

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, FEBRUARY 4, 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

TWENTY-FOURTH CALENDAR DAY
FIFTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 4, 2004

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

Prayer was offered by Father Troy Richmond, Associate Pastor of St. Mary's and St. Patrick's Churches in Ottumwa and St. Mary Magdalen Church in Bloomfield, Iowa. He was the guest of Senator Kreiman.

The Journal of Tuesday, February 3, 2004, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:35 a.m. until 11:45 a.m.

RECONVENED

The Senate reconvened at 11:44 a.m., Senator Sievers presiding.

RECESS

On motion of Senator Veenstra, the Senate recessed at 11:45 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:02 p.m., President Pro Tempore Angelo presiding.

ADJOURNMENT

On motion of Senator Veenstra, the Senate adjourned at 1:03 p.m. until 8:30 a.m., Thursday, February 5, 2004.

APPENDIX

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on February 4, 2004, to investigate the appointment and reappointment of the following appointees:

AGRICULTURE

As a member of the Iowa Grain Indemnity Fund Board:

SANDY SIMPSON – Houser, Chair; Kibbie and Putney

ECONOMIC GROWTH

As members of the Economic Development Marketing Board:

DAVID BERNSTEIN – Rehberg, Chair; McKinley and Stewart
MARY CHAPMAN – Rehberg, Chair; McKinley and Stewart
TERI GOODMANN – Rehberg, Chair; McKinley and Stewart
CHRIS HARSHBARGER – Rehberg, Chair; McKinley and Stewart
CRAIG LANG – Rehberg, Chair; McKinley and Stewart
MARY O'KEEFE – Rehberg, Chair; McKinley and Stewart
GARY WELLS – Rehberg, Chair; McKinley and Stewart

As members of the Grow Iowa Values Board:

KATHY ALDEN – McKinley, Chair; Rehberg and Stewart
BONNIE BARNEY – McKinley, Chair; Rehberg and Stewart
MARY CHAPMAN – McKinley, Chair; Rehberg and Stewart
NANCY DUNKEL – McKinley, Chair; Rehberg and Stewart
JAMES HANCOCK – McKinley, Chair; Rehberg and Stewart
GERALD KIRKE – McKinley, Chair; Rehberg and Stewart
CRAIG LANG – McKinley, Chair; Rehberg and Stewart
JOHN LISLE – McKinley, Chair; Rehberg and Stewart
MARCIA NICHOLS – McKinley, Chair; Rehberg and Stewart
HENRY ROYER – McKinley, Chair; Rehberg and Stewart
TOBY SHINE – McKinley, Chair; Rehberg and Stewart

As a member of the Grow Iowa Values Review Commission:

HARVEY SIEGELMAN – McKinley, Chair; Ragan and Rehberg

As members of the Loan and Credit Guarantee Advisory Board:

ROBIN ANDERSON – Rehberg, Chair; Beall and McKinley
MARTHA JANE BELL – Rehberg, Chair; Beall and McKinley
JOSE LARACUENTE – Rehberg, Chair; Beall and McKinley
WILLIAM LOGAN – Rehberg, Chair; Beall and McKinley
DONNA SORENSEN – Rehberg, Chair; Beall and McKinley
JOHN STAVNES – Rehberg, Chair; Beall and McKinley
GARY STREIT – Rehberg, Chair; Beall and McKinley

EDUCATION

As a member of the State Board of Regents:

JENNY ROKES – Redfern, Chair; Boettger and Dvorsky

HUMAN RESOURCES

As a member of the Board of Athletic Training Examiners:

DANIEL MCGUIRE – Seymour, Chair; Behn and Hatch

As members of the Iowa Empowerment Board:

DARSHINI JAYAWARDENA – Hosch, Chair; Behn and Holveck
FLOYD WINTER – Hosch, Chair; Behn and Holveck

As a member of the Health Facilities Council:

SIDNEY SCOTT – Behn, Chair; Boettger and Hatch

As a member of the Council on Human Services:

ROBERTA YODER – Boettger, Chair; Horn and Tinsman

As a member of the Mental Health and Developmental Disabilities Commission:

PATRICIA PENNING – Tinsman, Chair; Kreiman and Schuerer

As a member of the Board of Physician Assistant Examiners:

PETER PETERSON – Seymour, Chair; Boettger and Ragan

As a member of the Prevention of Disabilities Policy Council:

CHRISTOPHER ATCHISON – Hosch, Chair; Holveck and Seymour

JUDICIARY

As members of the Criminal and Juvenile Justice Planning Advisory Council:

PAUL FITZGERALD – Horn, Chair; Brunkhorst and Tinsman
DANIEL HOEGER – Quirnbach, Chair; Boettger and Miller

LOCAL GOVERNMENT

As a member of the City Development Board:

