

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, FEBRUARY 19, 2003

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JOURNAL OF THE SENATE

THIRTY-EIGHTH CALENDAR DAY
TWENTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 19, 2003

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

Prayer was offered by the Reverend Jim Wakelin, pastor of the Christian Church in Bloomfield, Iowa. He was the guest of Senator Kreiman.

The Journal of Tuesday, February 18, 2003, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 18, 2003, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Joint Resolution 3, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the qualification of electors.

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

ALSO: That the House has on February 18, 2003, **passed** the following bill in which the concurrence of the Senate is asked:

House File 175, a bill for an act relating to the use of physical plant and equipment levy revenue, and providing an effective date.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Behn, until he arrives, on request of Senator Iverson.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 97](#).

[Senate File 97](#)

On motion of Senator Drake, [Senate File 97](#), a bill for an act relating to highway, aviation, motor vehicle transportation and public transit, including regulation of junkyards along highways and placement of political signs, elimination of the aviation hangar revolving loan fund, applications for certificates of title by motor vehicle dealers, fees charged for driver's licenses and nonoperator's identification cards and making an appropriation, security interests in motor vehicles, charges financed in a motor vehicle retail installment transaction, confidentiality of motor vehicle accident reports, requirements for motor carrier safety rules, exemptions for certain motor vehicle operators from motor carrier safety rules and hazardous materials transportation regulations, load limits for vehicles transporting construction machinery, urban public transit funding, and tariffs charged by motor carriers of household goods, and including effective and retroactive applicability date provisions, was taken up for consideration.

The Senate stood at ease at 8:40 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:05 a.m., President Kramer presiding.

Senator Drake asked and received unanimous consent to withdraw amendment [S-3010](#), filed by Senators Drake, Warnstadt, and Putney from the floor to pages 5 and 12 of the bill.

Senator Drake offered amendment [S-3012](#), filed by Senators Drake, Warnstadt, and Putney from the floor to pages 5 and 12 of the bill, and moved its adoption.

Amendment [S-3012](#) was adopted by a voice vote.

Senator Kreiman offered amendment [S-3013](#), filed by him from the floor to pages 5, 11, and to the title page of the bill, and moved its adoption.

Amendment [S-3013](#) lost by a voice vote.

Senator Drake offered amendment [S-3008](#), filed by Senators Drake and Warnstadt on February 12, 2003, to pages 5, 6, and 11 of the bill, and moved its adoption.

Amendment [S-3008](#) was adopted by a voice vote.

Senator Connolly asked and received unanimous consent to withdraw amendment [S-3011](#), filed by him from the floor to page 10 and to the title page of the bill.

Senator Holveck offered amendment [S-3014](#), filed by Senators Holveck and Quirnbach from the floor to page 1 and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-3014](#) be adopted?" ([S.F. 97](#)), the vote was:

Yeas, 7:

Beall	Dotzler	Holveck	Ragan
Connolly	Hatch	Quirnbach	

Nays, 42:

Angelo	Gronstal	Larson	Seymour
Black	Horn	Lundby	Shull
Boettger	Hosch	McCoy	Sievers
Bolkcom	Houser	McKibben	Stewart
Brunkhorst	Iverson	McKinley	Tinsman
Courtney	Johnson	Miller	Veenstra

Dearden	Kettering	Putney	Warnstadt
Drake	Kibbie	Redfern	Wieck
Dvorsky	Kramer	Rehberg	Zieman
Fraise	Kreiman	Schuerer	
Gaskill	Lamberti	Seng	

Absent, 1:

Behn

Amendment [S-3014](#) lost.

Senator Quirnbach offered amendment [S-3015](#), filed by him from the floor to page 10 of the bill, and moved its adoption.

Amendment [S-3015](#) lost by a voice vote.

Senator Drake moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 97](#)), the vote was:

Yeas, 45:

Angelo	Fraise	Lundby	Seymour
Beall	Gaskill	McCoy	Shull
Behn	Gronstal	McKibben	Sievers
Black	Hosch	McKinley	Stewart
Boettger	Houser	Miller	Tinsman
Bolkcom	Iverson	Putney	Veenstra
Brunkhorst	Johnson	Quirnbach	Warnstadt
Connolly	Kettering	Ragan	Wieck
Dearden	Kibbie	Redfern	Zieman
Dotzler	Kramer	Rehberg	
Drake	Lamberti	Schuerer	
Dvorsky	Larson	Seng	

Nays, 4:

Courtney	Hatch	Holveck	Horn
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Absent, 1:

Kreiman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [Senate File 97](#) be **immediately messaged** to the House.

BILL REASSIGNED TO COMMITTEE

Senator Iverson asked and received unanimous consent that [Senate File 132](#) be reassigned from the committee on Government Oversight to the committee on **Human Resources**.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 10:41 a.m. until 8:30 a.m. Thursday, February 20, 2003.

APPENDIX**CERTIFICATES OF RECOGNITION**

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

Orville and Joann Hammitt, Lehigh — For celebrating your 50th wedding anniversary on February 1, 2003. Senator Iverson (2/19/03).

