

PROOF

STATE OF IOWA

Senate Journal

MONDAY, FEBRUARY 16, 2004

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JOURNAL OF THE SENATE

THIRTY-SIXTH CALENDAR DAY
TWENTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 16, 2004

The Senate met in regular session at 1:05 p.m., President Lamberti presiding.

Prayer was offered by Msgr. Larry Beeson, pastor of St. Peter and Paul Catholic Church in Atlantic, Iowa. He was the guest of Senator Boettger.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Pages Sarah Battani and Ashley Wilson.

The Journal of Thursday, February 12, 2004, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 12, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 2133](#), a bill for an act requiring the lottery authority to submit budget information to the legislature.

Read first time and **attached to companion** [Senate File 2057](#).

[House File 2134](#), a bill for an act relating to the medical assistance and state supplementary assistance programs, providing an effective date, and providing for retroactive applicability.

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

[House File 2138](#), a bill for an act relating to payment of legal expenses for indigent persons by the state public defender.

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

[House File 2146](#), a bill for an act making changes to sex offender registry requirements for persons convicted of incest against a dependent adult.

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

[House File 2149](#), a bill for an act relating to the prosecution of certain simple misdemeanors committed in a city located in two or more counties.

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

[House File 2150](#), 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 product possession violation occurs and providing a penalty.

Read first time and **attached to similar** [Senate File 2100](#).

[House File 2180](#), a bill for an act relating to filling the office of county attorney by appointment.

Read first time and **attached to companion** [Senate File 2092](#).

[House File 2187](#), 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 and **attached to companion** [Senate File 2076](#).

WITHDRAWN

Senator Iverson asked and received unanimous consent that [Senate Resolution 109](#) be **withdrawn** from further consideration of the Senate.

RECESS

On motion of Senator Iverson, the Senate recessed at 1:10 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:12 p.m., President Lamberti presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 1:17 p.m. until 4:30 p.m.

APPENDIX — 1**CERTIFICATE OF RECOGNITION**

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

Raymond and Lillian Lawson, Ames—For celebrating your 50th wedding anniversary. Senator Quirmbach (2/14/04).

PETITION

The following petition was presented and place on file:

From 300 residents of Black Hawk County favoring legislation requesting state legislators in 2004 meet their obligations to adequately fund Iowa public schools, even if it means a tax increase. Senator Dotzler.

REPORTS OF COMMITTEE MEETINGS**WAYS AND MEANS**

Convened: February 12, 2004, 10:05 a.m.

Members Present: McKibben, Chair; Shull, Vice Chair; Bolkcom, Ranking Member; Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirmbach, Rehberg, Seng, Sievers, Stewart, and Wieck.

Members Absent: None.

Committee Business: Approved [SSB 3001](#). Subcommittee assignments and presentation regarding Iowa income tax checkoffs.

Adjourned: 10:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 12, 2004, 3:10 p.m.

Members Present: Tinsman, Chair; Johnson, Vice Chair; Bolkcom, and Veenstra.

Members Absent: Hatch, Ranking Member (excused).

Committee Business: Presentation regarding the mental health redesign.

Adjourned: 4:05 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 12, 2004, 3:10 p.m.

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

Members Absent: Angelo, Vice Chair (excused).

Committee Business: Presentation regarding Department of Corrections.

Adjourned: 3:45 p.m.

RULES AND ADMINISTRATION

Convened: February 16, 2004, 1:05 p.m.

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

Members Absent: Gronstal, Ranking Member; and Courtney (both excused).

Committee Business: Approved [SJR 2007](#) and SRs 113 and 114.

Adjourned: 1:10 p.m.

INTRODUCTION OF BILLS

[Senate File 2118](#), by committee on Commerce, a bill for an act regarding public utility rights-of-way and providing an effective date.

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

[Senate File 2119](#), by committee on Commerce, a bill for an act relating to collateral required to be pledged by banks to the treasurer of state in order to secure the deposit of public moneys.

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

[Senate File 2120](#), by committee on Natural Resources and Environment, a bill for an act relating to the regulation of vessels by increasing certain vessel registration fees, increasing the registration period of vessels to three years, 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 **placed on calendar.**

[Senate File 2121](#), by committee on Ways and Means, a bill for an act exempting certain environmental test laboratory services from the state sales and use taxes.

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

STUDY BILLS RECEIVED

[SSB 3077](#) **Education**

Relating to education funding, providing for the establishment of the state percent of growth for purposes of the state school foundation program, providing for allocations for textbooks and supply acquisition, making appropriations and providing an applicability date.

[SSB 3078](#) **Human Resources**

Relating to the duties of the birth defects institute by providing for a work group to study stillbirths and renaming the institute.

[SSB 3079](#) **Business and Labor Relations**

Relating to occupational safety and health training and consultation services and employee and employer education.

[SSB 3080](#) **Business and Labor Relations**

Relating to the provision of workers' compensation benefits, to the release of information concerning such benefits, and to workers' compensation liability insurance.

[SSB 3081](#) **Commerce**

Conferring additional enforcement authority on the real estate commission, and providing penalties.

SSB 3082 Natural Resources and Environment

Directing the department of natural resources to conduct a study regarding the definition of the term "soil loss."

