

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, FEBRUARY 15, 2006

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JOURNAL OF THE SENATE

THIRTY-EIGHTH CALENDAR DAY
TWENTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 15, 2006

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

Prayer was offered by Chaplain Duane Marburger, chaplain for Great Oak Estates in Ottumwa, Iowa. He was the guest of Senator Kreiman.

The Journal of Tuesday, February 14, 2006, was approved.

ADJOURNMENT

On motion of Senator Bolkcom, the Senate adjourned at 8:37 a.m. until 8:30 a.m., Thursday, February 16, 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:

DEPARTMENT OF HUMAN SERVICES

Annual Report of the Healthy and Well Kids in Iowa Board, pursuant to Iowa Code section 514.I(7g). Report received on February 14, 2006.

REPORTS OF COMMITTEE MEETINGS**BUSINESS AND LABOR RELATIONS**

Convened: February 15, 2006, 1:00 p.m.

Members Present: Dearden and Wieck, Co-chairs; Behn, Courtney, Dotzler, Horn, McKibben, Seymour, and Shull.

Members Absent: Seng (excused).

Committee Business: Discussion of bills.

Adjourned: 1:15 p.m.

EDUCATION

Convened: February 15, 2006, 1:10 p.m.

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

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

Committee Business: Passed [HF 2161](#).

Adjourned: 1:30 p.m.

GOVERNMENT OVERSIGHT

Convened: February 15, 2006, 10:25 a.m.

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

Members Absent: Connolly (excused).

Committee Business: Subcommittee assignments.

Adjourned: 11:10 a.m.

LOCAL GOVERNMENT

Convened: February 15, 2006, 1:30 p.m.

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

Members Absent: Kreiman (excused).

Committee Business: Presentation by a Polk County resident.

Adjourned: 2:10 p.m.

STATE GOVERNMENT

Convened: February 15, 2006, 1:35 p.m.

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

Members Absent: Wieck (excused).

Committee Business: Passed [HF 2245](#) and approved [SSB 3138](#) and [HJR 5](#).

Adjourned: 2:00 p.m.

WAYS AND MEANS

Convened: February 15, 2006, 2:15 p.m.

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

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

Committee Business: Subcommittee assignments.

Adjourned: 2:20 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 15, 2006, 10:50 a.m.

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

Members Absent: Dvorsky.

Committee Business: Budget discussion.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 15, 2006, 10:55 a.m.

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

Members Absent: Black, Houser, and Schoenjahn (all excused).

Committee Business: Presentation on the Clear Lake Water Quality Project.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: February 15, 2006, 10:15 a.m.

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

Members Absent: Angelo (excused).

Committee Business: Board of Regents universities' capital project requests.

Adjourned: 11:25 a.m.

INTRODUCTION OF RESOLUTIONS

[Senate Concurrent Resolution 103](#), by Hancock, a concurrent resolution establishing a joint ad hoc committee of members of the Senate and House of Representatives to study emergency services in the state.

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

[Senate Resolution 111](#), by Iverson, a resolution urging the United States Congress to formulate a sound energy policy that will provide for the long-term economic and national security needs of the United States of America.

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

[Senate Resolution 112](#), by Johnson, a resolution honoring the Main Street Iowa Program on its 20th anniversary.

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

INTRODUCTION OF BILLS

[Senate File 2219](#), by committee on Judiciary, a bill for an act relating to human trafficking and related offenses, including the provision of law enforcement training and victim assistance programs, and providing penalties.

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

[Senate File 2220](#), by committee on Transportation, a bill for an act requiring the use of headlights when a vehicle's windshield wipers are in use and making a penalty applicable.

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

[Senate File 2221](#), by committee on Education, a bill for an act extending the reduction in the foundation property tax levy for reorganized and dissolved districts, extending supplementary weighting for whole grade sharing, providing supplementary weighting for shared school district operational functions, and providing effective and applicability dates.

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

[Senate File 2222](#), by Dearden, Kreiman, Courtney, Quirnbach, Gronstal, Kibbie, Black, Beall, Connolly, Bolkcom, Stewart, Dvorsky, Hatch, Horn, Seng, Rielly, and McCoy, a bill for an act relating to the state minimum hourly wage rate requirement and providing for an inflation adjustment.

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

[Senate File 2223](#), by Angelo and Lundby, a bill for an act providing unemployment compensation benefits to individuals who quit employment due to domestic abuse.

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

[Senate File 2224](#), by Bolkom, Hahn, Hancock, Zaun, Zieman, Ragan, Dotzler, Dearden, and Wieck, a bill for an act concerning the licensure, operation, and taxation of card game tournaments and allowable prizes at annual game nights.

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

[Senate File 2225](#), by Lamberti, a bill for an act relating to a small business health care tax credit and including a retroactive applicability date provision.

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

[Senate File 2226](#), by Bolkom, a bill for an act relating to high-cost home loans and making penalties applicable.

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

[Senate File 2227](#), by Stewart, Beall, Bolkom, Ragan, Dvorsky, Danielson, Kreiman, Hatch, Dotzler, Warnstadt, Horn, Seng, Rielly, Hancock, Wood, Schoenjahn, Fraise, Courtney, Quirnbach, Black, Gronstal, and Kibbie, a bill for an act relating to the property taxes on the homestead of disabled veterans and including an effective date.

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

[Senate File 2228](#), by Stewart, Beall, Bolkom, Ragan, Dvorsky, Danielson, Kreiman, Hatch, Dotzler, Warnstadt, Horn, Seng, Hancock, Wood, Schoenjahn, Fraise, Courtney, Quirnbach, Black,

Gronstal, and Kibbie, a bill for an act to provide for additional state reimbursement for military service property tax credit and exemption claims and including effective and applicability date provisions.

