

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, FEBRUARY 8, 2006

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JOURNAL OF THE SENATE

THIRTY-FIRST CALENDAR DAY
NINETEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 8, 2006

The Senate met in regular session at 8:37 a.m., President Kibbie presiding.

Prayer was offered by Pastor Mike Housholder of the Lutheran Church of Hope in West Des Moines, Iowa. He was the guest of Senator Ward.

The Journal of Tuesday, February 7, 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 February 7, 2006, **passed** the following resolution in which the concurrence of the Senate is asked:

House Joint Resolution 5, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the qualification of electors.

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

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:44 a.m. until 8:30 a.m., Thursday, February 9, 2006.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Alexander Henry Bales, Indianola—For achieving the rank of Eagle Scout, Boy Scout Troop 122. Senator Shull (2/8/06).

Mr. and Mrs. Lyle and Mary Brandstetter, Burlington—For celebrating your 60th wedding anniversary. Senator Courtney (2/8/06).

Mr. and Mrs. Walter and Jeanne Friday, Burlington—For celebrating your 60th wedding anniversary. Senator Courtney (2/8/06).

Mr. and Mrs. Val and Mary Ann Hilby, Waterloo—For celebrating your 50th wedding anniversary. Senator Dotzler (2/8/06).

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: February 8, 2006, 1:00 p.m.

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

Members Absent: Angelo and Larson (both excused).

Committee Business: Passed [HF 2095](#) (without recommendation) and presentation by the Department of Education.

Adjourned: 1:50 p.m.

GOVERNMENT OVERSIGHT

Convened: February 8, 2006, 10:05 a.m.

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

Members Absent: None.

Committee Business: Presentations by the Iowa State Sheriffs and Deputies Association and the Iowa County Attorneys' Association.

Adjourned: 11:35 a.m.

JUDICIARY

Convened: February 8, 2006, 8:45 a.m.

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

Members Absent: None.

Committee Business: Approved Governor's appointment.

Adjourned: 8:50 a.m.

LOCAL GOVERNMENT

Convened: February 8, 2006, 1:45 p.m.

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

Members Absent: None.

Committee Business: Passed [SF 2072](#) (as amended).

Adjourned: 2:00 p.m.

STATE GOVERNMENT

Convened: February 8, 2006, 1:55 p.m.

Members Present: Horn, Co-chair; Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, Wood, and Zieman.

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

Committee Business: Passed [SF 2018](#) (as amended) and [HF 729](#) (as amended).

Adjourned: 2:10 p.m.

WAYS AND MEANS

Convened: February 8, 2006, 2:20 p.m.

Members Present: Bolkom and Zieman, Co-chairs; Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKinley, Miller, Quirnbach, Seng, Stewart, and Zaun.

Members Absent: McKibben and Wieck (both excused).

Committee Business: Presentation by the Department of Revenue.

Recessed: 2:25 p.m.

Reconvened: 2:30 p.m.

Adjourned: 3:15 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND
REGULATION**

Convened: February 8, 2006, 9:35 a.m.

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

Members Absent: Dvorsky and McCoy (both excused).

Committee Business: Budget discussion.

Adjourned: 9:45 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL
RESOURCES**

Convened: February 8, 2006, 9:30 a.m.

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

Members Absent: Black.

Committee Business: Presentation by the Department of Natural Resources.

Adjourned: 10:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 8, 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 Public Employment Relations Board and the Department of Workforce Development.

Adjourned: 9:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 8, 2006, 9:35 a.m.

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

Members Absent: None.

Committee Business: Presentations by coordinator of Linn County Central Point and Department of Human Services.

Adjourned: 11:35 a.m.

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

Convened: February 8, 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 Economic Development, the University of Iowa Hygienic Laboratory, and the Department of Public Safety.

Adjourned: 10:15 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 2001, by Gronstal, Iverson, Kibbie, and Lamberti, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation.

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

Senate Resolution 109, by Brunkhorst, Danielson, Putney, Lundby, Mulder, Zaun, Ward, Miller, McKinley, Zieman, Seymour, Dotzler, Kettering, and Houser, a resolution honoring the Wartburg College women's track team.