SUBCOMMITTEE ASSIGNMENTS**Senate Resolution 114**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate File 2114

NATURAL RESOURCES AND ENVIRONMENT: Johnson, Chair; Black and Kettering

SSB 3077

EDUCATION: Boettger, Chair; Angelo and Connolly

SSB 3078

HUMAN RESOURCES: Veenstra, Chair; Ragan and Seymour

SSB 3079

BUSINESS AND LABOR RELATIONS: Seymour, Chair; Courtney and Kettering

SSB 3080

BUSINESS AND LABOR RELATIONS: McKibben, Chair; Dearden and Lundby

SSB 3081

COMMERCE: Sievers, Chair; Beall and Kettering

SSB 3082

NATURAL RESOURCES AND ENVIRONMENT: Brunkhorst, Chair; Kibbie and Ziemann

FINAL COMMITTEE REPORTS OF BILL ACTION**COMMERCE**

Bill Title: *[SENATE FILE 2118 \(SSB 3021\)](#), a bill for an act regarding public utility rights-of-way and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Behn, Wieck, Warnstadt, Beall, Bolkcom, Brunkhorst, Kettering, Lundby, McCoy, Putney, Redfern, and Schuerer. Nays, none. Absent, 3: Gronstal, Sievers, and Stewart.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on [Senate File 2118](#), and they were attached to the committee report.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2119 \(SSB 3017\)](#), a bill for an act relating to collateral required to be pledged by banks to the treasurer of state in order to secure the deposit of public moneys.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Behn, Wieck, Warnstadt, Beall, Bolkcom, Brunkhorst, Kettering, Lundby, McCoy, Putney, Redfern, and Schuerer. Nays, none. Absent, 3: Gronstal, Sievers, and Stewart.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: *[SENATE FILE 2120](#) (formerly [SF 2048](#)), a bill for an act relating to the regulation of vessels by increasing certain vessel registration fees, increasing the registration period of vessels to three years, 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.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Houser, Johnson, Seng, Black, Bolkcom, Brunkhorst, Holveck, Kettering, Kibbie, Lundby, Miller, and Redfern. Nays, none. Absent, 3: Dearden, Drake, and Zieman.

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 Natural Resources and Environment Committee on [Senate File 2120](#), and they were attached to the committee report.

RULES AND ADMINISTRATION

Bill Title: [SENATE JOINT RESOLUTION 2007](#), a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Lamberti, Boettger, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 2: Gronstal and Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 113](#), a resolution honoring former Senator David O. Shaff.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Lamberti, Boettger, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 2: Gronstal and Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 114](#), a resolution honoring the nursing leaders at the University of Iowa Hospitals and Clinics upon their receipt of the Magnet Award for Nursing Excellence.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Lamberti, Boettger, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 2: Gronstal and Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: [SENATE FILE 2121 \(SSB 3001\)](#), a bill for an act exempting certain environmental test laboratory services from the state sales and use taxes.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: McKibben, Shull, Angelo, Dotzler, Hosch, McKinley, Miller, Putney, Rehberg, Sievers, and Wieck. Nays, 6: Bolkcom, Connolly, McCoy, Quirnbach, Seng, and Stewart. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 4:50 p.m., President Lamberti presiding.

INTRODUCTION OF BILLS

[Senate File 2122](#), by Lundby, a bill for an act relating to littering or placing debris on a public highway or state parkland, increasing fines, and establishing a fund.

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

[Senate File 2123](#), by Lundby, a bill for an act creating a new offense of aggressive driving, providing for instruction relating to the hazards of aggressive driving, and providing penalties and an effective date.

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

[Senate File 2124](#), by committee on Education, a bill for an act relating to education funding, providing for the establishment of the state percent of growth for purposes of the state school foundation program, providing for allocations for textbook and supply acquisition, making appropriations, and providing an applicability date.

Read first time and **placed on calendar**.

BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that [Senate File 2124](#) be referred from the Regular Calendar to the committee on **Appropriations**.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:52 p.m. until 8:30 a.m., Tuesday, February 17, 2004.

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

Convened: February 16, 2004, 5:05 p.m.

Members Present: Angelo, Chair; Lamberti, 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: Passed [SF 2124](#).

Adjourned: 5:35 p.m.

EDUCATION

Convened: February 16, 2004, 4:10 p.m.

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

Members Absent: Holveck and Ward (both excused).

Committee Business: Approved [SSB 3077](#) and Governor's appointee.

Adjourned: 4:35 p.m.

HUMAN RESOURCES

Convened: February 16, 2004, 3:10 p.m.

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

Members Absent: Holveck and Schuerer (both excused).

Committee Business: Approved Governor's appointees and presentation on Thimerosal.

Adjourned: 3:50 p.m.

SUBCOMMITTEE ASSIGNMENT

[Senate File 2124](#)

APPROPRIATIONS: Lamberti, Chair; Angelo and Connolly

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: [SENATE FILE 2124](#), a bill for an act relating to education funding, providing for the establishment of the state percent of growth for purposes of the state school foundation program, providing for allocations for textbook and supply acquisition, making appropriations, and providing an applicability date.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Angelo, Lamberti, Behn, Gaskill, Houser, McKibben, McKinley, Miller, Schuerer, Seymour, Shull, Sievers, Tinsman, Veenstra, and Zieman. Nays, 10: Dvorsky, Black, Bolkom, Connolly, Dotzler, Fraise, Hatch, Horn, Seng, and Warnstadt. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Bill Title: [SENATE FILE 2124 \(SSB 3077\)](#), a bill for an act relating to education funding, providing for the establishment of the state percent of growth for purposes of the state school foundation program, providing for allocations for textbook and supply acquisition, making appropriations, and providing an applicability date

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Boettger, McKinley, Angelo, Behn, Brunkhorst, Hosch, Redfern, and Rehberg. Nays, 5: Connolly, Beall, Dvorsky, Kreiman, and Quirnbach. Absent, 2: Holveck and Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENT FILED

[S-5007](#)

[S.F. 2070](#)

John P. Kibbie
John Putney
Keith A. Kreiman
Julie M. Hosch