

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, FEBRUARY 3, 2004

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JOURNAL OF THE SENATE

TWENTY-THIRD CALENDAR DAY
FOURTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 3, 2004

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

Prayer was offered by the Reverend Kevin Gingerich, pastor of the United Methodist Churches in Bloomfield and Drakesville, Iowa. He was the guest of Senator Kreiman.

The Journal of Monday, February 2, 2004, was approved.

RECESS

On motion of Senator Boettger, the Senate recessed at 8:36 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:41 a.m., President Lamberti presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:43 a.m. until 11:45 a.m.

RECONVENED

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

RECESS

On motion of Senator Iverson, the Senate recessed at 12:10 p.m. until 4:30 p.m.

APPENDIX — 1**REPORT OF THE COMMITTEE ON
RULES AND ADMINISTRATION**

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on February 3, 2004:

AGRICULTURE

Sandy Simpson – Iowa Grain Indemnity Fund Board

ECONOMIC GROWTH

David Bernstein – Economic Development Marketing Board
Mary Chapman – Economic Development Marketing Board
Teri Goodmann – Economic Development Marketing Board
Chris Harshbarger – Economic Development Marketing Board
Craig Lang – Economic Development Marketing Board
Mary O'Keefe – Economic Development Marketing Board
Gary Wells – Economic Development Marketing Board

Kathy Alden – Grow Iowa Values Board
Bonnie Barney – Grow Iowa Values Board
Mary Chapman – Grow Iowa Values Board
Nancy Dunkel – Grow Iowa Values Board
James Hancock – Grow Iowa Values Board
Gerald Kirke – Grow Iowa Values Board
Craig Lang – Grow Iowa Values Board
John Lisle – Grow Iowa Values Board
Marcia Nichols – Grow Iowa Values Board
Henry Royer – Grow Iowa Values Board
Toby Shine – Grow Iowa Values Board

Harvey Siegelman – Grow Iowa Values Review Commission

Robin Anderson – Loan and Credit Guarantee Advisory Board
Martha Jane Bell – Loan and Credit Guarantee Advisory Board
Jose Laracuente – Loan and Credit Guarantee Advisory Board
William Logan – Loan and Credit Guarantee Advisory Board

Donna Sorensen – Loan and Credit Guarantee Advisory Board
John Stavnes – Loan and Credit Guarantee Advisory Board
Gary Streit – Loan and Credit Guarantee Advisory Board

EDUCATION

Jenny Rokes – State Board of Regents

HUMAN RESOURCES

Daniel McGuire – Board of Athletic Training Examiners

Darshini Jayawardena – Iowa Empowerment Board
Floyd Winter – Iowa Empowerment Board

Sidney Scott – Health Facilities Council

Roberta Yoder – Council on Human Services

Patricia Penning – Mental Health and Developmental Disabilities Commission

Peter Peterson – Board of Physician Assistant Examiners

Christopher Atchison – Prevention of Disabilities Policy Council

JUDICIARY

Paul Fitzgerald – Criminal and Juvenile Justice Planning Advisory Council
Daniel Hoeger – Criminal and Juvenile Justice Planning Advisory Council

LOCAL GOVERNMENT

Jay Howe – City Development Board

NATURAL RESOURCES AND ENVIRONMENT

Douglas Beech – Iowa Comprehensive Petroleum Underground Storage Tank
Fund Board
Delia Meier – Iowa Comprehensive Petroleum Underground Storage Tank
Fund Board

John Ryan – Renewable Fuels and Coproducts Advisory Committee

STATE GOVERNMENT

Kimberly Baxter – Administrator of the Division on the Status of African-
Americans

Michael Blackwell – Commission on the Status of African-Americans

Willard Boyd – Board of Trustees of the Iowa Cultural Trust
Catherine Gallagher – Board of Trustees of the Iowa Cultural Trust

Mary Kelly – Board of Trustees of the Iowa Cultural Trust
Kim Poam Logan – Board of Trustees of the Iowa Cultural Trust
Henry Neuman – Board of Trustees of the Iowa Cultural Trust

