

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, JANUARY 27, 2004

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

SIXTEENTH CALENDAR DAY
TENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 27, 2004

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

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ocheyedan, Iowa.

The Journal of Monday, January 26, 2004, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:34 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:39 a.m., President Lamberti presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:40 a.m. until 11:45 a.m.

RECONVENED

The Senate reconvened at 11:47 a.m., President Pro Tempore Angelo presiding.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 11:51 a.m. until 8:30 a.m., Wednesday, January 28, 2004.

APPENDIX

ANNOUNCEMENT OF APPOINTMENT BY THE PRESIDENT OF THE SENATE

INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION STATE
COUNCIL

(Iowa Code section 907B.3)

James A. Seymour

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:

January 27, 2004

DEPARTMENT FOR THE BLIND

Report on purchase of products with recycled content, pursuant to Iowa Code section 216B.3.

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: January 26, 2004, 3:40 p.m.

Members Present: Johnson, Chair; Hosch, Vice Chair; Fraise, Ranking Member; Behn, Black, Courtney, Kibbie, Putney, Ragan, Seng, Veenstra, and Zieman.

Members Absent: Angelo, Gaskill, and Houser (all excused).

Committee Business: Presentation by Bill Ehm of the Department of Agriculture and Land Stewardship, Soil Conservation Division.

Adjourned: 4:20 p.m.

COMMERCE

Convened: January 27, 2004, 2:05 p.m.

Members Present: Behn, Chair; Wieck, Vice Chair; Warnstadt, Ranking Member; Beall, Bolkcom, Brunkhorst, Gronstal, Kettering, McCoy, Putney, Schuerer, Sievers, and Stewart.

Members Absent: Lundby and Redfern (both excused).

Committee Business: Presentation by Diane Munns, Iowa Utilities Board.

Adjourned: 2:45 p.m.

ECONOMIC GROWTH

Convened: January 27, 2004, 9:35 a.m.

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

Members Absent: Lamberti (excused).

Committee Business: Presentation by Wendell Bailey of the U.S. Small Business Administration.

Adjourned: 10:10 a.m.

RULES AND ADMINISTRATION

Convened: January 27, 2004, 8:35 a.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, and Dvorsky.

Members Absent: Gaskill, Ragan, Sievers, and Wieck (all excused).

Committee Business: Approved [SR 107](#).

Adjourned: 8:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: January 27, 3:05 p.m.

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

Members Absent: None.

Committee Business: Overview of the Governor's FY 2005 budget.

Adjourned: 3:35 p.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: January 27, 2004, 3:05 p.m.

Members Present: Shull, Chair; Boettger, Vice Chair; Horn, Ranking Member; Kibbie and Schuerer.

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 3:35 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: January 27, 2004, 3:05 p.m.

Members Present: Miller, Chair; Fraise, Ranking Member; and Hosch.

Members Absent: Angelo, Vice Chair; and Kreiman (both excused).

Committee Business: Presentation by representatives of the departments of Justice and Revenue. Discussion regarding the Governor's FY 2005 budget.

Adjourned: 3:50 p.m.

INTRODUCTION OF RESOLUTIONS

[Senate Joint Resolution 2004](#), by Kibbie and Dotzler, a joint resolution nullifying an administrative rule establishing a moratorium on new gambling licenses and providing an effective date.

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

[Senate Resolution 108](#), by Lundby, a resolution honoring the Kirkwood Community College Women's Volleyball Team.

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

INTRODUCTION OF BILLS

[Senate File 2037](#), by Connolly, a bill for an act relating to the exemption from the sales and use taxes of the amounts received from bingo operations run by certain entities exempt from federal income taxation.

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

[Senate File 2038](#), by Courtney, a bill for an act concerning the number of allowable electrical and mechanical amusement devices at a single location.

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

[Senate File 2039](#), by Dearden and Fraise, a bill for an act relating to the composition of the Iowa state fair board by providing that the composition of district directors be bipartisan and gender balanced.

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

[Senate File 2040](#), by Dearden, a bill for an act requiring certain children to wear personal flotation devices while aboard certain vessels and making a penalty applicable.

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

[Senate File 2041](#), by Zieman, a bill for an act providing for a family farm tax credit and providing an effective date.

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

[Senate File 2042](#), by Fraise, Stewart, Seng, Horn, Dearden, Kreiman, Warnstadt, Dvorsky, Quirnbach, Gronstal, Kibbie, Courtney, Ragan, Dotzler, Black, and McCoy, a bill for an act providing for the awarding of a cash prize at an annual raffle.

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

[Senate File 2043](#), by Warnstadt, a bill for an act relating to the dissolution of a school district by its board of directors and the electors of the district, and the reorganization of the school district by the state board of education.

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

[Senate File 2044](#), by Brunkhorst, a bill for an act concerning eligibility requirements for payment of a volunteer emergency services provider death benefit resulting from a heart attack or stroke.

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

[Senate File 2045](#), by Kreiman, a bill for an act relating to filling the office of county attorney by appointment.