Michelle Wright, London, England — In recognition of her return to the Iowa Senate. Senator Beall (2/19/03).

Marian Weis, Bellevue — For celebrating your 80th birthday on February 21, 2003. Senator Stewart (2/19/03).

REPORTS OF COMMITTEE MEETINGS**GOVERNMENT OVERSIGHT**

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

Members Present: Lundby, Chair; Brunkhorst, Vice Chair; Courtney, Ranking Member; Dvorsky and Wieck.

Members Absent: None.

Committee Business: Discussion regarding the Senior Living Trust Fund.

Adjourned: 3:25 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 18, 2003, 3:10 p.m.

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

Members Absent: None.

Committee Business: Presentations by Department of Human Services service area managers and coordinators.

Adjourned: 5:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 18, 2003, 3:15 p.m.

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

Members Absent: None.

Committee Business: Presentations by Attorney General's Office and Civil Rights Commission.

Adjourned: 4:45 p.m.

BUSINESS AND LABOR RELATIONS

Convened: February 19, 2003, 10:50 a.m.

Members Present: Schuerer, Chair; Lundby, Vice Chair; Dearden, Ranking Member; Courtney, Dotzler, Horn, Johnson, Kettering, McKibben, Seymour, and Wieck.

Members Absent: None.

Committee Business: Discussed upcoming committee agenda.

Adjourned: 10:55 a.m.

EDUCATION

Convened: February 19, 2003, 10:45 a.m.

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

Members Absent: None.

Committee Business: Passed SFs 5 and 31.

Adjourned: 11:35 a.m.

JUDICIARY

Convened: February 19, 2003, 11:40 a.m.

Members Present: Redfern, Chair; Larson, Vice Chair; Kreiman, Ranking Member; Boettger, Fraise, Holveck, Horn, Kettering, McCoy, McKibben, Putney, Quirnbach, and Tinsman.

Members Absent: Lamberti and Miller (both excused).

Committee Business: Presentation by Correctional Services Study Group.

Adjourned: 12:45p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 19, 2003, 3:05 p.m.

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

Members Absent: None.

Committee Business: Presentations by Office of Treasurer of State, Department of Management, and Department of Commerce.

Adjourned: 3:50 p.m.

INTRODUCTION OF BILLS

Senate File 168, by Kibbie, a bill for an act requiring submission of rejected state claims to the general assembly's appropriations committees.

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

Senate File 169, by Angelo, a bill for an act relating to the conduct and licensure of school employees by creating a criminal offense of sexual exploitation by a school employee, providing a penalty, authorizing the board of educational examiners to perform record checks at the applicant's expense, and requiring school districts and schools to report practitioner misconduct under certain circumstances.

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

Senate File 170, by Lundby, Hatch, Dotzler, Dvorsky, Bolkom, Black, Ragan, Kibbie, Seng, Dearden, Courtney, Kreiman, Beall, Quirnbach, Holveck, and Tinsman, a bill for an act creating a housing trust fund and making an appropriation.

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

[Senate File 171](#), by Tinsman, Schuerer, Hosch, Putney, Sievers, Houser, Wieck, Brunkhorst, Seymour, Angelo, Veenstra, Boettger, Iverson, Drake, Ziemann, Gaskill, Behn, Rehberg, McKinley, and Kettering, a bill for an act establishing a limitation on the recovery of punitive or exemplary damages in a civil case.

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

[Senate File 172](#), by committee on Education, a bill for an act relating to the establishment of a public charter school pilot program and providing effective and applicability dates.

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

[Senate File 173](#), by committee on Education, a bill for an act authorizing school districts to deduct and pay fees for membership in not-for-profit professional education associations.

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

STUDY BILLS RECEIVED

[SSB 1075](#) **Local Government**

Relating to conflicts of interest in public contracts.

[SSB 1076](#) **Judiciary**

Relating to public assistance benefits received by persons who were not entitled or eligible to receive the benefits, providing criminal and civil penalties, and appropriating certain penalties received.

[SSB 1077](#) **Judiciary**

Relating to nonprofit corporations and providing penalties and effective and applicability dates.

SSB 1078 Judiciary

Relating to the uniform principal and income Act and a trustee's power to adjust between income and principal.

SSB 1079 Judiciary

Relating to intelligence data and intelligence assessment dissemination to an agency, organization, or person.

SSB 1080 Judiciary

Providing for the performance of criminal background investigations and the submission of arrest information with regard to specified individuals employed by the state in an electronic information systems capacity.

SSB 1081 Natural Resources and Environment

Relating to fees charged to certain private water supply contractors, establishing a private water supply system account within the water quality protection fund, and appropriating moneys in the account.

SSB 1082 Natural Resources and Environment

Relating to the use of certain motorboats on lake Macbride and providing an effective date.

SSB 1083 State Government

Relating to professional licensing boards by providing for the updating of continuing education and regulatory requirements to include specified licensing boards, authorizing specified licensing boards to obtain criminal history data relating to applicants for licensure and licensees, and authorizing the collection of fees for related costs.

SSB 1084 State Government

Providing for licensure requirements relating to the practice of athletic training and increasing a penalty.