Janet Carl – Iowa Ethics and Campaign Disclosure Board
Gerald Sullivan – Iowa Ethics and Campaign Disclosure Board

Mary Maloney – Iowa Access Advisory Council

Lorie Bennett – Investment Board of IPERS
Lana Dettbarn – Investment Board of IPERS

Jack Leaman – Landscape Architectural Examining Board
Paul Popelka – Landscape Architectural Examining Board

John-Paul Chaisson-Cardenas – Administrator of the Division of Latino Affairs

Yasyn Lee – Board of Medical Examiners

Paul Johnson – Board of Mortuary Science Examiners

Sandra Dirks – Board of Psychology Examiners

Gerald Bair – State Racing and Gaming Commission

WAYS AND MEANS

Douglas Walter – Iowa Finance Authority

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:

February 3, 2004

DEPARTMENT OF EDUCATION

Annual Report of the Iowa Child Development Coordinating Council, pursuant to Iowa Code section 256A.3(8).

DEPARTMENT OF MANAGEMENT

Standing appropriation report for fiscal years ending June 30, 2002 and 2003—notification that the report in electronic form is available online.

OFFICE OF STATE TREASURER OF IOWA

Linked Investments for Tomorrow Annual Report for 2003.

CERTIFICATES OF RECOGNITION

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

Jim Harris, Iowa City—For celebrating your 25th anniversary of the Prairie Lights Bookstore. Senator Dvorsky (2/3/04).

Iowa City West High Boys' Soccer Team—For winning the 2003 Iowa Class 2A Soccer Championship. Senator Dvorsky (2/3/04).

Henry Marquard, Muscatine—For achieving the rank of Eagle Scout, Boy Scout Troop 783. Senator Courtney (2/22/04).

Tom Tjelmeland, Ely—For 27 years of service to the city of Ely. Senator Dvorsky (2/3/04).

Clifford and Gladys Traum, Sioux City—For celebrating your 50th wedding anniversary on January 29, 2004. Senator Warnstadt (2/3/04).

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: February 3, 2004, 10:35 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: Withdrawal of bills from further committee consideration.

Adjourned: 10:45 a.m.

HUMAN RESOURCES

Convened: February 3, 2004, 1:10 p.m.

Members Present: Veenstra, Chair; Seymour, Vice Chair; Ragan, Ranking Member; Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman.

Members Absent: None.

Committee Business: Approved [SSB 3004](#) (as amended).

Adjourned: 2:00 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 3, 2004, 10:35 a.m.

Members Present: Houser, Chair; Johnson, Vice Chair; Seng, Ranking Member; Bolkcom, Brunkhorst, Dearden, Drake, Holveck, Kettering, Kibbie, Miller, Redfern, and Ziemann.

Members Absent: Black and Lundby (both excused).

Committee Business: Presentation on wind energy. Subcommittee assignments.

Adjourned: 11:30 a.m.

RULES AND ADMINISTRATION

Convened: February 3, 2004, 8:35 a.m.

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

Members Absent: Ragan and Wieck (both excused).

Committee Business: Approved Governor's appointments.

Adjourned: 8:40 a.m.

TRANSPORTATION

Convened: February 3, 2004, 1:05 p.m.

Members Present: Drake, Chair; Putney, Vice Chair; McCoy, Ranking Member; Beall, Dearden, Fraise, Houser, Johnson, Rehberg, Shull, Warnstadt, and Ziemann.

Members Absent: Iverson (excused).

Committee Business: Approved [SSB 3046](#). Subcommittee assignments.

Adjourned: 1:15 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 3, 2004, 3:05 p.m.

Members Present: McKinley, Chair; Behn, Vice Chair; Dotzler, Ranking Member; and Quirnbach.

Members Absent: Putney (excused).

Committee Business: Presentations by representatives of the Iowa Export Assistance Center of the Greater Des Moines Partnership.

Adjourned: 4:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 3, 2004, 3:00 p.m.

