

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, FEBRUARY 18, 2003

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JOURNAL OF THE SENATE

THIRTY-SEVENTH CALENDAR DAY
TWENTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 18, 2003

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

Prayer was offered by the Reverend Herb Shafer, pastor of the First United Methodist Church in Clinton, Iowa. He was the guest of Senators Sievers and Stewart.

The Journal of Monday, February 17, 2003, was approved.

BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that [Senate File 150](#) be referred from the Regular Calendar to the committee on **State Government**.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:38 a.m. until 11:45 a.m.

RECONVENED

The Senate reconvened at 11:49 a.m., President Pro Tempore Angelo presiding.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 11:55 a.m. until 8:30 a.m. Wednesday, February 19, 2003.

APPENDIX**COMMUNICATION RECEIVED**

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

February 17, 2003

DEPARTMENT OF HUMAN RIGHTS

Iowa Criminal and Juvenile Justice Plan 2003 Update — notification that the report in electronic form is available online.

CERTIFICATES OF RECOGNITION

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

Iva French, Nevada — For celebrating your 103rd birthday on February 14, 2003. Senator Iverson (2/18/03).

Kenneth and Norma Hill, Dows — For celebrating your 50th wedding anniversary on February 18, 2003. Senator Iverson (2/18/03).

Brad Klug, Fort Dodge — For being elected President of the Coalition of Family and Children's Services. Senator Beall (2/18/03).

Agnes Sybesma, Orange City — For celebrating your 90th birthday on February 7, 2003. Senator Veenstra (2/18/03).

REPORTS OF COMMITTEE MEETINGS**AGRICULTURE**

Convened: February 17, 2003, 4:05 p.m.

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

Members Absent: Black, Gaskill, and Johnson (all excused).

Committee Business: Approved Governor's appointee and approved [SSB 1065](#).

Adjourned: 4:15 p.m.

EDUCATION

Convened: February 17, 2003, 3:10 p.m.

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

Members Absent: Holveck (excused).

Committee Business: Presentation by Superintendent of Des Moines Public Schools.

Adjourned: 4:00 p.m.

ECONOMIC GROWTH

Convened: February 18, 2003, 2:00 p.m.

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

Members Absent: Larson, Ragan, and Veenstra (all excused).

Committee Business: Approved Governor's appointees and presentations by representatives of the University of Iowa.

Adjourned: 3:10 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 18, 2003, 2:05 p.m.

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

Members Absent: None.

Committee Business: Presentation regarding the use of natural resources for economic growth.

Adjourned: 2:50 p.m.

STATE GOVERNMENT

Convened: February 18, 2003, 10:35 a.m.

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

Members Absent: None.

Committee Business: Passed SFs 63 and 94 and approved Governor's appointees. Presentation regarding the Iowa Veterans' Home.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 18, 2003, 3:20 p.m.

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

Members Absent: Rehberg (excused).

Committee Business: Budget presentations by State Auditor's Office, Department of Inspections and Appeals, and State Racing and Gaming Commission.

Adjourned: 3:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: February 18, 2003, 3:00 p.m.

Members Present: McKibben, Chair; Warnstadt, Ranking Member; Beall and Kettering.

Members Absent: Lamberti, Vice Chair (excused).

Committee Business: Presentations regarding the Iowa State Fair Authority and by representatives for the Iowa Project and the Pooled Technology Account.

Adjourned: 3:50 p.m.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 5, by committee on Agriculture, a concurrent resolution requesting that the United States Congress take all action required to preserve free and private enterprise, prevent monopoly, and protect consumers including by immediately enacting legislation to prohibit livestock packers from owning, controlling, or feeding livestock to such an extent that producers can no longer materially participate in the management of their livestock operations as provided in Senate Bill 27 introduced by the Honorable Senator Charles E. Grassley and cosponsored by the Honorable Senator Tom Harkin and others.

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

INTRODUCTION OF BILLS

[Senate File 157](#), by Tinsman, a bill for an act providing for the establishment of a regional academy pilot program.

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

[Senate File 158](#), by Johnson, a bill for an act prohibiting the state board of regents or a school corporation from competing with private enterprise in regard to the sale of durable medical equipment and medical services.

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

[Senate File 159](#), by Schuerer, a bill for an act abolishing the targeted small business financial assistance program.

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

[Senate File 160](#), by Warnstadt, a bill for an act authorizing the district court to waive the requirement that the state or any of its political subdivisions file a supersedeas bond upon appeal to the Iowa supreme court.

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

[Senate File 161](#), by Warnstadt, a bill for an act establishing a pilot project to waive restrictions on placement of traffic devices within cities.

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

[Senate File 162](#), by Black, Miller, and Kreiman, a bill for an act designating highway 2 as the second infantry division highway.

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

[Senate File 163](#), by Hatch, Dvorsky, Bolcom, and Holveck, a bill for an act relating to the private sale or transfer of firearms between unlicensed persons and providing penalties.

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

[Senate File 164](#), by Rehberg and Hosch, a bill for an act relating to fire fighter preparedness by creating a fire fighter preparedness fund, providing a voluntary checkoff for fire fighter preparedness, establishing requirements of the county treasurer, and making an appropriation.

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

[Senate File 165](#), by McKibben, a bill for an act relating to the state individual income tax by imposing a single rate tax and including an effective and applicability date provision.

