

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, FEBRUARY 19, 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-NINTH CALENDAR DAY
TWENTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 19, 2004

The Senate met in regular session at 8:31 a.m., President Pro Tempore Angelo presiding.

Prayer was offered by the Reverend Rusty Hedger, pastor of the Whiting Christian Church in Whiting, Iowa. He was the guest of Senator Seymour.

The Journal of Wednesday, February 18, 2004, was approved.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 114](#).

[Senate Resolution 114](#)

On motion of Senator Dvorsky, [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, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved the adoption of [Senate Resolution 114](#), which motion prevailed by a voice vote.

Senator Dvorsky introduced Donna Katen-Bahensky and Barbara J. Hannon who addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:49 a.m. until 1:00 p.m., Monday, February 23, 2004.

APPENDIX

CERTIFICATE OF RECOGNITION

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

Sarah Wickett, Humboldt—For being chosen for the Iowa Honor Band which will be performing at the Hancher Auditorium, University of Iowa. Senator Kibbie (2/20/04).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: February 18, 2004, 4:10 p.m.

Members Present: Angelo, Chair; Dvorsky, Ranking Member; Behn, Black, Bolkom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Veenstra, Warnstadt, and Zieman.

Members Absent: Lamberti, Vice Chair; Houser and Tinsman (all excused).

Committee Business: Passed [SF 2077](#) (as amended).

Adjourned: 4:25 p.m.

AGRICULTURE

Convened: February 19, 2004, 1:05 p.m.

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

Members Absent: Courtney, Houser, Putney, and Veenstra (all excused).

Committee Business: Subcommittee assignments.

Adjourned: 1:10 p.m.

ECONOMIC GROWTH

Convened: February 19, 2004, 2:00 p.m.

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

Members Absent: None.

Committee Business: Presentation by Dr. Lisa Lorenzen, Iowa State University Office of Biotechnology.

Adjourned: 2:45 p.m.

JUDICIARY

Convened: February 19, 2004, 11:00 a.m.

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

Members Absent: Horn (excused).

Committee Business: Approved SSBs 3025, 3049, and 3058.

Adjourned: 11:45 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 19, 2004, 2:05 p.m.

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

Members Absent: None.

Committee Business: Approved [SSB 3102](#) (as amended).

Adjourned: 2:35 p.m.

STATE GOVERNMENT

Convened: February 19, 2004, 3:10 p.m.

Members Present: Zieman, Chair; Kibbie, Ranking Member; Black, Dearden, Johnson, Ragan, Tinsman, Veenstra, and Ward.

Members Absent: Sievers, Vice Chair; Connolly, Courtney, Drake, Schuerer, and Shull (all excused).

Committee Business: Approved Governor's appointees.

Adjourned: 3:20 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 19, 2004, 12:00 p.m.

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

Members Absent: Veenstra (excused).

Committee Business: Presentation regarding Veterans Affairs Commission and review of the Healthy Iowans Tobacco Trust funding.

Adjourned: 1:00 p.m.

INTRODUCTION OF RESOLUTIONS

[Senate Joint Resolution 2009](#), by Iverson, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the 2004 Annual Meeting of the MidAmerican Chapter of the American Association of Law Librarians.

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

[Senate Concurrent Resolution 105](#), by Connolly, Dvorsky, Quirnbach, Kreiman, Black, Stewart, Warnstadt, Bolkcom, Dotzler, Ragan, Seng, Holveck, Courtney, Gronstal, Kibbie, Fraise, Horn, Dearden, Beall, Hatch, and McCoy, a concurrent resolution encouraging the Congress of the United States to amend the No Child Left Behind Act of 2001 immediately to include a mechanism for an automatic waiver from its provisions for school accountability for states such as Iowa that have successfully increased student achievement through their own student achievement and teacher quality measures and accountability reforms.

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

INTRODUCTION OF BILLS

[Senate File 2150](#), by committee on Human Resources, a bill for an act providing for termination of parental rights of a parent convicted of felony physical or sexual abuse of a child in the parent's or child's household.

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

[Senate File 2151](#), by Warnstadt, Kreiman, Quirmbach, Beall, Stewart, Dvorsky, Connolly, Gronstal, Kibbie, Black, Courtney, Holveck, Ragan, Dotzler, and Seng, a bill for an act relating to the amount of weighting assigned to certain students.

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

[Senate File 2152](#), by Kreiman, a bill for an act relating to the installation and use of energy-efficient heating and cooling systems.

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

[Senate File 2153](#), by committee on Appropriations, 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 **placed on Appropriations calendar**.

[Senate File 2154](#), by committee on Judiciary, a bill for an act relating to parties to whom traffic citations are issued for failure to obey school bus warning devices.

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

[Senate File 2155](#), by committee on Judiciary, a bill for an act relating to safe deposit box access by a trustee of a trust created by the deceased owner or lessee of the safe deposit box.

