

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, MARCH 30, 2006

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JOURNAL OF THE SENATE

EIGHTY-FIRST CALENDAR DAY
FORTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 30, 2006

The Senate met in regular session at 8:33 a.m., President Pro Tempore McKibben presiding.

Prayer was offered by David Splett, pastor of the St. Paul Lutheran Church in Eldora, Iowa. He was the guest of Senator McKibben.

The Journal of Wednesday, March 29, 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 March 29, 2006, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2207, a bill for an act relating to the publication of official notices in English language newspapers.

Senate File 2231, a bill for an act concerning accrued sick leave and the conversion of sick leave for state employees.

Senate File 2289, 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.

Senate File 2333, a bill for an act relating to the transfer of veterans commemorative property placed in a cemetery, recodifying a provision regarding veteran markers, and providing a penalty.

[Senate File 2381](#), a bill for an act relating to combustion of solid waste with energy recovery.

ALSO: That the House has on March 29, 2006, **amended and passed** the following bills in which the concurrence of the Senate is asked:

[Senate File 2219](#), 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. (**[S-5142](#)**)

[Senate File 2374](#), a bill for an act containing various provisions relating to business entities, including corporations, limited liability companies, and nonprofit corporations. (**[S-5143](#)**)

ALSO: That the House has on March 29, 2006, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 2592](#), a bill for an act providing for various technical and substantive changes relating to health licensing and other public health matters.

Read first time and attached to **similar [Senate File 2295](#)**.

[House File 2731](#), a bill for an act relating to a targeted jobs withholding tax credit to be used for funding improvements in certain urban renewal areas.

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

[House File 2742](#), a bill for an act relating to the probate and trust codes and providing applicability date provisions.

Read first time and attached to **similar [Senate File 2300](#)**.

[House File 2755](#), a bill for an act relating to confinement feeding operations by providing for the receipt and processing of manure management plans and requiring the submission of updated manure management plans on a multiyear basis, providing for fees, and making penalties applicable.

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

CONSIDERATION OF RESOLUTIONS
(Regular Calendar)

Senator Connolly asked and received unanimous consent to take up for consideration Senate Resolutions 147, 140, 141, and 124.

Senate Resolution 147

On motion of Senator Johnson, **Senate Resolution 147**, a resolution recognizing and honoring the work of Easter Seals and its efforts to help persons with disabilities, with report of committee recommending passage, was taken up for consideration.

Senator Johnson moved the adoption of **Senate Resolution 147**, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Johnson introduced to the Senate chamber Ryan Odens, a farmer from Little Rock, Iowa, who is the Easter Seals National Adult Ambassador. He was accompanied by his mother, Jolene Odens. The Easter Seals of Iowa organization was represented by Donna Elbrecht, CEO, and Tracy Keniger, Angela Hilbert, Stacy Franzen, and Abby Hausmann.

Mr. Odens addressed the Senate with remarks about the ongoing support he has received from Easter Seals of Iowa. After being severely injured in an accident in 2000, Mr. Odens continues to recover with help from the Easter Seals' Rural Solutions program. He lives independently and operates his family farm.

The Senate rose and expressed its welcome.

Senator Johnson took the chair at 8:48 a.m.

Senate Resolution 140

On motion of Senator McKibben, **Senate Resolution 140**, a resolution designating May 2006 as Huntington's Disease Awareness Month, with report of committee recommending passage, was taken up for consideration.

Senator McKibben moved the adoption of [Senate Resolution 140](#), which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator McKibben introduced to the Senate chamber Billy Aaron Brown, Clarinda native and national spokesperson for the Huntington's Disease Society of America. Mr. Brown is an actor and is in Iowa helping raise funds for research on Huntington's Disease. Accompanying Mr. Brown was Ben Easter, a fellow actor and a native of West Des Moines.

Mr. Brown addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

President Pro Tempore McKibben took the chair at 8:56 a.m.

[Senate Resolution 141](#)

On motion of Senator Ragan, [Senate Resolution 141](#), a resolution honoring the City of Stacyville on its sesquicentennial year, with report of committee recommending passage, was taken up for consideration.

Senator Ragan moved the adoption of [Senate Resolution 141](#), which motion prevailed by a voice vote.

[Senate Resolution 124](#)

On motion of Senator Connolly, [Senate Resolution 124](#), a resolution honoring Tom Griffiths for over three decades of service to Iowa's credit unions, with report of committee recommending passage, was taken up for consideration.