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

INTRODUCTION OF BILLS

Senate File 2173, by Lundby, a bill for an act relating to sales and use tax exemptions for commercial breeders of canines.

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

[Senate File 2174](#), by Houser, a bill for an act relating to the eligibility of limited liability companies to receive family farm tax credits and including an applicability date provision.

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

[Senate File 2175](#), by Bolkcom, Kreiman, Stewart, Ragan, Hatch, Dotzler, Dvorsky, Horn, Seng, Hancock, Dearden, Schoenjahn, Fraise, Wood, Courtney, Quirnbach, Gronstal, Kibbie, and Connolly, a bill for an act establishing a program for providing home visits for all families in the state with a newborn child.

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

[Senate File 2176](#), by Bolkcom, a bill for an act relating to the administrative duties of the state board of regents and providing a premium tax exemption for regents' employee insurance policies.

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

[Senate File 2177](#), by Quirnbach, a bill for an act relating to a school board member's interest in a school district contract for the performance of services and providing an exemption.

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

[Senate File 2178](#), by Warnstadt, Beall, Stewart, Ragan, Kreiman, Seng, and McCoy, a bill for an act restricting electronic access to minors for certain purposes by creating a kids no e-contact list, prohibiting the sending of certain electronic messages to minors, creating a kids no e-contact list fund and providing for fees, and providing for civil penalties and remedies, and making appropriations and providing an effective date.

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

[Senate File 2179](#), by Warnstadt, Beall, Stewart, Ragan, Kreiman, Black, Seng, and McCoy, a bill for an act relating to the creation of a home modification grant program for veterans, and making an appropriation.

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

[Senate File 2180](#), by Warnstadt, Beall, Stewart, Ragan, Kreiman, Black, Seng, and McCoy, a bill for an act appropriating money to the department of veterans affairs for grants to counties for funeral expenses of indigent veterans.

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

[Senate File 2181](#), by Bolkcom, Kreiman, Hatch, Dvorsky, Hancock, Schoenjahn, Kibbie, Connolly, and Rielly, a bill for an act providing an exemption from property taxation for agricultural land used in organic agricultural production and providing an applicability date.

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

[Senate File 2182](#), by committee on Transportation, a bill for an act relating to registration fees for certain motor trucks and providing effective and applicability dates.

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

[Senate File 2183](#), by committee on Economic Growth, a bill for an act allowing cities and counties to create enterprise zones near modes of transportation.

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

[Senate File 2184](#), by committee on Natural Resources and Environment, a bill for an act relating to renewable fuel, including ethanol blended fuel and biodiesel blended fuel, providing for tax

credits, providing for appropriations, providing for penalties, and providing an effective date.

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

STUDY BILLS RECEIVED

SSB 3117 **Education**

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

SSB 3118 **Government Oversight**

Modifying provisions relating to utilization of indirect cost reimbursements in appropriations to the office of grants enterprise management of the department of management, and making an appropriation.

SSB 3119 **Judiciary**

Relating to landlord liens associated with agricultural production.

SSB 3120 **Judiciary**

Creating a tool and die lien Act.

SSB 3121 **Judiciary**

Relating to the recognition of a civil judgment, decree, or order of the tribal court of the Sac and Fox Indian tribe of the Mississippi in Iowa.

SSB 3122 **Judiciary**

Relating to indigent defense claims and the reimbursement of costs in juvenile cases paid by a county.

SSB 3123 Business and Labor Relations

Relating to area wage standards for construction contractors and making remedies and penalties applicable.

SSB 3124 Ways and Means

Relating to the percentage of actual value at which certain commercial property is assessed for purposes of property taxation.

SSB 3125 Ways and Means

Relating to financial transactions associated with agricultural production, by providing for tax credits and tax exemptions, and including effective and retroactive and other applicability dates.

SSB 3126 Education

Requiring school districts to adopt and annually review policies prohibiting bullying and harassment.

SSB 3127 Local Government

Allowing a vote of the people on dissolution of township governments in certain counties and providing an effective date.

SSB 3128 Local Government

Relating to fees for electronic public records.

SSB 3129 Local Government

Relating to city contracts for public improvements.

SSB 3130 Local Government

Relating to satellite absentee voting at city primary and city runoff elections.

SSB 3131 Local Government

Relating to county board of supervisor vacancies.

