

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, FEBRUARY 18, 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

THIRTY-EIGHTH CALENDAR DAY
TWENTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 18, 2004

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

Prayer was offered by the Reverend Jim Davis, pastor of the Zion Lutheran Church in Gowrie, Iowa. He was the guest of Senator Beall.

The Journal of Tuesday, February 17, 2004, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:36 a.m. until 11:45 a.m.

RECONVENED

The Senate reconvened at 11:46 a.m., President Pro Tempore Angelo presiding.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 17, 2004, **passed** the following bill in which the concurrence of the House was asked:

[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.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 11:49 a.m. until 8:30 a.m., Thursday, February 19, 2004.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Bill Delaney, Dubuque—For being inducted into the Dubuque area Labor Hall of Fame. Senator Connolly (1/31/04).

Shelby Duggan, Dubuque—For receiving the 2004 Prudential Spirit of Community Award. Senator Connolly (2/3/04).

Patti Edler, State Center—For receiving the Outstanding Iowa School Counselor Award. Senator McKibben (2/19/04).

Bill Herrig, Dubuque—For being inducted into the Dubuque area Labor Hall of Fame. Senator Connolly (1/31/04).

Pat Quinn, Dubuque—For being inducted into the Dubuque area Labor Hall of Fame. Senator Connolly (1/31/04).

Mr. and Mrs. Delmer Sanders, Eagle Grove—For celebrating your 60th wedding anniversary. Senator Iverson (2/19/04).

Rusty Shore, Albion—For rescuing a rural Albion family from their burning home. Senator McKibben (2/19/04).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: February 18, 2004, 3:05 p.m.

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

Members Absent: Sievers (excused).

Committee Business: Presentation by Dr. Harry Shooshan III regarding Qwest billing.

Adjourned: 4:00 p.m.

HUMAN RESOURCES

Convened: February 18, 2004, 2:10 p.m.

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

Members Absent: Schuerer and Tinsman (both excused).

Committee Business: Approved [SSB 3084](#) (as amended).

Adjourned: 2:20 p.m.

JUDICIARY

Convened: February 18, 2004, 9:35 a.m.

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

Members Absent: McKibben (excused).

Committee Business: Approved SSBs 3027, 3059, 3060, and 3061.

Adjourned: 10:15 a.m.

LOCAL GOVERNMENT

Convened: February 18, 2004, 10:35 a.m.

Members Present: Gaskill, Chair; Quirnbach, Ranking Member; Angelo, Hatch, Kettering, Kreiman, McCoy, Seymour, and Stewart.

Members Absent: Miller, Vice Chair; Hosch, Houser, and Rehberg (all excused).

Committee Business: Approved Governor's appointee and reviewed bills on the committee agenda.

Adjourned: 10:45 a.m.

STATE GOVERNMENT

Convened: February 18, 2004, 10:35 a.m.

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

Members Absent: None.

Committee Business: Approved [SSB 3063](#) and approved Governor's appointees.

Adjourned: 10:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 18, 2004, 12:05 p.m.

Members Present: McKinley, Chair; Dotzler, Ranking Member; Putney, and Quirmbach.

Members Absent: Behn, Vice Chair (excused).

Committee Business: Presentations by Public Employee Relations Board and departments of Workforce Development and Economic Development.

Adjourned: 1:05 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 18, 2004, 12:10 p.m.

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

Members Absent: None.

Committee Business: Presentation regarding programs and funding for the Department of Public Health.

Adjourned: 1:00 p.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 118](#), by Kibbie, Warnstadt, Tinsman, Zieman, Sievers, Veenstra, Johnson, Schuerer, Dearden, Ward, Ragan, Connolly, Drake, and Courtney, a resolution urging increased resources to ensure greater access to health care for veterans.

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

INTRODUCTION OF BILLS

[Senate File 2143](#), by committee on Natural Resources and Environment, 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 **placed on calendar**.

[Senate File 2144](#), by committee on Agriculture, a bill for an act relating to assessments imposed on cattle for purposes of promotion, education, and research, and providing an effective date.

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

[Senate File 2145](#), by committee on Judiciary, a bill for an act relating to raising an ineffective assistance of counsel claim against an attorney in a criminal case on appeal.

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

[Senate File 2146](#), by committee on Judiciary, a bill for an act providing for the establishment of a vaccination program for first responders, and providing an immediate effective date.

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

[Senate File 2147](#), by committee on Judiciary, a bill for an act relating to abandonment of a child as grounds for termination of parental rights.

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

[Senate File 2148](#), by committee on Judiciary, a bill for an act relating to the motor vehicle operating privileges of a person convicted of motor fuel theft from a retail dealer.

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

[Senate File 2149](#), by committee on State Government, a bill for an act relating to games of chance by authorizing certain bingo games and prizes for bingo and raffles.

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

STUDY BILLS RECEIVED

[SSB 3091](#) **Economic Growth**

Urging the Congress of the United States to enact the Housing Bond and Credit Modernization and Fairness Act.

[SSB 3092](#) **Commerce**

Requiring notification and safety precautions be taken prior to commencement of work in the vicinity of high-voltage lines, and providing for liability, penalties, and an effective date.