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

[Senate File 166](#), by Schuerer, a bill for an act designating advanced registered nurse practitioners as providers of health care services pursuant to managed care or prepaid services contracts under the medical assistance program.

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

[Senate File 167](#), by Warnstadt, a bill for an act relating to the distribution to a city or county of state sales tax collected at events sponsored by a private entity and the city or county and making an appropriation.

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

STUDY BILLS RECEIVED

SSB 1073 Government Oversight

Relating to the regulation of adult day services and assisted living programs, providing an appropriation and penalties, and providing a contingent effective date.

SSB 1074 Government Oversight

Relating to life science enterprises by providing for financing, and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 4

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate Resolution 12

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate Resolution 13

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate File 114

TRANSPORTATION: Drake, Chair; McCoy and Putney

Senate File 124

LOCAL GOVERNMENT: Houser, Chair; Hatch and Wieck

Senate File 125

TRANSPORTATION: Drake, Chair; Fraise and Putney

Senate File 126

TRANSPORTATION: Drake, Chair; Putney and Warnstadt

Senate File 129

STATE GOVERNMENT: Sievers, Chair; Courtney and Zieman

[Senate File 131](#)

TRANSPORTATION: Putney, Chair; Fraise and Shull

[Senate File 137](#)

WAYS AND MEANS: Seng, Chair; Angelo and Hosch

[Senate File 140](#)

STATE GOVERNMENT: Kibbie, Chair; Drake and Tinsman

[Senate File 142](#)

LOCAL GOVERNMENT: Miller, Chair; Quirnbach and Rehberg

[Senate File 144](#)

WAYS AND MEANS: Miller, Chair; Dotzler and Hosch

[Senate File 146](#)

WAYS AND MEANS: Shull, Chair; Larson and Quirnbach

[Senate File 147](#)

AGRICULTURE: Johnson, Chair; Houser and Ragan

[Senate File 148](#)

EDUCATION: Brunkhorst, Chair; Connolly and Larson

[Senate File 150](#)

STATE GOVERNMENT: Schuerer, Chair; Connolly and Zieman

[Senate File 152](#)

LOCAL GOVERNMENT: Quirnbach, Chair; Gaskill and Houser

[Senate File 153](#)

TRANSPORTATION: Rehberg, Chair; Fraise and Zieman

[Senate File 156](#)

STATE GOVERNMENT: Sievers, Chair; Connolly and Tinsman

[SSB 1073](#)

GOVERNMENT OVERSIGHT: Lundby, Chair; Courtney and Wieck

[SSB 1074](#)

GOVERNMENT OVERSIGHT: Lundby, Chair; Dvorsky and Wieck

COMMITTEE REPORTS

AGRICULTURE

Final Bill Action: [SENATE CONCURRENT RESOLUTION 5 \(SSB 1065\)](#), a concurrent resolution requesting that the United States Congress take all action required to preserve free and private enterprise, prevent monopoly, and protect consumers including by immediately enacting legislation to prohibit livestock packers from owning, controlling, or feeding livestock to such an extent that producers can no longer materially participate in the management of their livestock operations as provided in Senate Bill 27 introduced by the Honorable Senator Charles E. Grassley and cosponsored by the Honorable Senator Tom Harkin and others.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Behn, Hosch, Fraise, Angelo, Courtney, Houser, Kibbie, Putney, Ragan, Seng, Veenstra, and Zieman. Nays, none. Absent, 3: Black, Gaskill, and Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: [SENATE FILE 63](#), a bill for an act relating to the use of sick leave by certain members of the Iowa department of public safety peace officers' retirement, accident, and disability system who are temporarily incapacitated for duty.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Lamberti, Ragan, Schuerer, Shull, Tinsman, and Veenstra. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [SENATE FILE 94](#), a bill for an act providing for the confidentiality of certain veterans' records maintained by county recorders.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Lamberti, Ragan, Schuerer, Shull, Tinsman, and Veenstra. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: *[SENATE FILE 127](#), a bill for an act establishing a special breast cancer awareness motor vehicle registration plate and appropriating fees from such plates for breast cancer screening.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3009](#).

Final Vote: Ayes, 13: Drake, Putney, McCoy, Beall, Dearden, Fraise, Houser, Johnson, Kettering, Rehberg, Shull, Warnstadt, and Ziemann. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Transportation Committee on [Senate File 127](#), 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 recommendation for confirmation:

AGRICULTURE

Todd Scott – State Soil Conservation Committee

ECONOMIC GROWTH

Eugene Blanshan – Iowa Capital Investment Board
Burt Chojnowski – Iowa Capital Investment Board
Gordon Neumann – Iowa Capital Investment Board

STATE GOVERNMENT

Lyle TeKippe – Engineering and Land Surveying Examining Board

Sheila Castaneda – IowAccess Advisory Council

Helen McNurlen – Board of Physical and Occupational Therapy Examiners

Patsy Hastings – Board of Podiatry Examiners

Kathryne Cutler – State Racing and Gaming Commission

Joyce Jarding – State Racing and Gaming Commission

Barbara Leestamper – Real Estate Appraiser Examining Board

Ellen Kroc – Iowa Board of Veterinary Medicine

AMENDMENT FILED

S-3009

S.F. 127

Transportation