Senator Connolly moved the adoption of [Senate Resolution 124](#), which motion prevailed by a voice vote.

RECESS

On motion of Senator Connolly, the Senate recessed at 9:02 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:07 p.m., Senator Johnson presiding.

BILLS PLACED ON UNFINISHED BUSINESS CALENDAR

Senator Gronstal asked and received unanimous consent that the following bills be placed on the Unfinished Business Calendar:

H.F. 590	H.F. 2363	H.F. 2632
H.F. 720	H.F. 2398	H.F. 2633
H.F. 845	H.F. 2462	H.F. 2635
H.F. 2095	H.F. 2463	H.F. 2651
H.F. 2147	H.F. 2492	H.F. 2652
H.F. 2162	H.F. 2506	H.F. 2663
H.F. 2215	H.F. 2522	H.F. 2665
H.F. 2233	H.F. 2525	H.F. 2672
H.F. 2245	H.F. 2528	H.F. 2676
H.F. 2283	H.F. 2562	H.F. 2679
H.F. 2323	H.F. 2565	H.F. 2686
H.F. 2332	H.F. 2567	H.F. 2697
H.F. 2346	H.F. 2571	H.F. 2698
H.F. 2351	H.F. 2590	H.F. 2705
H.F. 2361	H.F. 2613	H.F. 2717
H.F. 2362	H.F. 2624	

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:10 p.m. until 1:00 p.m., Monday, April 3, 2006.

APPENDIX**CERTIFICATES OF RECOGNITION**

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

Mr. and Mrs. Vyrle and Naomi DeVoss, Atlantic—For celebrating your 65th wedding anniversary. Senator Boettger (3/30/06).

Mr. and Mrs. Virgil and Elaine Hildebrand, Hancock—For celebrating your 60th wedding anniversary. Senator Boettger (3/30/06).

Montell Marion, Des Moines—For winning the Class 4A State Wrestling Championship in the 130 lb. weight class. Senator Hatch (3/30/06).

James Nicholson, Des Moines—For winning the Class 4A State Wrestling Championship in the 119 lb. weight class. Senator Hatch (3/30/06).

REPORTS OF COMMITTEE MEETINGS**STATE GOVERNMENT**

Convened: March 29, 2006, 2:00 p.m.

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

Members Absent: Kibbie and Ziemann (both excused).

Committee Business: Approved Governor's appointments.

Adjourned: 2:35 p.m.

ECONOMIC GROWTH

Convened: March 30, 2006, 11:30 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: Approved Governor's appointments.

Adjourned: 12:00 p.m.

INTRODUCTION OF BILLS

[Senate File 2395](#), by committee on Ways and Means, a bill for an act providing for an increase in the wildlife habitat fee, making an appropriation, and creating an upland game bird habitat development program.

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

[Senate File 2396](#), by committee on Ways and Means, a bill for an act relating to the exemption of sales and use taxes on the purchase of coins, currency, or bullion.

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

[Senate File 2397](#), by committee on Ways and Means, a bill for an act exempting sales made to facilities used in substance abuse treatment and prevention programs from sales and use taxes.

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

[Senate File 2398](#), by committee on Ways and Means, a bill for an act providing a sales tax exemption for purchases of solar energy equipment.

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

[Senate File 2399](#), by committee on Ways and Means, a bill for an act relating to renewable energy including the renewable energy tax credit and the wind energy production tax credit.

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

FINAL COMMITTEE REPORTS OF BILL ACTION

WAYS AND MEANS

Bill Title: [SENATE FILE 2395](#) (formerly [SF 2329](#)), a bill for an act providing for an increase in the wildlife habitat fee, making an appropriation, and creating an upland game bird habitat development program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Bolkcom, Connolly, Danielson, Dotzler, Hahn, McCoy, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 2: Larson and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2396 \(SSB 3245\)](#), a bill for an act relating to the exemption of sales and use taxes on the purchase of coins, currency, or bullion.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Bolkcom, Connolly, Danielson, Dotzler, Hahn, McCoy, McKibben, McKinley, Miller, Stewart, Wieck, and Zaun. Nays, 2: Quirmbach and Seng. Absent, 2: Larson and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *[SENATE FILE 2397 \(SSB 3259\)](#), a bill for an act exempting sales made to facilities used in substance abuse treatment and prevention programs from sales and use taxes.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Bolkcom, Connolly, Danielson, Dotzler, Hahn, McCoy, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 2: Larson and Zieman.

