

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, FEBRUARY 25, 2003

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JOURNAL OF THE SENATE

FORTY-FOURTH CALENDAR DAY
TWENTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 25, 2003

The Senate met in regular session at 8:31 a.m., President Kramer presiding.

Prayer was offered by the Reverend Mick Schultz, pastor of the New Covenant Bible Church in Cedar Rapids, Iowa. He was the guest of Senator Lundby.

The Journal of Monday, February 24, 2003, was approved.

RECESS

On motion of Senator Boettger, the Senate recessed at 8:38 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:40 a.m., President Kramer presiding.

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: [SENATE RESOLUTION 16](#), a resolution honoring Iowa Wesleyan College and its Responsible Social Involvement Program.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Putney, Ragan, and Sievers. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 16](#).

[Senate Resolution 16](#)

On motion of Senator Fraise, [Senate Resolution 16](#), a resolution honoring Iowa Wesleyan College and its Responsible Social Involvement Program, with report of committee recommending passage, was taken up for consideration.

Senator Fraise introduced to the Senate chamber Mr. William N. Johnston, President of Iowa Wesleyan College.

Senator Fraise moved the adoption of [Senate Resolution 16](#), which motion prevailed by a voice vote.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:45 a.m. until 11:45 a.m.

RECONVENED

The Senate reconvened at 11:45 a.m., President Pro Tempore Angelo presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 25, 2003, **adopted** the following resolution in which the concurrence of the Senate is asked:

[House Concurrent Resolution 6](#), a concurrent resolution relating to the federal Medicare program and requesting assistance from the federal government.

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

ALSO: That the House has on February 25, 2003, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 204](#), a bill for an act relating to massage therapy by providing for a study regarding the modalities associated with massage therapy and providing a temporary exemption from licensure requirements.

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

[House File 215](#), a bill for an act eliminating certain public disclosure requirements by state banks.

Read first time and **attached to companion** [Senate File 186](#).

[House File 225](#), a bill for an act modifying workers' compensation laws and providing an effective date.

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

[House File 240](#), a bill for an act relating to the composition of the Iowa egg council.

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

ADJOURNMENT

On motion of Senator Gaskill, the Senate adjourned at 11:49 a.m. until 8:30 a.m. Wednesday, February 26, 2003.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Wilma Bender, Waterloo — For celebrating your 100th birthday on February 17, 2003. Senator Courtney (2/25/03).

Tammy Cross Dann, Central College, Pella — For being recognized as a TRIO Achiever. Senator McKinley (2/25/03).

Raymond and Marilyn Grohs, Sioux City — For celebrating your 50th wedding anniversary on February 28, 2003. Senator Warnstadt (2/25/03).

Gladys Strout, Central College, Pella — For being recognized as a TRIO Champion. Senator McKinley (2/25/03).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: February 25, 2003, 9:40 a.m.

Members Present: Lamberti, Chair; Kramer, Vice Chair; Dvorsky, Ranking Member; Behn, Black, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Zieman.

Members Absent: None.

Committee Business: Approved [SSB 1089](#).

Adjourned: 9:50 a.m.

ECONOMIC GROWTH

Convened: February 25, 2003, 2:00 p.m.

Members Present: Rehberg, Chair; Shull, Vice Chair; Hatch, Ranking Member; Beall, Boettger, Dotzler, McKinley, Putney, Ragan, Seymour, Stewart, and Veenstra.

Members Absent: Larson (excused).

Committee Business: Approved Governor's appointee and presentation by representative of Vision Iowa Board.

Adjourned: 2:55 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 25, 2003, 2:10 p.m.

Members Present: Houser, Chair; Johnson, Vice Chair; Seng, Ranking Member; Black, Bolkcom, Brunkhorst, Dearden, Drake, Holveck, Kettering, Kibbie, Lundby, Wieck, and Zieman.

Members Absent: Miller (excused).

Committee Business: Presentation on deer regulations by representative of DNR.

Adjourned: 2:55 p.m.

RULES AND ADMINISTRATION

Convened: February 25, 2003, 8:40 p.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Putney, Ragan, and Sievers.

Members Absent: None.

Committee Business: Passed [SR 16](#).

Adjourned: 8:45 p.m.

STATE GOVERNMENT

Convened: February 25, 2003, 10:35 a.m.