JAY HOWE – Angelo, Chair; Kettering and Quirnbach

NATURAL RESOURCES AND ENVIRONMENT

As members of the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board:

DOUGLAS BEECH – Brunkhorst, Chair; Holveck and Miller
DELIA MEIER – Drake, Chair; Lundby and Seng

As a member of the Renewable Fuels and Coproducts Advisory Committee:

JOHN RYAN – Houser, Chair; Dearden and Kettering

STATE GOVERNMENT

As Administrator of the Division on the Status of African-Americans:

KIMBERLY BAXTER – Sievers, Chair; Black and Drake

As a member of the Commission on the Status of African-Americans:

MICHAEL BLACKWELL – Black, Chair; Johnson and Schuerer

As members of the Board of Trustees of the Iowa Cultural Trust:

WILLARD BOYD – Schuerer, Chair; Connolly and Shull
CATHERINE GALLAGHER – Connolly, Chair; Tinsman and Veenstra
MARY KELLY – Dearden, Chair; Shull and Zieman
KIM POAM LOGAN – Shull, Chair; Courtney and Johnson
HENRY NEUMAN – Tinsman, Chair; Ragan and Veenstra

As members of the Iowa Ethics and Campaign Disclosure Board:

JANET CARL – Zieman, Chair; Black and Sievers
GERALD SULLIVAN – Zieman, Chair; Courtney and Drake

As a member of the IowAccess Advisory Council:

MARY MALONEY – Courtney, Chair; Drake and Schuerer

As members of the Investment Board of IPERS:

LORIE BENNETT – Kibbie, Chair; Sievers and Ziemann
LANA DETTBARN – Kibbie, Chair; Sievers and Ziemann

As members of the Landscape Architectural Examining Board:

JACK LEAMAN – Drake, Chair; Dearden and Johnson
PAUL POPELKA – Johnson, Chair; Kibbie and Tinsman

As Administrator of the Division of Latino Affairs:

JOHN-PAUL CHAISSON-CARDENAS – Ziemann, Chair; Connolly and Sievers

As a member of the Board of Medical Examiners:

YASYN LEE – Ragan, Chair; Johnson and Shull

As a member of the Board of Mortuary Science Examiners:

PAUL JOHNSON – Connolly, Chair; Courtney and Drake

As a member of the Board of Psychology Examiners:

SANDRA DIRKS – Tinsman, Chair; Black and Johnson

As a member of the State Racing and Gaming Commission:

GERALD BAIR – Ziemann, Chair; Courtney and Sievers

WAYS AND MEANS

As a member of the Iowa Finance Authority:

DOUGLAS WALTER – Stewart, Chair; Angelo and Rehberg

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:

January 15, 2004

STATE APPEAL BOARD

General tort claims, highway tort claims, and settlements and judgments paid during 2003, pursuant to Iowa Code chapter 669.

Claims against the State of Iowa denied during May 2003 through January 2004.

February 4, 2004

DEPARTMENT OF PUBLIC HEALTH

Child Death Review Team Annual Report—notification that the report in electronic form is available online.

Outcomes Monitoring System Iowa Project Year Five Report—notification that the report in electronic form is available online.

CERTIFICATES OF RECOGNITION

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

Landon Lewellen, Stanton—For achieving the rank of Eagle Scout, Boy Scout Troop 45. Senator Angelo (1/11/04).

Agnes Slater, Bob Slater, Carla Timmerman, Brett Timmerman, and Drake Timmerman, Wapello—For being recognized as a five-generation family. Senator Courtney (2/16/04).

Michael Zimmerman, Stanton—For achieving the rank of Eagle Scout, Boy Scout Troop 45. Senator Angelo (1/11/04).

REPORTS OF COMMITTEE MEETINGS

GOVERNMENT OVERSIGHT

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

Members Present: Lundby, Chair; Brunkhorst, Vice Chair; Courtney, Ranking Member; Dvorsky, and Wieck.

Members Absent: None.

Committee Business: Discussion regarding effects of changes in property tax valuation, property tax credits, and available funding.

Adjourned: 4:05 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

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

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

Members Absent: None.

Committee Business: Presentation by Department of Management.

Adjourned: 4:15 p.m.

AGRICULTURE

Convened: February 4, 2004, 2:40 p.m.

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

Members Absent: Houser and Putney (both excused).

Committee Business: Presentation regarding modernizing of the veterinary diagnostic laboratory at ISU.

Adjourned: 3:00 p.m.

BUSINESS AND LABOR RELATIONS

Convened: February 4, 2004, 9:35 a.m.

Members Present: Schuerer, Chair; Lundby, Vice Chair; Dearden, Ranking Member; Courtney, Dotzler, Horn, Johnson, Kettering, McKibben, and Wieck.