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 Ways and Means Committee on [Senate File 2397](#), and they were attached to the committee report.

ALSO:

Bill Title: [SENATE FILE 2398](#) (formerly [SF 2077](#)), a bill for an act providing a sales tax exemption for purchases of solar energy equipment.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Bolkcom, Connolly, Danielson, Dotzler, Hahn, McCoy, McKibben, McKinley, Miller, Quirmbach, Stewart, Wieck, and Zaun. Nays, none. Present, 1: Seng. Absent, 2: Larson and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *[SENATE FILE 2399](#) (formerly [SF 2325](#)), a bill for an act relating to renewable energy including the renewable energy tax credit and the wind energy production tax credit.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKibben, McKinley, Miller, Quirmbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 1: Zieman.

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 Ways and Means Committee on [Senate File 2399](#), and they were attached to the committee report.

GOVERNOR'S APPOINTEES PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

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

STATE GOVERNMENT

Steven K. Young – Director of the Department of Inspections and Appeals

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendation for confirmation:

ECONOMIC GROWTH

Mary Lawyer – Director of the Department of Economic Development

STATE GOVERNMENT

Abraham Funchess, Jr. – Administrator of the Division on the Status of African-Americans

Lynn M. Walding – Administrator of the Alcoholic Beverages Division

Armando Villareal – Administrator of the Division of Latino Affairs

Bill Schroeder – Administrator of Professional Licensing and Regulation

Jack P. Ketterer – Administrator of the State Racing and Gaming Commission

Patrick J. Palmersheim – Executive Director of the Commission of Veterans Affairs

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

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

ECONOMIC GROWTH

Gordon Neumann – Iowa Capital Investment Board

Daniel Rogers – Iowa Capital Investment Board

Peggy Armstrong-Gustafson – Iowa Economic Development Board

Bonnie Barney – Iowa Economic Development Board

George (Curtis) Baugh – Iowa Economic Development Board

Linda Bloodsworth – Iowa Economic Development Board

Robert Bocken – Iowa Economic Development Board

Joni Carroll – Iowa Economic Development Board

Jerry Courtney – Iowa Economic Development Board

Arvind Dandekar – Iowa Economic Development Board

Nancy Dunkel – Iowa Economic Development Board

William Gerhard – Iowa Economic Development Board

Cynthia (Cindi) Keithley – Iowa Economic Development Board

Craig Lang – Iowa Economic Development Board

John Lisle – Iowa Economic Development Board

Marcia Rogers – Iowa Economic Development Board

Toby Shine – Iowa Economic Development Board

John Cullen – Small Business Advisory Council

James Davis – Small Business Advisory Council

Joan Severson – Small Business Advisory Council (appointment)

Joan Severson – Small Business Advisory Council (reappointment)

STATE GOVERNMENT

Nancy Bruner – Accountancy Examining Board
Richard Johnson – Accountancy Examining Board
Telford Lodden – Accountancy Examining Board

Michael Blackwell – Commission on the Status of African-Americans
John Campbell, Jr. – Commission on the Status of African-Americans
Charles Clayton – Commission on the Status of African-Americans (appointment)
Charles Clayton – Commission on the Status of African-Americans (reappointment)
Marlene Jessop – Commission on the Status of African-Americans
Redmond Jones, II – Commission on the Status of African-Americans
Krystal Madlock – Commission on the Status of African-Americans

Richard Hunsaker – Alcoholic Beverages Commission

Martha Green – Architectural Examining Board
Jeffrey Morgan – Architectural Examining Board

Kristina Lusk – Board of Barber Examiners
Barbara Martin – Board of Barber Examiners

James Kruzic – Boiler and Pressure Vessel Board
Joseph Rodenkirk – Boiler and Pressure Vessel Board
Lynne Rush – Boiler and Pressure Vessel Board

John Calisesi – Board of Chiropractic Examiners
Michael Powell – Board of Chiropractic Examiners
Diane Puthoff – Board of Chiropractic Examiners

Jerry Talbott – Board of Cosmetology Arts and Sciences Examiners

Willard Boyd – Board of Trustees of the Iowa Cultural Trust
Ellen deLathouder – Board of Trustees of the Iowa Cultural Trust
Kim Poam Logan – Board of Trustees of the Iowa Cultural Trust

Elizabeth Brennan – Board of Dental Examiners
Eileen Cacioppo – Board of Dental Examiners
Gary Roth – Board of Dental Examiners