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

Members Absent: Angelo, Vice Chair (excused).

Committee Business: Presentations regarding the Division of Homeland Security and Emergency Management and the Office of the State Public Defender.

Adjourned: 4:15 p.m.

INTRODUCTION OF BILLS

[Senate File 2066](#), by committee on Transportation, a bill for an act modifying requirements for securing children transported in motor vehicles and making a penalty applicable.

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

[Senate File 2067](#), by Angelo, a bill for an act relating to various duties of the county treasurer and to certain fees collected by the county treasurer and providing an applicability date.

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

[Senate File 2068](#), by Bolkcom and Dvorsky, a bill for an act to require that public housing constructed using public funds incorporate minimum universal design standards relating to accessibility.

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

[Senate File 2069](#), by Bolkcom and Dvorsky, a bill for an act to require the Iowa finance authority to implement minimum universal design standards, relating to accessibility for persons with disabilities, applicable to all public housing constructed using public funds.

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

[Senate File 2070](#), by committee on Transportation, a bill for an act relating to duties and activities of the state department of transportation, including the registration and titling of motor vehicles and issuance of commercial driver's licenses, and providing effective dates.

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

STUDY BILLS RECEIVED

[SSB 3047](#) **Judiciary**

Relating to the Iowa probate code, including provisions relating to estate recovery of medical assistance benefits, the power to disclaim property interests, and trusts.

[SSB 3048](#) **Judiciary**

Modifying the criminal penalty for certain thefts from retailers.

[SSB 3049](#) **Judiciary**

Relating to the uniform limited partnership Act and providing a penalty and effective dates.

[SSB 3050](#) **Judiciary**

Relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

[SSB 3051](#) **Commerce**

Relating to the temporary authority of a public utility to place certain rates into effect, and making related changes.

SUBCOMMITTEE ASSIGNMENTS

[Senate Resolution 109](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[Senate File 2002](#)

NATURAL RESOURCES AND ENVIRONMENT: Brunkhorst, Chair; Black and Dearden

[Senate File 2033](#)

TRANSPORTATION: Drake, Chair; Dearden and Rehberg

[Senate File 2035](#)

TRANSPORTATION: Drake, Chair; Dearden and Putney

[Senate File 2040](#)

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Brunkhorst and Drake

[Senate File 2054](#)

TRANSPORTATION: Zieman, Chair; Dearden and Houser

[Senate File 2061](#)

TRANSPORTATION: Drake, Chair; Dearden and Johnson

[Senate File 2062](#)

HUMAN RESOURCES: McKinley, Chair; Horn and Hosch

[Senate File 2063](#)

STATE GOVERNMENT: Johnson, Chair; Connolly and Veenstra

[Senate File 2064](#)

HUMAN RESOURCES: Kreiman, Chair; McKinley and Tinsman

[Senate File 2065](#)

TRANSPORTATION: Shull, Chair; Beall and Putney

[House Concurrent Resolution 104](#)

APPROPRIATIONS: Angelo, Chair; Dvorsky and Lamberti

[House File 561](#)
(Reassignment)

JUDICIARY: Tinsman, Chair; Holveck and Kettering

[SSB 3047](#)

JUDICIARY: Holveck, Chair; Boettger and Tinsman

[SSB 3048](#)

JUDICIARY: Brunkhorst, Chair; Boettger and Horn

[SSB 3049](#)

JUDICIARY: Miller, Chair; Kreiman and Redfern

[SSB 3050](#)

JUDICIARY: McCoy, Chair; Brunkhorst and Kettering

[SSB 3051](#)

COMMERCE: Putney, Chair; Redfern and Warnstadt

FINAL COMMITTEE REPORTS OF BILL ACTION

TRANSPORTATION

Bill Title: *[SENATE FILE 2066](#) (formerly [SF 2029](#)), a bill for an act modifying requirements for securing children transported in motor vehicles and making a penalty applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Drake, Putney, McCoy, Beall, Dearden, Fraise, Houser, Johnson, Rehberg, Shull, and Ziemann. Nays, none. Absent, 2: Iverson and Warnstadt.