Members Present: Zieman, Chair; Sievers, Vice Chair; Kibbie, Ranking Member; Black, Connolly, Courtney, Dearden, Drake, Johnson, Lamberti, Ragan, Schuerer, Shull, Tinsman, and Veenstra.

Members Absent: None.

Committee Business: Passed SFs 14 and 140 and approved Governor's appointees.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 25, 2003, 3:20 p.m.

Members Present: Zieman, Chair; Sievers, Vice Chair; Holveck, Ranking Member; Rehberg and Stewart.

Members Absent: None.

Committee Business: Presentation by Department of Commerce and Legislative Fiscal Bureau.

Adjourned: 3:35 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 6, by Bolkcom, a concurrent resolution opposing rule changes to the new source review air pollution control program.

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

Senate Resolution 17, by Bolkcom, Gronstal, Connolly, Dvorsky, Hatch, Beall, Quirmbach, Warnstadt, Courtney, Kreiman, Kibbie, Seng, Black, Ragan, Holveck, Stewart, Dotzler, Dearden, Horn, Fraise, and McCoy, a resolution identifying problems of Iowans in meeting health care costs and calling upon candidates for national office to provide proposals for addressing the health care needs of Iowans and the people of the United States.

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

INTRODUCTION OF BILLS

Senate File 197, by Sievers, Tinsman, Houser, Schuerer, Behn, Johnson, Rehberg, Zieman, Veenstra, McKinley, Wieck, Miller, and Drake, a bill for an act abolishing county compensation boards.

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

Senate File 198, by McKinley, a bill for an act relating to school bus route approval or mediation by area education agencies.

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

Senate File 199, by Lamberti, McCoy, Zieman, Houser, and Kramer, a bill for an act providing for gambling on excursion boats

and at racetracks, by eliminating the cruise requirement for gambling boats, providing for gambling games at racetrack enclosures and for off-boat facilities, providing for the issuance of additional excursion boat gambling licenses, and relating to the tax on the adjusted gross receipts from gambling games.

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

[Senate File 200](#), by committee on Transportation, a bill for an act relating to requirements for securing children transported in certain motor vehicles and making a penalty applicable.

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

[Senate File 201](#), by committee on Education, a bill for an act relating to a review of statistical information compiled by the board of educational examiners from Praxis II examinations administered to initial, provisional teaching license applicants.

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

[Senate File 202](#), by committee on Appropriations, a bill for an act relating to state financial obligations by making supplemental appropriations for property tax replacement claims and elderly and disabled tax credit reimbursement, providing for the application of debt service proceeds from tobacco settlement authority bonds, providing for related matters, and including an effective date.

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

[Senate File 203](#), by committee on State Government, a bill for an act relating to the installation of certain aboveground petroleum storage tanks.

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

[Senate File 204](#), by committee on State Government, a bill for an act relating to eligible beneficiaries for a line of duty death benefit

under the statewide fire and police retirement system and providing effective and applicability dates.

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

[Senate File 205](#), by Zieman, a bill for an act relating to property tax school reorganization incentives for specified school districts, and providing an effective date.

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

[Senate File 206](#), by Schuerer, a bill for an act exempting birth centers from the certificate of need process.

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

[Senate File 207](#), by Warnstadt, a bill for an act establishing a school infrastructure assistance program, and making an appropriation.

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

STUDY BILLS RECEIVED

[SSB 1107](#) **Government Oversight (Reassigned)**

Providing for the reorganization of certain state departments by establishing a department of administrative services, making related changes, providing penalties, making appropriations, and providing an effective date.

[SSB 1110](#) **Education**

Providing for annual increases in specified state aid to nonpublic schools, making appropriations, and providing effective and applicability dates.

SSB 1111 Education

Providing for the establishment of the state percent of growth for purpose of the state school foundation program and providing an applicability date.