SSB 3132 Local Government

Requiring the county auditor to evidence approval of the name of a subdivision plat and requiring such statement for filing the subdivision plat with the county recorder.

SSB 3133 Local Government

Relating to the duties of county recorders and county auditors concerning instruments affecting real estate and certain other filings recorded by the county recorder.

SSB 3134 Local Government

Relating to building regulations, by establishing an internet website in the office of the state building code commissioner and requiring local governmental entities to report the adoption or amendment of local building regulations, and providing an effective date.

SSB 3135 State Government

Providing for changes relating to specified aspects of the operation of the department of administrative services.

SSB 3136 State Government

Concerning the requirement to conduct county gambling elections.

SSB 3137 State Government

Providing hardship grants on behalf of veterans seriously injured in a combat zone, providing an income tax exclusion, and including an effective date and retroactive applicability provision.

SSB 3138 State Government

Concerning accrued sick leave and the conversion of sick leave for state employees.

SSB 3139 Commerce

Relating to debt management, mortgage bankers and brokers, delayed deposit services, regulated loans, and industrial loans, and providing for fees and penalties.

SUBCOMMITTEE ASSIGNMENTS**Senate Joint Resolution 2001**

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

Senate Resolution 108

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

Senate Resolution 109

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

Senate File 2022

TRANSPORTATION: McCoy and Putney, Co-chairs; Dearden and Kettering

Senate File 2026

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

Senate File 2062

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

Senate File 2091

LOCAL GOVERNMENT: Quirnbach and Shull, Co-chairs; Schoenjahn and Zaun

Senate File 2100

LOCAL GOVERNMENT: Quirnbach and Shull, Co-chairs

[Senate File 2103](#)

JUDICIARY: Horn and Larson, Co-chairs; Hancock and Zaun

[Senate File 2106](#)

LOCAL GOVERNMENT: Quirnbach and Shull, Co-chairs; McCoy and Putney

[Senate File 2109](#)

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

[Senate File 2110](#)

JUDICIARY: Kreiman and Zaun, Co-chairs; Brunkhorst and Warnstadt

[Senate File 2111](#)

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

[Senate File 2116](#)

LOCAL GOVERNMENT: Mulder and Rielly, Co-chairs; Houser and Schoenjahn

[Senate File 2140](#)

(Reassignment)

STATE GOVERNMENT: Hancock and Wieck, Co-chairs; Danielson and Tinsman

[Senate File 2142](#)

STATE GOVERNMENT: Horn and McKibben, Co-chairs; Kibbie and Zieman

[Senate File 2143](#)

APPROPRIATIONS: Boettger and Stewart, Co-chairs; Angelo and Dvorsky

[Senate File 2150](#)

(Reassignment)

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

[Senate File 2152](#)

COMMERCE: Bolkom and McKinley, Co-chairs; Rielly and Wieck

[Senate File 2156](#)

WAYS AND MEANS: McCoy and Zaun, Co-chairs; McKinley and Seng

[Senate File 2158](#)

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

[Senate File 2159](#)

TRANSPORTATION: Ward and Warnstadt, Co-chairs; Beall and Kettering

[Senate File 2160](#)

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

[Senate File 2166](#)

STATE GOVERNMENT: Danielson and Kettering, Co-chairs; Hancock and Tinsman

[Senate File 2171](#)

TRANSPORTATION: Dearden and Hahn, Co-chairs; Danielson and Ward

[Senate File 2172](#)

BUSINESS AND LABOR RELATIONS: Behn and Courtney, Co-chairs; Horn and McKibben

[Senate File 2173](#)

WAYS AND MEANS: Hahn and McCoy, Co-chairs; Zaun and Ziemann

[Senate File 2174](#)

WAYS AND MEANS: Miller and Stewart, Co-chairs; McKibben and Seng

[SSB 3117](#)

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

[SSB 3118](#)

GOVERNMENT OVERSIGHT: Courtney and Lundby, Co-chairs

[SSB 3119](#)

JUDICIARY: Hancock and Miller, Co-chairs; Fraise and McKibben

[SSB 3120](#)

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

[SSB 3121](#)

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

[SSB 3122](#)