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

[Senate File 2156](#), by Kibbie, a bill for an act relating to a tax credit for pollution-control and recycling property connected to property used for the care and feeding of livestock.

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

STUDY BILLS RECEIVED

[SSB 3102](#) **Natural Resources and Environment**

Relating to the use of motor vehicle fuel, by providing for gasoline and ethanol blended gasoline, by providing for taxation, and by providing for ethanol incentive programs.

[SSB 3103](#) **Agriculture**

Relating to setback distance requirements that apply to residences which are constructed in proximity to animal feeding operation structures and making penalties applicable.

[SSB 3104](#) **Government Oversight**

Transferring responsibilities for the administration and enforcement of responsibilities relating to fertilizers and pesticides from the department of agriculture and land stewardship to the department of natural resources, and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS

[Senate Joint Resolution 2008](#)

EDUCATION: Rehberg, Chair; Brunkhorst and Kreiman

[Senate Resolution 115](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[Senate Resolution 116](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[Senate Resolution 117](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[Senate File 2091](#)

TRANSPORTATION: Drake, Chair; Dearden and Houser

[Senate File 2123](#)

TRANSPORTATION: Drake, Chair; Dearden and Shull

[Senate File 2125](#)

JUDICIARY: Brunkhorst, Chair; Quirnbach and Ward

[Senate File 2126](#)

EDUCATION: McKinley, Chair; Dvorsky and Rehberg

[Senate File 2127](#)

EDUCATION: McKinley, Chair; Dvorsky and Rehberg

[Senate File 2128](#)

JUDICIARY: Gaskill, Chair; Fraise and Ward

[Senate File 2129](#)

EDUCATION: Ward, Chair; Boettger and Connolly

[Senate File 2133](#)

EDUCATION: Angelo, Chair; Beall and Behn

[Senate File 2134](#)

TRANSPORTATION: Drake, Chair; Dearden and Ward

[Senate File 2136](#)

EDUCATION: Rehberg, Chair; Behn and Kreiman

[Senate File 2137](#)

JUDICIARY: Redfern, Chair; Holveck and McKibben

[Senate File 2138](#)

AGRICULTURE: Putney, Chair; Fraise and Johnson

[Senate File 2140](#)

JUDICIARY: Boettger, Chair; Horn and Miller

[Senate File 2142](#)

EDUCATION: Redfern, Chair; Dvorsky and Hosch

[House File 2138](#)

JUDICIARY: Ward, Chair; Kreiman and Miller

[House File 2146](#)

JUDICIARY: Boettger, Chair; Kreiman and Tinsman

[House File 2149](#)

JUDICIARY: Ward, Chair; Fraise and Tinsman

[SSB 3102](#)

NATURAL RESOURCES AND ENVIRONMENT: Houser, Chair; Johnson and Kibbie

[SSB 3103](#)

AGRICULTURE: Zieman, Chair; Ragan and Veenstra

[SSB 3104](#)

GOVERNMENT OVERSIGHT: Lundby, Chair; Brunkhorst and Dvorsky

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: *[SENATE FILE 2153](#) (formerly [SF 2077](#)), a bill for an act relating to the funding of efforts to alleviate a public health emergency or disaster.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 22: Angelo, Dvorsky, Behn, Black, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Veenstra, Warnstadt, and Zieman. Nays, none. Absent, 3: Lamberti, Houser, and Tinsman.

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 Appropriations Committee on [Senate File 2153](#), and they were attached to the committee report.

HUMAN RESOURCES

Bill Title: *[SENATE FILE 2150 \(SSB 3084\)](#), a bill for an act providing for termination of parental rights of a parent convicted of felony physical or sexual abuse of a child in the parent's or child's household.

Recommendation: APPROVED COMMITTEE BILL.

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

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 2150](#), and they were attached to the committee report.

JUDICIARY

Bill Title: [SENATE FILE 2154 \(SSB 3058\)](#), a bill for an act relating to parties to whom traffic citations are issued for failure to obey school bus warning devices.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Gaskill, McKibben, Tinsman, and Ward. Nays, 3: Holveck, McCoy, and Quirnbach. Present, 2: Fraise and Miller. Absent, 1: Horn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *[SENATE FILE 2155 \(SSB 3025\)](#), a bill for an act relating to safe deposit box access by a trustee of a trust created by the deceased owner or lessee of the safe deposit box.

Recommendation: APPROVED COMMITTEE BILL.

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

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 2155](#), 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:

LOCAL GOVERNMENT

Jay Howe – City Development Board

STATE GOVERNMENT

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

Paul Popelka – Landscape Architectural Examining Board

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

Sandra Dirks – Board of Psychology Examiners

Gerald Bair – State Racing and Gaming Commission

AMENDMENTS FILED

<u>S-5014</u>	<u>H.F. 2150</u>	Larry McKibben
<u>S-5015</u>	<u>S.F. 2100</u>	Larry McKibben