

PROOF

STATE OF IOWA

Senate Journal

MONDAY, FEBRUARY 7, 2005

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JOURNAL OF THE SENATE

TWENTY-NINTH CALENDAR DAY
SEVENTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 7, 2005

The Senate met in regular session at 1:00 p.m., President Lamberti presiding.

Prayer was offered by the Reverend Paul Thompson, pastor of the First Lutheran and Vernon Lutheran Churches in Dows, Iowa. He was the guest of Senator Iverson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jane Lee.

The Journal of Thursday, February 3, 2005, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Beall, for Monday and Tuesday, February 7 and 8, 2005, on request of Senator Gronstal; and Senators Lundby and McKinley, for the day, on request of Senator Wieck.

ADJOURNMENT

On motion of Senator Zieman, the Senate adjourned at 1:10 p.m. until 8:30 a.m., Tuesday, February 8, 2005.

APPENDIX**APPOINTMENTS TO BOARDS AND COMMISSIONS**

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on February 7, 2005, to investigate the appointment and reappointment of the following appointees:

BUSINESS AND LABOR RELATIONS

As a member of the Iowa Workforce Development Board:

VICKI DUCHENE – Dotzler and Seymour, Co-chairs; Courtney and Shull

COMMERCE

As a member of the Credit Union Review Board:

MELANIE HASS – Kettering and Stewart, Co-chairs; Bolkcom and Wieck

As a member of the Iowa Telecommunications and Technology Commission:

CURTIS STAMP – McCoy and Zaun, Co-chairs; Kettering and Rielly

ECONOMIC GROWTH

As a member of the Small Business Advisory Council:

SHELLEY COLDIRON – Beall and Behn, Co-chairs; Rielly and Shull

HUMAN RESOURCES

As members of the Board of Behavioral Science Examiners:

KENNETH FANN – Hatch and Johnson, Co-chairs; Houser and Wood

MARCIA MICHAELS – Hatch and Johnson, Co-chairs; Houser and Wood

As a member of the Iowa Empowerment Board:

JUDY McCOY DAVIS – Boettger and Kreiman, Co-chairs; Ragan and Tinsman

As members of the Commission on the Status of Iowans of Asian and Pacific Islander Heritage:

RITA ARORA – Boettger and Bolkcom, Co-chairs; Behn and Hatch

THOMAS BACCAM – Boettger and Bolkcom, Co-chairs; Behn and Hatch

CYNDI CHEN – Boettger and Bolkcom, Co-chairs; Behn and Hatch

NING CHIA – Boettger and Bolkcom, Co-chairs; Behn and Hatch

LIN LY – Boettger and Bolkcom, Co-chairs; Behn and Hatch

FRANK OSAKO – Boettger and Bolkcom, Co-chairs; Behn and Hatch
RICHARD PARK – Boettger and Bolkcom, Co-chairs; Behn and Hatch
CECILIA PERALTA – Boettger and Bolkcom, Co-chairs; Behn and Hatch
BARRY THONGVANH – Boettger and Bolkcom, Co-chairs; Behn and Hatch

As members of the Board of Interpreters for the Hearing Impaired Examiners:

PHILIPPE GALLANT – Quirnbach and Seymour, Co-chairs; Johnson and Kreiman
JUDY GOULDSMITH – Quirnbach and Seymour, Co-chairs; Johnson and Kreiman
CARISSA HUFFMAN – Quirnbach and Seymour, Co-chairs; Johnson and Kreiman
DIANA KAUTZKY – Quirnbach and Seymour, Co-chairs; Johnson and Kreiman
DAVID MOORMAN-RICE – Quirnbach and Seymour, Co-chairs; Johnson and Kreiman
BETHANY SATHER – Quirnbach and Seymour, Co-chairs; Johnson and Kreiman
STUART THIESSEN – Quirnbach and Seymour, Co-chairs; Johnson and Kreiman

As members of the Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission:

SHELLY CHANDLER – Tinsman and Wood, Co-chairs; Dotzler and Gaskill
LYNN CRANNELL – Tinsman and Wood, Co-chairs; Dotzler and Gaskill
JAMES RIXNER – Tinsman and Wood, Co-chairs; Dotzler and Gaskill

JUDICIARY

As members of the Iowa Drug Policy Advisory Council:

STEWART BARNES – Quirnbach and Zaun, Co-chairs; Ward and Warnstadt
BRIAN VOS – Boettger and Hancock, Co-chairs; Dvorsky and Zaun
CHRISTINA WILSON – Schoenjahn and Ward, Co-chairs; Horn and Zaun

LOCAL GOVERNMENT

As a member of the Mental Health Risk Pool Board:

JANE HALLIBURTON – Mulder and Quirnbach, Co-chairs; Stewart and Zaun

TRANSPORTATION

As a member of the State Transportation Commission:

WAYNE SAWTELLE – Fraise and Zieman, Co-chairs; Danielson and Kettering

WAYS AND MEANS

As a member of the Iowa Finance Authority:

HEATHER KRAMER – Bolkcom and Miller, Co-chairs; Connolly and Zaun

WITHDRAWAL OF GOVERNOR'S APPOINTEE

The following letter from the Governor was received in the office of the Secretary of the Senate on February 4, 2005:

I submitted the name of Jane Halliburton to serve on the Mental Health Risk Pool Board on January 7, 2005. I am withdrawing her name from further consideration by the Senate.

Sincerely,
THOMAS J. VILSACK
Governor

CERTIFICATES OF RECOGNITION

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

Jesse Bodensteiner, Ossian—For achieving the rank of Eagle Scout, Boy Scout Troop 88. Senator Ziemann (2/7/05).