JUDICIARY: Boettger and Schoenjahn, Co-chairs; Kreiman and McKibben

[SSB 3123](#)

BUSINESS AND LABOR RELATIONS: Horn and McKibben, Co-chairs; Behn and Dearden

[SSB 3124](#)

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

[SSB 3125](#)

WAYS AND MEANS: Stewart and Ziemann, Co-chairs; Bolkcom and Hahn

[SSB 3126](#)

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

[SSB 3127](#)

LOCAL GOVERNMENT: Quirnbach and Zaun, Co-chairs; Houser and McCoy

[SSB 3128](#)

LOCAL GOVERNMENT: Mulder and Stewart, Co-chairs; Rielly and Zaun

[SSB 3129](#)

LOCAL GOVERNMENT: Quirnbach and Shull, Co-chairs; McCoy and Putney

[SSB 3130](#)

LOCAL GOVERNMENT: Quirnbach and Shull, Co-chairs; Putney and Schoenjahn

[SSB 3131](#)

LOCAL GOVERNMENT: Lundby and Stewart, Co-chairs; Rielly and Zaun

[SSB 3132](#)

LOCAL GOVERNMENT: Mulder and Stewart, Co-chairs; Rielly and Zaun

[SSB 3133](#)

LOCAL GOVERNMENT: Kreiman and Lundby, Co-chairs; Houser and Stewart

[SSB 3134](#)

LOCAL GOVERNMENT: Lundby and Stewart, Co-chairs; Houser and Kreiman

[SSB 3135](#)

STATE GOVERNMENT: Hancock and Tinsman, Co-chairs; Kettering and Wood

SSB 3136

STATE GOVERNMENT: Brunkhorst and Danielson, Co-chairs; Black and Kettering

SSB 3137

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

SSB 3138

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

SSB 3139

COMMERCE: Kettering and Stewart, Co-chairs; Rielly and Zaun

FINAL COMMITTEE REPORTS OF BILL ACTION**ECONOMIC GROWTH**

Bill Title: *[SENATE FILE 2183](#) (formerly [SF 77](#)), a bill for an act allowing cities and counties to create enterprise zones near modes of transportation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Brunkhorst, Hatch, Behn, Danielson, Dotzler, Hahn, McKinley, Ragan, Rielly, Seymour, Shull, Stewart, and Zaun. Nays, none. Absent, 1: Beall.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Economic Growth Committee on [Senate File 2183](#), and they were attached to the committee report.

EDUCATION

Bill Title: [HOUSE FILE 2095](#), a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 12: Connolly, McKinley, Beall, Boettger, Brunkhorst, Dvorsky, Kreiman, Mulder, Quirnbach, Schoenjahn, Ward, and Wood. Nays, none. Absent, 2: Angelo and Larson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: *[SENATE FILE 2184 \(SSB 3054\)](#), a bill for an act relating to renewable fuel, including ethanol blended fuel and biodiesel blended fuel, providing for tax credits, providing for appropriations, providing penalties, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Black, Houser, Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on [Senate File 2184](#), and they were attached to the committee report.

TRANSPORTATION

Bill Title: *[SENATE FILE 2182 \(SSB 3025\)](#), a bill for an act relating to registration fees for certain motor trucks and providing effective and applicability dates.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 7: McCoy, Putney, Beall, Danielson, Dearden, Hahn, and Ward. Nays, 5: Fraise, Kettering, Shull, Warnstadt, and Zieman. Absent, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Transportation Committee on [Senate File 2182](#), and they were attached to the committee report.

**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 with recommendation for confirmation:

JUDICIARY

Frank (Marty) Martinez – Board of Corrections

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":

Wayne Sawtelle – State Transportation Commission

STEWART E. IVERSON, JR.

WITHDRAWAL OF GOVERNOR'S APPOINTEE

The following letter from the Governor was received in the office of the Secretary of the Senate on February 8, 2006:

I submitted the name of E. Karl Reichert to serve on the Real Estate Commission 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 February 8, 2006:

Pursuant to Iowa Code Section 2.32(4), the appointment for the Real Estate Commission vacancy, formerly held by E. Karl Reichert, is being deferred because no appropriate candidate has been found for this position at this time.

Sincerely,
THOMAS J. VILSACK
Governor