, replacement, collection, and recovery of mercury-added vehicle components.

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

[Senate File 2168](#), by Horn and Kreiman, a bill for an act relating to the provision of alcoholic beverages to persons under legal age and driver's license suspensions.

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

[Senate File 2169](#), by Black, a bill for an act relating to body piercing, body modification, and tattooing, and providing penalties.

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

[Senate File 2170](#), by Hatch, a bill for an act creating a senior home retrofit program.

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

[Senate File 2171](#), by Black, a bill for an act relating to the issuance and display of one motor vehicle registration plate.

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

[Senate File 2172](#), by Courtney, a bill for an act concerning employer communications about politics, religion, and labor organizing activities and providing a remedy.

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

STUDY BILLS RECEIVED

[SSB 3095](#) **Human Resources**

Requiring invasive pneumococcal disease immunization for children enrolling in licensed child care centers.

[SSB 3096](#) **Judiciary**

Relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

[SSB 3097](#) **Judiciary**

Relating to a parent's cause of action for the recovery of expenses and actual loss of services, companionship, and society resulting from the injury to or death of a child.

SSB 3098 **Judiciary**

Relating to civil actions involving victims of sexual abuse and pornography.

SSB 3099 **Judiciary**

Relating to the creation of drug courts in a judicial district department of correctional services.

SSB 3100 **Education**

Relating to alternative practitioner preparation programs for teaching English as a second language or providing transitional bilingual instruction to elementary and secondary students.

SSB 3101 **Education**

Providing supplementary weighting for shared school district operational functions, making an appropriation, and providing effective and applicability dates.

SSB 3102 **Education**

Providing for an increase in the number of years for which supplementary weighting for limited English proficient students may be obtained, and providing effective and applicability dates.

SSB 3103 **Judiciary**

Relating to the judicial branch including the assessment of court fees and costs.

SSB 3104 **Judiciary**

Relating to the standardized training and state certification of reserve peace officers.

SSB 3105 Judiciary

Relating to the appointment of district associate judges and magistrates.

SSB 3106 Education

Relating to the state's educational standards regarding teacher librarians and qualified guidance counselors, and to teacher and administrator quality, including the student achievement and teacher quality program and a beginning administrator quality program, and providing effective and retroactive applicability dates.

SSB 3107 Education

Relating to the duties and operations of the state board of education, the department of education, and local school boards.

SSB 3108 Education

Relating to the state's educational standards regarding qualified guidance counselors and teacher librarians, and to teacher and administrator quality, including the student achievement and teacher quality program and a beginning administrator quality program, and providing effective and retroactive applicability dates.

SSB 3109 Education

Relating to the state's educational standards regarding qualified guidance counselors and teacher librarians, and to teacher and administrator quality, including the student achievement and teacher quality program and a beginning administrator quality program and providing effective and retroactive applicability dates.

SSB 3110 Education

Authorizing unpaid leave for employees attending school functions and providing a penalty.

SSB 3111 Education

Relating to the state board of education's rules regarding educational technology and telecommunications.

SSB 3112 Education

Providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date.

SSB 3113 Education

Relating to the time for investigation and resolution of complaints accepted by the board of educational examiners.

SSB 3114 Education

Increasing the compulsory school attendance age to eighteen.

SSB 3115 Education

Permitting the board of educational examiners to retain and carry over a percentage of the licensing fees it collects.

SSB 3116 Education

Relating to incentives for increasing student achievement through the creation of a mathematics and upper-level science teacher shortage incentive program and loan repayment program, additional supplementary weighting for school districts participating in a regional academy and adopting a common school calendar, and supplementary weighting for school districts offering advanced placement courses and examinations.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2117**

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

[Senate File 2122](#)

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

[Senate File 2131](#)

EDUCATION: Mulder and Schoenjahn, Co-chairs; Boettger and Wood

[Senate File 2132](#)

EDUCATION: Mulder and Schoenjahn, Co-chairs; Boettger and Wood

[Senate File 2138](#)

JUDICIARY: McKibben and Schoenjahn, Co-chairs; Hancock and Larson

[Senate File 2139](#)

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

[Senate File 2141](#)

JUDICIARY: Kreiman and Miller, Co-chairs; Schoenjahn and Tinsman

[Senate File 2145](#)

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

[Senate File 2146](#)

JUDICIARY: McKibben and Quirnbach, Co-chairs; Horn and Larson

[Senate File 2147](#)

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

[Senate File 2148](#)

ECONOMIC GROWTH: Dotzler and Hahn, Co-chairs; Hatch and Shull

[Senate File 2150](#)

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

[Senate File 2151](#)

JUDICIARY: Brunkhorst and Quirnbach, Co-chairs; Hancock and Zaun

[Senate File 2153](#)

JUDICIARY: Brunkhorst and Horn, Co-chairs; Fraise and Zaun

Senate File 2154

EDUCATION: Angelo and Connolly, Co-chairs; Dvorsky and McKinley

Senate File 2162

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

Senate File 2164

HUMAN RESOURCES: Houser and Quirnbach, Co-chairs; Behn and Kreiman

Senate File 2165

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

SSB 3095

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

SSB 3096

JUDICIARY: Hancock and Zaun, Co-chairs; Schoenjahn and Ward

SSB 3097

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

SSB 3098

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

SSB 3099

JUDICIARY: Kreiman and Zaun, Co-chairs; Fraise and Tinsman

SSB 3100

EDUCATION: McKinley and Schoenjahn, Co-chairs; Beall and Ward

SSB 3101

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

SSB 3102

EDUCATION: Boettger and Kreiman, Co-chairs; Beall and Mulder

SSB 3103

JUDICIARY: Fraise and Ward, Co-chairs; Boettger and Kreiman

SSB 3104

JUDICIARY: Schoenjahn and Zaun, Co-chairs; Hancock and McKibben

SSB 3105

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

SSB 3106

EDUCATION: Angelo and Beall, Co-chairs; Brunkhorst and Schoenjahn

SSB 3107

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

SSB 3108

EDUCATION: Angelo and Beall, Co-chairs; Brunkhorst and Schoenjahn

SSB 3109

EDUCATION: Angelo and Beall, Co-chairs; Brunkhorst and Schoenjahn

SSB 3110

EDUCATION: McKinley and Quirnbach, Co-chairs; Angelo and Kreiman

SSB 3111

EDUCATION: Brunkhorst and Schoenjahn, Co-chairs; Dvorsky and Ward

SSB 3112

EDUCATION: Connolly and McKinley, Co-chairs; Angelo and Dvorsky

SSB 3113

EDUCATION: Dvorsky and Mulder, Co-chairs; Boettger and Connolly

SSB 3114

EDUCATION: McKinley and Wood, Co-chairs; Larson and Schoenjahn

SSB 3115

EDUCATION: Boettger and Dvorsky, Co-chairs; Connolly and Mulder

SSB 3116

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

FINAL COMMITTEE REPORT OF BILL ACTION**LOCAL GOVERNMENT**

Bill Title: [SENATE FILE 2163](#) (formerly [SF 257](#)), a bill for an act relating to protesting a county or city budget.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Quirnbach, Shull, Houser, Kreiman, Lundby, McCoy, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

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

The following appointee, assigned to a standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

JUDICIARY

Robert Huffman – Commission on Judicial Qualifications

ALSO:

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

TRANSPORTATION

Wayne Sawtelle – State Transportation Commission