[SSB 3093](#) **Economic Growth**

Providing for negotiated rulemaking.

[SSB 3094](#) **Economic Growth**

Relating to the administration of the community attraction and tourism program.

[SSB 3095](#) **Economic Growth**

Relating to the commercialization of technology owned by a university under the control of the state board of regents.

[SSB 3096](#) **Economic Growth**

Relating to economic impact analyses of rules by requiring an analysis of adverse impacts on small businesses and by expanding the availability of regulatory analysis statements.

SSB 3097 State Government

Relating to the deposit and use of electronic transaction fees and providing an immediate effective date.

SSB 3098 Business and Labor Relations

Concerning private sector employee drug testing relating to authorized testing substances, confirmed positive test results, and testing procedures, and providing an effective date.

SSB 3099 Business and Labor Relations

Relating to the characterization of personal injuries for purposes of workers' compensation liability.

SSB 3100 Judiciary

Relating to the transfer and apportionment of district associate juvenile judges, and to the qualifications of magistrates.

SSB 3101 Ways and Means

Relating to the allocation of natural gas delivery taxes on delivery of natural gas to a new electric power generating peaking plant.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2132**

GOVERNMENT OVERSIGHT: Lundby, Chair; Courtney and Wieck

Senate File 2135

HUMAN RESOURCES: Schuerer, Chair; Kreiman and McKinley

Senate File 2139

HUMAN RESOURCES: Schuerer, Chair; Kreiman and McKinley

SSB 3091

ECONOMIC GROWTH: Rehberg, Chair; Boettger and Hatch

[SSB 3092](#)

COMMERCE: Wieck, Chair; Putney and Stewart

[SSB 3093](#)

ECONOMIC GROWTH: McKinley, Chair; Beall and Rehberg

[SSB 3094](#)

ECONOMIC GROWTH: Rehberg, Chair; Putney and Stewart

[SSB 3095](#)

ECONOMIC GROWTH: McKinley, Chair; Hatch and Shull

[SSB 3096](#)

ECONOMIC GROWTH: McKinley, Chair; Ragan and Rehberg

[SSB 3097](#)

STATE GOVERNMENT: Sievers, Chair; Connolly and Shull

[SSB 3098](#)

BUSINESS AND LABOR RELATIONS: Schuerer, Chair; Dearden and Wieck

[SSB 3099](#)

BUSINESS AND LABOR RELATIONS: Schuerer, Chair; Dearden and Johnson

[SSB 3100](#)

JUDICIARY: Redfern, Chair; Kreiman and McKibben

[SSB 3101](#)

WAYS AND MEANS: Wieck, Chair; Angelo and Dotzler

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: *[SENATE FILE 2144 \(SSB 3044\)](#), a bill for an act relating to assessments imposed on cattle for purposes of promotion, education, and research, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Johnson, Hosch, Fraise, Behn, Black, Courtney, Houser, Kibbie, Putney, Ragan, Seng, Veenstra, and Zieman. Nays, none. Absent, 2: Angelo and Gaskill.

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 Agriculture Committee on [Senate File 2144](#), and they were attached to the committee report.

JUDICIARY

Bill Title: [SENATE FILE 2145 \(SSB 3060\)](#), a bill for an act relating to raising an ineffective assistance of counsel claim against an attorney in a criminal case on appeal.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2146 \(SSB 3059\)](#), a bill for an act providing for the establishment of a vaccination program for first responders, and providing an immediate effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2147 \(SSB 3027\)](#), a bill for an act relating to abandonment of a child as grounds for termination of parental rights.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2148 \(SSB 3061\)](#), a bill for an act relating to the motor vehicle operating privileges of a person convicted of motor fuel theft from a retail dealer.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Horn, McCoy, Miller, Quirnbach, Tinsman, and Ward. Nays, 1: Holveck. Absent, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: *[SENATE FILE 2143](#) (formerly [SF 2040](#)), a bill for an act requiring certain children to wear personal flotation devices while aboard certain vessels and making a penalty applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Houser, Johnson, Seng, Black, Bolkcom, Brunkhorst, Dearden, Drake, Holveck, Kibbie, Lundby, Miller, and Zieman. Nays, none. Absent, 2: Kettering and Redfern.

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 2143](#), and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: *[SENATE FILE 2149 \(SSB 3063\)](#), a bill for an act relating to games of chance by authorizing certain bingo games and prizes for bingo and raffles.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Zieman, Sievers, Kibbie, Black, Connolly, Dearden, Johnson, Ragan, Shull, and Ward. Nays, 4: Drake, Schuerer, Tinsman, and Veenstra. Absent, 1: Courtney.

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 State Government Committee on [Senate File 2149](#), and they were attached to the committee report.

GOVERNOR'S APPOINTEES PLACED ON
EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

STATE GOVERNMENT

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

Michael Blackwell – Commission on the Status of African-Americans

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

Mary Maloney – IowAccess Advisory Council

Yasyn Lee – Board of Medical Examiners

Paul Johnson – Board of Mortuary Science Examiners