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

[Senate File 2229](#), by Hancock, a bill for an act relating to the time of service for qualification for the military service property tax exemption and credit and including effective and applicability date provisions.

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

[Senate File 2230](#), by Administrative Rules Review Committee, a bill for an act relating to the approval of emergency rulemaking by the governor.

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

[Senate File 2231](#), by committee on State Government, a bill for an act concerning accrued sick leave and the conversion of sick leave for state employees.

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

STUDY BILLS RECEIVED

[SSB 3176](#) **Education**

Eliminating significant provisions of the student achievement and teacher quality program.

[SSB 3177](#) **Appropriations**

Relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department of the blind, the department of cultural affairs, the department of education, and the state board of regents.

SSB 3178 Appropriations

Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, authorizing penalties, and other properly related matters, and including effective date and retroactive applicability provisions.

SSB 3179 State Government

Establishing a deferred retirement option plan for members of the statewide fire and police retirement system and including an implementation provision.

SSB 3180 Government Oversight

Prohibiting monitor vending machines and providing an effective date.

SSB 3181 Business and Labor Relations

Relating to the statute of limitations for making claims for workers' compensation medical benefits.

SSB 3182 Natural Resources and Environment

Concerning wine, including the allowable alcohol content of wine and inspection of certain wine permittees.

SUBCOMMITTEE ASSIGNMENTS**Senate Concurrent Resolution 103**

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

**Senate File 2031
(Reassignment)**

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

Senate File 2075

NATURAL RESOURCES AND ENVIRONMENT: Hancock and Houser, Co-chairs; Bolkcom and Gaskill

[Senate File 2095](#)
(Reassignment)

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

[Senate File 2127](#)

NATURAL RESOURCES AND ENVIRONMENT: Dearden and Johnson, Co-chairs;
Kettering and Wood

[Senate File 2198](#)

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

[Senate File 2210](#)

STATE GOVERNMENT: Kibbie and Tinsman, Co-chairs; Horn and Kettering

[Senate File 2211](#)

WAYS AND MEANS: Miller and Quirnbach, Co-chairs; Danielson and McKinley

[Senate File 2213](#)

ECONOMIC GROWTH: Brunkhorst and Hatch, Co-chairs; Danielson, Rielly,
Seymour, and Shull

[Senate File 2214](#)

HUMAN RESOURCES: Houser and Tinsman, Co-chairs; Bolkcom and Hatch

[Senate File 2216](#)

STATE GOVERNMENT: Kibbie and Ward, Co-chairs; Brunkhorst and Danielson

[SSB 3176](#)

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

[SSB 3177](#)

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

[SSB 3178](#)

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

[SSB 3179](#)

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

SSB 3180

GOVERNMENT OVERSIGHT: Connolly and Lundby, Co-chairs

SSB 3181

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

SSB 3182

NATURAL RESOURCES AND ENVIRONMENT: Black and Houser, Co-chairs; Miller and Schoenjahn

FINAL COMMITTEE REPORTS OF BILL ACTION**APPROPRIATIONS**

Bill Title: [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.

Recommendation: DO PASS.

Final Vote: Ayes, 22: Dvorsky, Black, Boettger, Bolkom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, Warnstadt. Nays, none. Absent, 2: Angelo and Lamberti.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Bill Title: *[SENATE FILE 2221 \(SSB 1158\)](#), a bill for an act extending the reduction in the foundation property tax levy for reorganized and dissolved districts, extending supplementary weighting for whole grade sharing, providing supplementary weighting for shared school district operational functions, and providing effective and applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Connolly, McKinley, Angelo, Beall, Boettger, Brunkhorst, Dvorsky, Mulder, Quirnbach, Schoenjahn, and Wood. Nays, none. Present, 1: Kreiman. Absent, 2: Larson and Ward.

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 Education Committee on [Senate File 2221](#), and they were attached to the committee report.

ALSO:

Bill Title: [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.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Connolly, McKinley, Beall, Boettger, Brunkhorst, Mulder, Quirnbach, Schoenjahn, Ward, and Wood. Nays, none. Absent, 4: Angelo, Dvorsky, Kreiman, and Larson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: *[SENATE FILE 2219](#) (formerly [SF 2027](#)), a bill for an act relating to human trafficking and related offenses, including the provision of law enforcement training and victim assistance programs, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, McKibben, Quirnbach, Schoenjahn, Tinsman, Warnstadt, and Zaun. Nays, none. Absent, 2: Larson and Ward.

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 Judiciary Committee on [Senate File 2219](#), and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: [SENATE FILE 2231 \(SSB 3138\)](#), a bill for an act concerning accrued sick leave and the conversion of sick leave for state employees.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE JOINT RESOLUTION 5](#), a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the qualification of electors.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [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.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Bill Title: [SENATE FILE 2220 \(SSB 3079\)](#), a bill for an act requiring the use of headlights when a vehicle's windshield wipers are in use and making a penalty applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: McCoy, Putney, Beall, Danielson, Dearden, Fraise, Hahn, Kettering, Shull, Warnstadt, and Ziemann. Nays, none. Absent, 1: Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENT FILED

[S-5006](#)

[S.F. 2190](#)

Daryl Beall
Michael Connolly
Brian Schoenjahn
Amanda Ragan
Dave Mulder
Frank B. Wood
Jack Hatch
Jeff Danielson
William A. Dotzler, Jr.
Robert E. Dvorsky
Keith A. Kreiman
Dick L. Dearden
Tom Rielly

**Tom Hancock
Gene Fraise
Thomas G. Courtney
Herman C. Quirnbach
John P. Kibbie
Dennis H. Black
Joe Bolcom
Roger Stewart
Brad Zaun**