

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, FEBRUARY 10, 2004

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JOURNAL OF THE SENATE

THIRTIETH CALENDAR DAY
EIGHTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 10, 2004

The Senate met in regular session at 8:35 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Dan Witkowski, pastor of St. John's Lutheran Church in Des Moines, Iowa. He was the guest of Senator McCoy.

The Journal of Monday, February 9, 2004, was approved.

SPECIAL GUESTS

Senator McKibben welcomed to the Senate chamber Ryan Huck, Matt Dahlke, Dex Walker, and families. Ryan, Matt, and Dex are members of the Marshalltown High School Swim Team. Matt and Dex saved Ryan's life after pulling him from the MHS pool and administering CPR after noticing Ryan lying unconscious on the bottom of the pool.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:39 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 8:42 a.m. until 11:45 a.m.

RECONVENED

The Senate reconvened at 11:47 a.m., Senator Gaskill presiding.

ADJOURNMENT

On motion of Senator Veenstra, the Senate adjourned at 11:50 a.m. until 8:30 a.m., Wednesday, February 11, 2004.

APPENDIX

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:

February 10, 2004

DEPARTMENT OF HUMAN RIGHTS

2004 Iowa Criminal and Juvenile Justice Plan—notification that the report in electronic form is available online.

CERTIFICATES OF RECOGNITION

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

Calvin Hennick, Iowa City—For finishing in 9th place in the William Randolph Hearst Foundation National Opinion Writing Competition for College Journalists. Senator Iverson (2/10/04).

Kimber Lockhart, Ames—For being named as Iowa's Top High School Youth Volunteer for 2004 in the Ninth Annual Prudential Spirit of Community Awards. Senator Quirmbach (2/3/04).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 4, 2004, 3:10 p.m.

Members Present: McKinley, Chair; Behn, Vice Chair; Dotzler, Ranking Member; and Quirmbach. (Putney present at the Monday, February 10 reconvened meeting.)

Members Absent: Putney (excused).

Committee Business: Presentation on Workforce Development on February 4 and presentation by Partnership for the Southwest Iowa Rural Entrepreneurial Center on February 10.

Recessed: 4:10 p.m.

Reconvened: February 10, 2004, 3:10 p.m.

Adjourned: 3:55 p.m.

JUDICIARY

Convened: February 9, 2004, 2:35 p.m.

Members Present: Redfern, Chair; Kettering, Vice Chair; Kreiman, Ranking Member; Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward.

Members Absent: None.

Committee Business: Passed SFs 2018, 2021, and 2027 and approved [SSB 3028](#) (all as amended).

Adjourned: 3:15 p.m.

ECONOMIC GROWTH

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

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

Members Absent: Veenstra (excused).

Committee Business: Presentation regarding the Grow Iowa Values Fund.

Adjourned: 11:25 a.m.

NATURAL RESOURCES AND ENVIRONMENT

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

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

Members Absent: Black and Zieman (both excused).

Committee Business: Approved Governor's appointee. Presentations by West Branch Middle School students and teacher, Terry Christiansen, on oil filter recycling and by Mary Gilcrest regarding the Iowa Hygienic Lab.

Adjourned: 11:40 a.m.

RULES AND ADMINISTRATION

Convened: February 10, 2004, 8:35 a.m.

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

Members Absent: None.

Committee Business: Approved [SR 109](#).

Adjourned: 8:40 a.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 111](#), by Boettger, a resolution recognizing nursing students and faculty.

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

INTRODUCTION OF BILLS

[Senate File 2100](#), by committee on Judiciary, a bill for an act establishing a child endangerment offense for permitting the presence of a child or minor at a location where a controlled substance manufacturing or possession violation occurs and providing a penalty.

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

[Senate File 2101](#), by committee on Judiciary a bill for an act relating to receiving a precursor substance or possessing a product to be used in the unlawful manufacture of a controlled substance.

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

[Senate File 2102](#), by committee on Judiciary, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

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

[Senate File 2103](#), by Warnstadt, a bill for an act relating to the authorization of an instant lottery game providing aid for veterans.

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

[Senate File 2104](#), by Warnstadt, Gronstal, Seymour, Wieck, and Houser, a bill for an act requiring a study of the feasibility of creating a state native prairie preserve in the loess hills.

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

[Senate File 2105](#), by Kibbie, Gronstal, Courtney, Holveck, Ragan, Dotzler, McCoy, Bolkcom, Hatch, Warnstadt, Quirmbach, Stewart, Dvorsky, Connolly, Horn, Fraise, Dearden, Kreiman, and Beall, a bill for an act relating to reductions in the standing appropriations to reimburse local jurisdictions for certain property tax credits and including effective and applicability date provisions.