Members Absent: Seymour (excused).

Committee Business: Discussion regarding [SSB 3031](#).

Adjourned: 9:50 a.m.

EDUCATION

Convened: January 4, 2004, 9:30 a.m.

Members Present: Boettger, Chair; McKinley, Vice Chair; Connolly, Ranking Member; Beall, Behn, Brunkhorst, Dvorsky, Hosch, Kreiman, Quirmbach, Redfern, and Rehberg.

Members Absent: Angelo, Holveck, and Iverson (all excused).

Committee Business: Presentation regarding the Praxis 11 tests and results.

Adjourned: 10:30 a.m.

STATE GOVERNMENT

Convened: February 4, 2004, 10:35 a.m.

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

Members Absent: Black, Courtney, and Lamberti (all excused).

Committee Business: Approved Governor's appointees and [SSB 3042](#).

Adjourned: 11:40 a.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 110](#), by Ragan, Stewart, Beall, Quirmbach, Bolcom, Kreiman, Hatch, Dotzler, Holveck, Courtney, Kibbie, Gronstal, Connolly, Dvorsky, Horn, Fraise, Dearden, McCoy, Seng, Warnstadt, and Black, a resolution to encourage the expansion of the Iowa priority prescription savings program.

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

INTRODUCTION OF BILLS

[Senate File 2076](#), by committee on Human Resources, a bill for an act providing for the elimination of an examination requirement as a prerequisite for being designated a registered dental assistant.

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

[Senate File 2077](#), by Dotzler, Redfern, Seng, Rehberg, Horn, McCoy, Brunkhorst, Shull, Gaskill, Putney, Dvorsky, Stewart, and Ragan, a bill for an act relating to the funding of efforts to alleviate a public health emergency or disaster.

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

[Senate File 2078](#), by committee on State Government, a bill for an act relating to public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the statewide fire and police retirement system, and providing effective and retroactive applicability dates.

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

[Senate File 2079](#), by Kreiman, a bill for an act establishing a surcharge for certain speeding violations, creating a speeding violation surcharge fund, and making an appropriation.

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

[Senate File 2080](#), by Horn, Kibbie, Fraise, McCoy, Beall, Ragan, Kreiman, Quirnbach, Courtney, Dearden, Hatch, Dotzler, Stewart, and Dvorsky, a bill for an act providing for a death benefit for soldiers who die in the line of duty and providing an effective date and retroactive applicability provision.

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

[Senate File 2081](#), by Kreiman, a bill for an act relating to the issuance of certified copies of death certificates.

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

STUDY BILL RECEIVED

[SSB 3052](#) **Judiciary**

Relating to various issues under the purview of the department of corrections including the creation of an inmate labor fund and establishing criminal offenses for certain interstate compact for adult offender supervision violations, and providing a penalty.

SUBCOMMITTEE ASSIGNMENTS

[Senate File 124](#) (Reassignment)

LOCAL GOVERNMENT: Houser, Chair; Hatch and Kettering

[Senate File 130](#)

LOCAL GOVERNMENT: Miller, Chair; Seymour and Stewart

[Senate File 177](#)

(Reassignment)

LOCAL GOVERNMENT: Rehberg, Chair; Kettering and Stewart

[Senate File 306](#)

(Reassignment)

LOCAL GOVERNMENT: Miller, Chair; Hatch and Kettering

[Senate File 356](#)

LOCAL GOVERNMENT: Houser, Chair; Kreiman and Miller

[Senate File 2060](#)

LOCAL GOVERNMENT: Rehberg, Chair; Seymour and Stewart

[Senate File 2067](#)

LOCAL GOVERNMENT: Miller, Chair; Hatch and Rehberg

[Senate File 2073](#)

HUMAN RESOURCES: Schuerer, Chair; Hosch and Tinsman

[House File 490](#)

LOCAL GOVERNMENT: Houser, Chair; Hosch and McCoy

[SSB 3052](#)

JUDICIARY: Redfern, Chair; Fraise and Miller

FINAL COMMITTEE REPORTS OF BILL ACTION

HUMAN RESOURCES

Bill Title: *[SENATE FILE 2076 \(SSB 3004\)](#), a bill for an act providing for the elimination of an examination requirement as a prerequisite for being designated a registered dental assistant.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Veenstra, Seymour, Ragan, Behn, Boettger, Hatch, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, 2: Holveck and Horn. Absent, none.

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 Human Resources Committee on [Senate File 2076](#), and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: [SENATE FILE 2078 \(SSB 3042\)](#), a bill for an act relating to public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the statewide fire and police retirement system, and providing effective and retroactive applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Zieman, Sievers, Kibbie, Connolly, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, and Veenstra. Nays, none. Absent, 3: Black, Courtney, and Lamberti.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.