

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, FEBRUARY 9, 2006

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JOURNAL OF THE SENATE

THIRTY-SECOND CALENDAR DAY
TWENTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 9, 2006

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

Prayer was offered by the Honorable Doug Shull, member of the Senate from Warren County, Indianola, Iowa.

The Journal of Wednesday, February 8, 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 8, 2006, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 2238](#), a bill for an act 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.

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

[House File 2245](#), a bill for an act concerning the Iowa public employees' retirement system and the statewide fire and police retirement system, and providing an effective and retroactive applicability date.

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

BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that [Senate File 2184](#) be referred from the Senate Calendar to the committee on **Agriculture**.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:45 a.m. until 1:00 p.m., Monday, February 13, 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:

BOARD OF REGENTS

Annual Report on the Beginning Farmer Center at Iowa State University, pursuant to Iowa Code section 266.39E. Report received on February 9, 2006.

REPORTS OF COMMITTEE MEETINGS**RULES AND ADMINISTRATION**

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

Members Present: Gronstal and Iverson, Co-chairs; Angelo, Courtney, Dvorsky, Hahn, and Kibbie.

Members Absent: Boettger, Lamberti, and Ragan (all excused).

Committee Business: Approved [SJR 2001](#) and [SR 109](#).

Adjourned: 8:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

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

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

Members Absent: None.

Committee Business: Presentation by the Department of Natural Resources.

Adjourned: 10:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 9, 2006, 9:45 a.m.

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

Members Absent: None.

Committee Business: Discussion of committee bill.

Adjourned: 10:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 9, 2006, 9:30 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 State Court Administrator.

Adjourned: 10:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: February 9, 2006, 9:45 a.m.

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

Members Absent: None.

Committee Business: Presentations by the Department for the Blind, Department of Administrative Services Information Technology Enterprise, and the Criminal and Juvenile Justice Planning Advisory Council.

Adjourned: 10:55 a.m.

INTRODUCTION OF RESOLUTIONS

[Senate Joint Resolution 2002](#), by Black, a joint resolution proposing an amendment to the Constitution of the State of Iowa to dedicate certain increased revenues from the state sales and use taxes.

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

[Senate Resolution 110](#), by Larson, Zaun, Zieman, Mulder, Lundby, Ward, Brunkhorst, Johnson, Boettger, Angelo, Lamberti, Iverson, Behn, Gaskill, McKinley, Seymour, Putney, Tinsman, Wieck, Hahn, Kettering, Miller, McKibben, Warnstadt, Black, Dotzler, Horn, Rielly, Hancock, Wood, Schoenjahn, Kibbie, Gronstal, Quirnbach, Connolly, Stewart, Beall, Ragan, Hatch, Kreiman, Dvorsky, Danielson, Dearden, McCoy, and Fraise, a resolution honoring Sergeant Major (Select) Brad Kasal for his rare courage and inspiring sacrifice in the Iraq war.

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

INTRODUCTION OF BILLS

[Senate File 2185](#), by Boettger and Houser, a bill for an act relating to limited offering transaction exemptions from securities registration.

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

[Senate File 2186](#), by Dotzler, Hancock, and Danielson, a bill for an act relating to public safety communications, providing for utilization of the Iowa communications network for public safety interoperability purposes, and establishing an Iowa statewide interoperable radio system board.

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

[Senate File 2187](#), by Kettering, a bill for an act relating to the taxation of casual sales of vehicles, aircraft, and watercraft under the state sales tax, providing refunds, and including effective and retroactive applicability date provisions.

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

[Senate File 2188](#), by Beall, Ragan, Stewart, Hatch, Dvorsky, Wood, Kreiman, Dearden, Rielly, Fraise, Quirnbach, Courtney, Kibbie, Black, Bolkcom, Connolly, Mulder, Behn, Zaun, and Ward, a bill for an act creating the community foundation fund, providing an Iowa individual income tax checkoff for the community foundation fund, making an appropriation, and providing for the Act's implementation.

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

[Senate File 2189](#), by Johnson, a bill for an act providing for a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses.

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

[Senate File 2190](#), by Beall, Connolly, Schoenjahn, Ragan, Mulder, Wood, Hatch, Danielson, Dotzler, Dvorsky, Kreiman, Dearden, Rielly, Hancock, Fraise, Courtney, Quirnbach, Kibbie, Black, Bolkcom, Stewart, and Zaun, a bill for an act directing the department of education to convene a healthy kids task force.

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

[Senate File 2191](#), by Beall, Ragan, Stewart, Warnstadt, Putney, Hatch, Danielson, Dotzler, Dvorsky, Horn, Wood, Seng, Kreiman, Dearden, Rielly, Hancock, Schoenjahn, Fraise, Courtney, Quirnbach, Kibbie, Black, Bolkcom, Connolly, Mulder, Wieck, Behn, Zaun, and Ward, a bill for an act creating a special gold star motor vehicle registration plate.