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 Transportation Committee on [Senate File 2066](#), and they were attached to the committee report.

ALSO:

Bill Title: [SENATE FILE 2070](#) ([SSB 3046](#)), a bill for an act relating to duties and activities of the state department of transportation, including the registration and titling of motor vehicles and issuance of commercial driver's licenses, and providing effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Drake, Putney, McCoy, Beall, Dearden, Fraise, Houser, Johnson, Rehberg, Shull, Warnstadt, and Ziemann. Nays, none. Absent, 1: Iverson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 4:37 p.m., President Lamberti presiding.

The Senate stood at ease at 4:39 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:25 p.m., President Lamberti presiding.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 2059](#).

[Senate File 2059](#)

On motion of Senator McKibben, [Senate File 2059](#), a bill for an act relating to and making appropriations of birth certificate fees for the birth defects registry and child abuse prevention programs, and providing an effective date, was taken up for consideration.

Senator McKibben moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 2059](#)), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kibbie	Rehberg
Beall	Fraise	Kreiman	Schuerer
Behn	Gaskill	Lamberti	Seng
Black	Gronstal	Lundby	Seymour
Boettger	Hatch	McCoy	Shull
Bolkcom	Holveck	McKibben	Sievers
Brunkhorst	Horn	McKinley	Stewart
Connolly	Hosch	Miller	Tinsman
Courtney	Houser	Putney	Veenstra
Dearden	Iverson	Quirnbach	Warnstadt
Dotzler	Johnson	Ragan	Wieck
Drake	Kettering	Redfern	Zieman

Nays, none.

Absent, 1:

Larson

Vacant, 1.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [Senate File 2059](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 5:34 p.m. until 8:30 a.m., Wednesday, February 4, 2004.

APPENDIX — 2**REPORTS OF COMMITTEE MEETINGS****JUDICIARY**

Convened: January 26, 2004, 2:30 p.m.

Members Present: Redfern, Chair; Kettering, Vice Chair; Kreiman, Ranking Member; Fraise, Holveck, Horn, McCoy, McKibben, Miller, Quirmbach, and Tinsman.

Members Absent: Boettger, Brunkhorst, Gaskill, and Lamberti (all excused).

Committee Business: Subcommittee assignments and discussion regarding upcoming committee presentations and committee bills.

Adjourned: 2:50 p.m.

JUDICIARY

Convened: February 2, 2004, 4:05 p.m.

Members Present: Redfern, Chair; Kettering, Vice Chair; Kreiman, Ranking Member; Boettger, Brunkhorst, Fraise, Horn, McCoy, Miller, Quirmbach, and Tinsman.

Members Absent: Gaskill, Holveck, Lamberti, and McKibben (all excused).

Committee Business: Discussion regarding [SF 2018](#).

Adjourned: 4:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 3, 2004, 3:05 p.m.

Members Present: Tinsman, Chair; Johnson, Vice Chair; Hatch, Ranking Member; Bolcom, and Veenstra.

Members Absent: None.

Committee Business: Overview of child and family services and update on the child welfare redesign by representatives of the Department of Human Services.

Adjourned: 4:35 p.m.

INTRODUCTION OF BILLS

[Senate File 2071](#), by Bolkcom and Dvorsky, a bill for an act to require that public housing constructed using Iowa finance authority funds incorporate minimum universal design standards relating to accessibility.

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

[Senate File 2072](#), by Bolkcom and Dvorsky, a bill for an act providing for the establishment of a telecommunications relay service and equipment distribution program.

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

[Senate File 2073](#), by Bolkcom, a bill for an act relating to information required to be provided and published relative to state-funded health care programs.

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

[Senate File 2074](#), by Bolkcom and Connolly, a bill for an act relating to landlord disclosure requirements regarding the environmental status of rental property.

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

[Senate File 2075](#), by Dotzler, a bill for an act relating to the refund of unearned accident and health insurance premiums upon the death of the insured.

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