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

[Senate File 2046](#), by Gronstal, Bolkcom, and Kibbie, a bill for an act relating to the conduct of elections and voter registration by modifying the age at which an elector is eligible to register to vote and to vote in a school district election, providing for special late voter registration to enable an eligible elector to vote at the polling place on election day and providing a durational residency requirement for voting, and allowing ongoing absentee voter status for general elections.

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

[Senate File 2047](#), by Kibbie and Dotzler, a bill for an act prohibiting the racing and gaming commission from limiting the number of excursion gambling boat licenses to be issued.

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

[Senate File 2048](#), by Johnson, a bill for an act relating to the regulation of vessels by increasing certain vessel registration fees, regulating the operation of certain vessels by minors, providing for increased inspections of certain vessels, providing for pilot and engineer licensing fees, and appropriating the moneys collected to the state fish and game protection fund.

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

[Senate File 2049](#), by Hosch and Rehberg, a bill for an act providing a limitation on liability for any injury or death resulting from the use of donated fire safety or related equipment.

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

[Senate File 2050](#), by Veenstra, a bill for an act providing for an increase in the barrel tax.

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

STUDY BILLS RECEIVED

[SSB 3034](#) **Education**

Establishing an expiration date for a term of membership on the state board of regents.

[SSB 3035](#) **Commerce**

Relating to equitable rate regulation of wholesale and retail telephone services, including jurisdiction of the Iowa utilities board, written complaints filed with the utilities board regarding the reasonableness of an act of a public utility, provision of free directory assistance to blind consumers, and related provisions.

SSB 3036 Commerce

Relating to municipal utilities that provide local exchange services, including nonsubscriber costs, the confidentiality and audits of certain accounting records, and exemption from sales and use taxes.

SSB 3037 Commerce

Relating to the municipal utilities that provide telecommunications services, including the examination and confidentiality of certain accounting records and provision of property tax exemptions.

SSB 3038 Commerce

Relating to consideration of costs and revenues by the utilities board in rate regulatory proceedings, and making related changes.

SSB 3039 State Government

Relating to the regulation of pharmacy benefit managers and making appropriations.

SSB 3040 Ways and Means

To adopt federal standards for utility pole attachment rates for municipal utilities.

SSB 3041 State Government

Relating to the use of titles pertaining to physical therapy and providing a penalty.

SUBCOMMITTEE ASSIGNMENTS**Senate Resolution 107**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 108

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[Senate File 22](#)

(Reassignment)

STATE GOVERNMENT: Schuerer, Chair; Courtney and Shull

[Senate File 64](#)

(Reassignment)

STATE GOVERNMENT: Johnson, Chair; Connolly and Zieman

[Senate File 151](#)

(Reassignment)

STATE GOVERNMENT: Schuerer, Chair; Black and Shull

[Senate File 239](#)

(Reassignment)

STATE GOVERNMENT: Veenstra, Chair; Johnson and Ragan

[Senate File 294](#)

(Reassignment)

STATE GOVERNMENT: Shull, Chair; Ragan and Sievers

[Senate File 324](#)

(Reassignment)

STATE GOVERNMENT: Sievers, Chair; Dearden and Tinsman

[Senate File 2010](#)

TRANSPORTATION: Houser, Chair; Johnson and Warnstadt

[Senate File 2015](#)

TRANSPORTATION: Drake, Chair; Iverson and McCoy

[Senate File 2017](#)

STATE GOVERNMENT: Schuerer, Chair; Dearden and Shull

[Senate File 2022](#)

STATE GOVERNMENT: Sievers, Chair; Ragan and Tinsman

[Senate File 2029](#)

TRANSPORTATION: Johnson, Chair; Beall and Putney

[Senate File 2031](#)

STATE GOVERNMENT: Shull, Chair; Kibbie and Zieman

[Senate File 2034](#)

EDUCATION: Rehberg, Chair; Boettger and Kreiman

[Senate File 2038](#)

STATE GOVERNMENT: Schuerer, Chair; Courtney and Shull

[Senate File 2039](#)

STATE GOVERNMENT: Zieman, Chair; Ragan and Shull

[SSB 3034](#)

EDUCATION: Redfern, Chair; Boettger and Dvorsky

[SSB 3035](#)

COMMERCE: Brunkhorst, Chair; Behn, Bolkcom, Putney, and Warnstadt

[SSB 3036](#)

COMMERCE: Wieck, Chair; Behn, Bolkcom, Brunkhorst, and McCoy

[SSB 3037](#)

COMMERCE: Wieck, Chair; Behn, Bolkcom, Brunkhorst, and McCoy

[SSB 3038](#)

COMMERCE: Putney, Chair; Redfern and Warnstadt

[SSB 3039](#)

STATE GOVERNMENT: Zieman, Chair; Connolly and Veenstra

[SSB 3040](#)

WAYS AND MEANS: Sievers, Chair; McCoy and Wieck

[SSB 3041](#)

STATE GOVERNMENT: Sievers, Chair; Ragan and Veenstra

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 107](#), a resolution designating January 28, 2004, as Iowa Telecommunications Association Day.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, and Dvorsky. Nays, none. Absent, 4: Gaskill, Ragan, Sievers, and Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.