SUBCOMMITTEE ASSIGNMENTS**Senate Resolution 16**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate File 110
(Reassignment)

TRANSPORTATION: Putney, Chair; Drake and McCoy

Senate File 143

STATE GOVERNMENT: Drake, Chair; Lamberti and Ragan

Senate File 154

JUDICIARY: Miller, Chair; Kreiman and Tinsman

Senate File 160

JUDICIARY: McKibben, Chair; Horn and Putney

Senate File 163

JUDICIARY: Larson, Chair; Boettger and Holveck

Senate File 164

STATE GOVERNMENT: Veenstra, Chair; Black and Ziemann

Senate File 171

JUDICIARY: Tinsman, Chair; Kreiman and Putney

Senate File 176

WAYS AND MEANS: McKibben, Chair; Miller and Quirnbach

Senate File 177

LOCAL GOVERNMENT: Rehberg, Chair; Stewart and Wieck

[Senate File 178](#)

ECONOMIC GROWTH: Putney, Chair; Shull and Stewart

[Senate File 179](#)

WAYS AND MEANS: McKinley, Chair; Bolkcom and Lamberti

[Senate File 182](#)

BUSINESS AND LABOR RELATIONS: Wieck, Chair; Courtney and Johnson

[Senate File 184](#)

STATE GOVERNMENT: Johnson, Chair; Ragan and Veenstra

[Senate File 190](#)

TRANSPORTATION: Drake, Chair; Fraise and Putney

[Senate File 191](#)

AGRICULTURE: Zieman, Chair; Black and Hosch

[Senate File 193](#)

WAYS AND MEANS: Shull, Chair; Lamberti and Quirnbach

[Senate File 194](#)

WAYS AND MEANS: McKinley, Chair; Bolkcom and McKibben

[Senate File 195](#)

WAYS AND MEANS: Miller, Chair; Lamberti and Stewart

[House Joint Resolution 3](#)

STATE GOVERNMENT: Courtney, Chair; Shull and Tinsman

[House File 170](#)

JUDICIARY: Miller, Chair; Kreiman and Putney

[House File 171](#)

JUDICIARY: Quirnbach, Chair; Putney and Tinsman

[House File 240](#)

AGRICULTURE: Angelo, Chair; Gaskill and Kibbie

[SSB 1107](#)
(Reassignment)

GOVERNMENT OVERSIGHT: Brunkhorst, Chair; and Dvorsky

[SSB 1110](#)

EDUCATION: Rehberg, Chair; Boettger and Connolly

[SSB 1111](#)

EDUCATION: Boettger, Chair; Connolly and McKinley

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: [SENATE FILE 202 \(SSB 1089\)](#), a bill for an act relating to state financial obligations by making supplemental appropriations for property tax replacement claims and elderly and disabled tax credit reimbursement, providing for the application of debt service proceeds from tobacco settlement authority bonds, providing for related matters, and including an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 25: Lamberti, Kramer, Dvorsky, Behn, Black, Bolkom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Final Bill Action: [SENATE FILE 201 \(SSB 1054\)](#), a bill for an act relating to a review of statistical information compiled by the board of educational examiners from Praxis II examinations administered to initial, provisional teaching license applicants.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Boettger, McKinley, Connolly, Angelo, Beall, Behn, Brunkhorst, Dvorsky, Holveck, Hosch, Kreiman, Larson, Quirnbach, and Rehberg. Nays, none. Absent, 1: Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: [SENATE FILE 203](#) (formerly [SF 14](#)), a bill for an act relating to the installation of certain aboveground petroleum storage tanks.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Zieman, Sievers, Kibbie, Courtney, Drake, Johnson, Lamberti, Schuerer, Shull, Tinsman, and Veenstra. Nays, 4: Black, Connolly, Dearden, and Ragan. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [SENATE FILE 204](#) (formerly [SF 140](#)), a bill for an act relating to eligible beneficiaries for a line of duty death benefit under the statewide fire and police retirement system and providing effective and applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Lamberti, Ragan, Schuerer, Shull, Tinsman, and Veenstra. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: [SENATE FILE 200](#) (formerly [SF 28](#)), a bill for an act relating to requirements for securing children transported in certain motor vehicles and making a penalty applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Drake, Putney, McCoy, Beall, Dearden, Fraise, Houser, Johnson, Kettering, Rehberg, Shull, Warnstadt, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

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 recommendations for confirmation:

BUSINESS AND LABOR RELATIONS

Neil Barrick – Public Employment Relations Board

ECONOMIC GROWTH

Carol Garrett – Iowa Capital Investment Board

EDUCATION

Neala Arnold – State Board of Regents

STATE GOVERNMENT

Jamie Howard – Commission on the Status of African-Americans

Carla Eshelman – Board of Massage Therapy Examiners

James O'Neill – Real Estate Commission

Anne Duffy – Iowa Board of Veterinary Medicine