John Bodensteiner, Ossian—For achieving the rank of Eagle Scout, Boy Scout Troop 88. Senator Ziemann (2/7/05).

Jonathan Brokens, Scotch Grove—For achieving the rank of Eagle Scout, Boy Scout Troop 66. Senator Hancock (2/7/05).

Dorothy Carson, Waterloo—For celebrating your 95th birthday. Senator Dotzler (2/7/05).

Coach Lee Toole, Lewis Central High School—For being inducted into the Iowa High School Baseball Coaches Association Hall of Fame. Senator Gronstal (2/7/05).

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF PUBLIC HEALTH

Access to Obstetrical Care Report, pursuant to Iowa Code section 135.11(18). Report received on February 7, 2005.

2004 Child Death Review Team Report, pursuant to Iowa Code section 135.43. Report received on February 7, 2005.

Nursing, Medical, Dental, and Pharmacy Boards Sharing of Administrative Staff Report, pursuant to 2004 Acts, [Senate File 2298](#). Report received on February 7, 2005.

Substance Abuse Treatment Programs Success Rates Report, pursuant to 2004 Acts, [House File 2577](#). Report received on February 7, 2005.

State Advisory Committee on Viral Hepatitis, pursuant to 2004 Acts, [House Resolution 145](#). Report received on February 7, 2005.

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: February 3, 2005, 3:30 p.m.

Members Present: Brunkhorst and Hatch, Co-chairs; Behn, Danielson, Dotzler, Hahn, McKinley, Ragan, Rielly, Seymour, Shull, Stewart, and Zaun.

Members Absent: Beall (excused).

Committee Business: Approved [SSB 1064](#). Presentations by Rebuild Iowa Coalition, Iowa Software and Information Technology, and Department of Economic Development.

Adjourned: 4:45 p.m.

LOCAL GOVERNMENT

Convened: February 7, 2005, 2:05 p.m.

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

Members Absent: Houser, Lundby, and McCoy (all excused).

Committee Business: Discussion on subcommittee assignments.

Adjourned: 2:10 p.m.

STATE GOVERNMENT

Convened: February 7, 2005, 2:10 p.m.

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

Members Absent: McKibben, Co-chair; and Wieck (both excused).

Committee Business: Passed SFs 21 and 52.

Adjourned: 2:25 p.m.

INTRODUCTION OF BILLS

[Senate File 113](#), by committee on Judiciary, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

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

[Senate File 114](#), by committee on Economic Growth, a bill for an act relating to tax credit certificates issued by the Iowa capital investment board and providing an effective date.

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

[Senate File 115](#), by Boettger, a bill for an act relating to school corporations by changing the date of the election of directors of local school districts and merged areas, changing the terms of office for elective offices, changing the date of the organization meeting of a school board, requiring the oath of office for school corporation board members to be taken at the organization meeting, and including an effective date, applicability, and transition provision.

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

[Senate File 116](#), by Ward, a bill for an act relating to the disposal of personal property after entry of a judgment for forcible entry and detainer.

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

[Senate File 117](#), by Iverson, a bill for an act relating to criteria for eligible businesses under the enterprise zone program and providing effective and retroactive applicability date provisions.

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

[Senate File 118](#), by Bolkom, a bill for an act relating to staffing standards in health facilities, and providing penalties.

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

[Senate File 119](#), by Bolkcom, a bill for an act permitting certain poker and euchre contests to be conducted by qualified organizations.

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

[Senate File 120](#), by Bolkcom, Wood, Schoenjahn, Courtney, Black, Kibbie, Quirnbach, Connolly, Stewart, Fraise, Hatch, Kreiman, Ragan, Dvorsky, Dotzler, Horn, Seng, and Dearden, a bill for an act increasing the state's minimum hourly wage rate at a rate above the federal minimum hourly wage rate.

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

[Senate File 121](#), by Bolkcom, a bill for an act providing an income tax credit for purchasing new fuel economy vehicles and including effective and retroactive applicability date provisions.

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

STUDY BILLS RECEIVED

[SSB 1106](#) **Economic Growth**

To urge the governor to meet with governors from states adjacent to Iowa to negotiate an economic compact.

[SSB 1107](#) **Judiciary**

Relating to the timing of a mental competency hearing for a person accused of a criminal offense.

SSB 1108 Judiciary

Relating to the department of public safety by updating references, changing the names of divisions in the department and changing practices and procedures.

SUBCOMMITTEE ASSIGNMENTS**Senate File 61**

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

Senate File 89

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

Senate File 97

JUDICIARY: Dvorsky and Miller, Co-chairs; Lamberti and Schoenjahn

Senate File 100

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

Senate File 101

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

Senate File 112

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

SSB 1106

ECONOMIC GROWTH: Brunkhorst, Chair; and Hatch

SSB 1107

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

SSB 1108

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

FINAL COMMITTEE REPORTS OF BILL ACTION

ECONOMIC GROWTH

Bill Title: [SENATE FILE 114 \(SSB 1064\)](#), a bill for an act relating to tax credit certificates issued by the Iowa capital investment board and providing an effective date.

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: REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: [SENATE FILE 113 \(SSB 1088\)](#), a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Kreiman, Miller, Boettger, Dvorsky, Fraise, Hancock, Horn, Quirnbach, Schoenjahn, Ward, and Zaun. Nays, none. Absent, 5: Brunkhorst, Lamberti, McKibben, Tinsman, and Warnstadt.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.