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

[Senate File 2106](#), by committee on Judiciary, a bill for an act relating to the jurisdictional limit in small claims court, related fees, and providing effective dates.

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

STUDY BILLS RECEIVED

[SSB 3064](#) **Economic Growth**

Requiring special notice and review for any new administrative rules having a substantial impact on small business.

[SSB 3065](#) **Human Resources**

Relating to the development of the long-term care system in Iowa.

[SSB 3066](#) **Commerce**

Relating to identity theft, including protections against identity theft and the crime of identity theft, and providing penalties.

SSB 3067 Commerce

Relating to the operation of electrical and mechanical amusement devices by the chamber of commerce.

SSB 3068 Commerce

To permit a state bank to organize as a limited liability company.

SSB 3069 Commerce

Relating to fees charged for delayed redemption of electronic gift cards.

SSB 3070 Human Resources

Relating to the content of immunizations, and making a penalty applicable.

SUBCOMMITTEE ASSIGNMENTS**Senate Concurrent Resolution 103**

AGRICULTURE: Hosch, Chair; Johnson and Kibbie

Senate File 2056

COMMERCE: Schuerer, Chair; Behn and Warnstadt

Senate File 2058

COMMERCE: Schuerer, Chair; Behn and Bolkcom

Senate File 2072

COMMERCE: Schuerer, Chair; Bolkcom and Wieck

Senate File 2075

COMMERCE: Putney, Chair; Beall and Redfern

Senate File 2077

APPROPRIATIONS: Dotzler, Chair; Angelo and Tinsman

[Senate File 2083](#)

COMMERCE: Schuerer, Chair; Bolkcom and Wieck

[Senate File 2093](#)

HUMAN RESOURCES: Boettger, Chair; Ragan and Tinsman

[Senate File 2094](#)

HUMAN RESOURCES: McKinley, Chair; Holveck and Schuerer

[Senate File 2095](#)

HUMAN RESOURCES: Behn, Chair; Kreiman and Tinsman

[Senate File 2096](#)

LOCAL GOVERNMENT: Miller, Chair; Kreiman and Rehberg

[Senate File 2097](#)

LOCAL GOVERNMENT: Rehberg, Chair; Hatch and Houser

[SSB 3064](#)

ECONOMIC GROWTH: McKinley, Chair; Beall and Shull

[SSB 3065](#)

HUMAN RESOURCES: Tinsman, Chair; Ragan and Veenstra

[SSB 3066](#)

COMMERCE: Wieck, Chair; Bolkcom and Brunkhorst

[SSB 3067](#)

COMMERCE: Sievers, Chair; Beall and Kettering

[SSB 3068](#)

COMMERCE: Kettering, Chair; Putney and Stewart

[SSB 3069](#)

COMMERCE: Lundby, Chair; Redfern and Stewart

[SSB 3070](#)

HUMAN RESOURCES: Veenstra, Chair; Kreiman and McKinley

FINAL COMMITTEE REPORTS OF BILL ACTION

JUDICIARY

Bill Title: *[SENATE FILE 2100](#) (formerly [SF 2021](#)), a bill for an act establishing a child endangerment offense for permitting the presence of a child or minor at a location where a controlled substance manufacturing or possession violation occurs and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. 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 Judiciary Committee on [Senate File 2100](#), and they were attached to the committee report.

ALSO:

Bill Title: *[SENATE FILE 2101](#) (formerly [SF 2027](#)), a bill for an act relating to receiving a precursor substance or possessing a product to be used in the unlawful manufacture of a controlled substance.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. 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 Judiciary Committee on [Senate File 2101](#), and they were attached to the committee report.

ALSO:

Bill Title: [SENATE FILE 2102 \(SSB 3028\)](#), a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *[SENATE FILE 2106](#) (formerly [SF 2018](#)), a bill for an act relating to the jurisdictional limit in small claims court, related fees, and providing effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, McCoy, Miller, Quirnbach, Tinsman, and Ward. Nays, 3: Holveck, Horn, and McKibben. 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 Judiciary Committee on [Senate File 2106](#), and they were attached to the committee report.

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 109](#), a resolution declaring February 12, 2004, Marriage and Family Day.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEE PLACED ON EN BLOC CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

NATURAL RESOURCES AND ENVIRONMENT

Delia Meier – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board