Michael Killmer – Board of Dietetic Examiners
Rachel Pederson – Board of Dietetic Examiners

Rita Conner – Elevator Safety Board
Peter Fromm – Elevator Safety Board
Robert Olney – Elevator Safety Board

Julie Bell – Iowa Emergency Response Commission
David Coppess – Iowa Emergency Response Commission

Forrest Holly – Engineering and Land Surveying Examining Board
Christy VanBuskirk – Engineering and Land Surveying Examining Board

Leslie Whippen – Board for the Licensing and Regulation of Hearing Aid Dispensers

Jason Alread – Interior Design Examining Board
Kathleen Flack – Interior Design Examining Board
David Kenworthy – Interior Design Examining Board
Frederic Malven – Interior Design Examining Board
Michele Rosenboom – Interior Design Examining Board
Kathy Stavneak – Interior Design Examining Board
Jennifer Voorhees – Interior Design Examining Board

Dawn Ainger – IowAccess Advisory Council
Barbara Corson – IowAccess Advisory Council
Lawrence Lentz – IowAccess Advisory Council
Teresa Selberg – IowAccess Advisory Council
Miriam Ubben – IowAccess Advisory Council

Tim Adams – Landscape Architectural Examining Board
David Biehl – Landscape Architectural Examining Board

Mary Junge – Iowa Lottery Authority Board of Directors
Michael Klappholz – Iowa Lottery Authority Board of Directors

Larry Dallenbach – Board of Massage Therapy Examiners

Carole Frier – Board of Medical Examiners
Siroos Shirazi – Board of Medical Examiners
Janece Valentine – Board of Medical Examiners

Paul Johnson – Board of Mortuary Science Examiners
Ruth Ohde – Board of Mortuary Science Examiners

M. Ann Aulwes-Allison – Board of Nursing Examiners

Susan Frey – State Board of Examiners for Nursing Home Administrators
Daniel Larmore – State Board of Examiners for Nursing Home Administrators
Mary Ann Nielsen – State Board of Examiners for Nursing Home Administrators
Michael Svejda – State Board of Examiners for Nursing Home Administrators
Audrae Zoeckler – State Board of Examiners for Nursing Home Administrators

Barbara Washburn – Board of Optometry Examiners
Robert Weiland – Board of Optometry Examiners

Terrance Lillis – Peace Officers' Retirement, Accident, and Disability System Trustee

Susan Frey – Board of Pharmacy Examiners
Leman Olson – Board of Pharmacy Examiners

Helen McNurlen – Board of Physical and Occupational Therapy Examiners

Ethel Campbell – Board of Podiatry Examiners
 Kelly Kadel – Board of Podiatry Examiners

Gerald Jorgensen – Board of Psychology Examiners
 Philip Lonning – Board of Psychology Examiners
 John Tedesco – Board of Psychology Examiners

Diane Hamilton – State Racing and Gaming Commission
 Toni Urban – State Racing and Gaming Commission

Debra Floyd – Real Estate Appraiser Examining Board
 John Larson – Real Estate Appraiser Examining Board
 Judith Zwanziger – Real Estate Appraiser Examining Board

Daniel Berry – Real Estate Commission
 Laurie Dawley – Real Estate Commission
 James Hughes – Real Estate Commission

Arlene Lee – State Board for Respiratory Care
 Robert Zeman – State Board for Respiratory Care

David Stout – Board of Social Work Examiners
 Mary Tasler – Board of Social Work Examiners

Rebecca Vilda – Board of Speech Pathology and Audiology Examiners
 Douglas Walter – Board of Speech Pathology and Audiology Examiners
 Kent Webb – Board of Speech Pathology and Audiology Examiners

Suellen Overton – Commission of Veterans Affairs
 Laurel Phipps – Commission of Veterans Affairs
 David Rehbein – Commission of Veterans Affairs

Anne Duffy – Iowa Board of Veterinary Medicine
 Leslie Hemmingson – Iowa Board of Veterinary Medicine

Andrew Anderson – Vision Iowa Board
 Regenia Bailey – Vision Iowa Board
 Lynn Kueck – Vision Iowa Board
 Carolyn Rants – Vision Iowa Board
 Cathy Reece – Vision Iowa Board

AMENDMENTS FILED

<u>S-5142</u>	<u>S.F. 2219</u>	House
<u>S-5143</u>	<u>S.F. 2374</u>	House