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

[Senate File 2192](#), by Beall, Kreiman, Horn, Tinsman, Hatch, Danielson, Dotzler, Dvorsky, Wood, Seng, Dearden, Schoenjahn, Fraise, Courtney, Quirmbach, Gronstal, Kibbie, Black, Bolkcom, Connolly, Stewart, Ragan, and Zaun, a bill for an act relating to the issuance of a restraining order on behalf of a person who is the victim of harassment or stalking and providing a penalty.

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

[Senate File 2193](#), by Warnstadt and Wieck, a bill for an act relating to qualified historic property located in designated enterprise zones and other historic property, taxation of such property and its owners, developers, and investors, and including effective and applicability date provisions.

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

[Senate File 2194](#), by committee on Local Government, a bill for an act relating to county, city, and school board publication of allowed claims.

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

[Senate File 2195](#), by Johnson, a bill for an act relating to the funding of a state equine development commission, making an appropriation, and including a contingent effectiveness provision.

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

[Senate File 2196](#), by Kreiman, a bill for an act providing for the establishment of an emergency license category for an individual family foster care provider who is a relative of a child who is or may be placed in family foster care.

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

[Senate File 2197](#), by Kreiman, a bill for an act to prohibit certain alternate billing services by gas public utilities and making penalties applicable.

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

[Senate File 2198](#), by Bolkcom, a bill for an act establishing safety standards for contractors wishing to bid on state contracts.

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

[Senate File 2199](#), by committee on State Government, a bill for an act concerning the purchase of service under the Iowa department of public safety peace officers' retirement, accident, and disability system.

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

[Senate File 2200](#), by Stewart, a bill for an act relating to and making an appropriation to the Iowa great places program.

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

[Senate File 2201](#), by Stewart, Warnstadt, Kettering, Wieck, and Dotzler, a bill for an act relating to the review of applications for financial assistance under the community attraction and tourism program.

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

STUDY BILLS RECEIVED

SSB 3140 State Government

Concerning alcoholic beverage control relating to manufacturers providing free cleaning services to retailers and prohibiting wholesalers from providing certain coupons to retailers and making penalties applicable.

SSB 3141 Appropriations

Relating to and making appropriations to the justice system, and making related statutory changes.

SSB 3142 Transportation

Relating to requirements for the use of funeral escort vehicles.

SSB 3143 Judiciary

Relating to the possession of weapons and providing a penalty.

SSB 3144 Judiciary

Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

SSB 3145 Education

Creating a twenty-first century Iowa scholars program and fund to be administered by the college student aid commission, and requiring the commission to conduct a twenty-first century Iowa scholars program promotion and support study.

SSB 3146 Commerce

Relating to franchises for the provision of cable service or video service including providing for fees and providing an effective date.

SSB 3147 Local Government

Relating to the salary of deputy officers in certain county offices and providing an applicability date.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2157**

JUDICIARY: Schoenjahn and Ward, Co-chairs; Horn and Tinsman

Senate File 2161

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

Senate File 2169

HUMAN RESOURCES: Boettger and Wood, Co-chairs; Bolkcom and Gaskill

Senate File 2175

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

Senate File 2181

WAYS AND MEANS: Bolkcom and Miller, Co-chairs; Connolly and Hahn

Senate File 2187

WAYS AND MEANS: Connolly and Wieck, Co-chairs; Miller and Seng

Senate File 2188

WAYS AND MEANS: Connolly and Zaun, Co-chairs; Bolkcom and Zieman

SSB 3140

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

SSB 3141

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

SSB 3142

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

SSB 3143

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

SSB 3144

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

SSB 3145

EDUCATION: Angelo and Schoenjahn, Co-chairs; Boettger and Dvorsky

SSB 3146

COMMERCE: Behn and Warnstadt, Co-chairs; Courtney, McCoy, McKinley, and Zaun

SSB 3147

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

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

Bill Title: *[SENATE FILE 2194](#) (formerly [SF 2072](#)), a bill for an act relating to county, city, and school board publication of allowed claims.

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.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Local Government Committee on [Senate File 2194](#), and they were attached to the committee report.

RULES AND ADMINISTRATION

Bill Title: [SENATE JOINT RESOLUTION 2001](#), 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.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Gronstal, Iverson, Angelo, Courtney, Dvorsky, Hahn, and Kibbie. Nays, none. Absent, 3: Boettger, Lamberti, and Ragan.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 109](#), a resolution honoring the Wartburg College women's track team.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Gronstal, Iverson, Angelo, Courtney, Dvorsky, Hahn, and Kibbie. Nays, none. Absent, 3: Boettger, Lamberti, and Ragan.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: *[SENATE FILE 2199](#) (formerly [SF 2018](#)), a bill for an act concerning the purchase of service under the Iowa department of public safety peace officers' retirement, accident, and disability system.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Horn, Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, Wood, and Zieman. Nays, none. Absent, 1: McKibben.

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 State Government Committee on [Senate File 2199](#), and they were attached to the committee report.

ALSO:

Bill Title: [HOUSE FILE 729](#), a bill for an act relating to the Iowa public employees' retirement system and the judicial retirement system.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-5003](#).

Final Vote: Ayes, 15: Horn, Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, Wood, and Zieman. Nays, none. Absent, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENT FILED

[S-5003](#) [H.F. 729](#) State Government