SSB 1085 State Government

Relating to the use of titles pertaining to physical therapy and providing a penalty.

SSB 1086 Business and Labor Relations

Relating to food establishment licensing and training procedures, and establishing fees.

SSB 1087 Natural Resources and Environment

Relating to the registration of hunting outfitters or hunting guides and providing a penalty.

SSB 1088 Natural Resources and Environment

Providing that revenues deposited in the state conservation fund are temporarily exempt from reversion and providing an effective date.

SSB 1089 Appropriations

Relating to state financial obligations by making supplemental appropriations for property tax replacement claims and elderly and disabled tax credit reimbursement, providing for the application of debt service proceeds from tobacco settlement authority bonds, providing for related matters, and including an effective date.

SSB 1090 Local Government

Providing for exceptions to municipal tort liability for claims arising from bicycling on public property.

SSB 1091 Local Government

Relating to contract letting procedures for certain public improvements.

SSB 1092 Local Government

Relating to electronic financial transactions with county treasurers.

SUBCOMMITTEE ASSIGNMENTS**Senate Joint Resolution 2**

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

Senate File 60

NATURAL RESOURCES AND ENVIRONMENT: Wieck, Chair; Kettering and Kibbie

Senate File 65

NATURAL RESOURCES AND ENVIRONMENT: Zieman, Chair; Dearden and Miller

**Senate File 125
(Reassignment)**

TRANSPORTATION: Houser, Chair; Fraise and Putney

Senate File 128

NATURAL RESOURCES AND ENVIRONMENT: Brunkhorst, Chair; Black and Zieman

Senate File 135

STATE GOVERNMENT: Johnson, Chair; Dearden and Shull

Senate File 141

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

Senate File 145

NATURAL RESOURCES AND ENVIRONMENT: Johnson, Chair; Brunkhorst and Seng

Senate File 151

STATE GOVERNMENT: Schuerer, Chair; Johnson and Ragan

[Senate File 157](#)

EDUCATION: Behn, Chair; Boettger and Dvorsky

[Senate File 158](#)

EDUCATION: Boettger, Chair; Holveck and Hosch

[Senate File 159](#)

ECONOMIC GROWTH: Veenstra, Chair; Larson and Ragan

[Senate File 165](#)

WAYS AND MEANS: McKibben, Chair; Connolly, Seng, Shull, and Sievers

[Senate File 166](#)

HUMAN RESOURCES: Schuerer, Chair; Ragan and Seymour

[Senate File 167](#)

APPROPRIATIONS: Gaskill, Chair; Warnstadt and Zieman

[SSB 1075](#)

LOCAL GOVERNMENT: Miller, Chair; McCoy and Wieck

[SSB 1076](#)

JUDICIARY: Tinsman, Chair; Holveck and McKibben

[SSB 1077](#)

JUDICIARY: Miller, Chair; Holveck and Larson

[SSB 1078](#)

JUDICIARY: McKibben, Chair; McCoy and Putney

[SSB 1079](#)

JUDICIARY: Larson, Chair; Boettger and Holveck

[SSB 1080](#)

JUDICIARY: Larson, Chair; Quirnbach and Tinsman

[SSB 1081](#)

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

SSB 1082

NATURAL RESOURCES AND ENVIRONMENT: Wieck, Chair; Kettering and Seng

SSB 1083

STATE GOVERNMENT: Tinsman, Chair; Black and Johnson

SSB 1084

STATE GOVERNMENT: Shull, Chair; Dearden and Drake

SSB 1085

STATE GOVERNMENT: Sievers, Chair; Ragan and Veenstra

SSB 1086

BUSINESS AND LABOR RELATIONS: Schuerer, Chair; Horn and Kettering

SSB 1087

NATURAL RESOURCES AND ENVIRONMENT: Brunkhorst, Chair; Dearden and Wieck

SSB 1088

NATURAL RESOURCES AND ENVIRONMENT: Brunkhorst, Chair; Bolcom and Kettering

SSB 1089

APPROPRIATIONS: Sievers, Chair; Dotzler and Lamberti

SSB 1090

LOCAL GOVERNMENT: Miller, Chair; Angelo and Stewart

SSB 1091

LOCAL GOVERNMENT: Weick, Chair; Quirnbach and Rehberg

SSB 1092

LOCAL GOVERNMENT: Angelo, Chair; Seymour and Stewart

COMMITTEE REPORTS

EDUCATION

Final Bill Action: [SENATE FILE 172](#) (formerly [SF 31](#)), a bill for an act relating to the establishment of a public charter school pilot program and providing effective and applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Boettger, McKinley, Connolly, Angelo, Beall, Behn, Brunkhorst, Hosch, Kreiman, Larson, Quirnbach, Redfern, and Rehberg. Nays, 2: Dvorsky and Holveck. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [SENATE FILE 173](#) (formerly [SF 5](#)), a bill for an act authorizing school districts to deduct and pay fees for membership in not-for-profit professional education associations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Boettger, McKinley, Angelo, Behn, Brunkhorst, Hosch, Larson, Redfern, and Rehberg. Nays, 6: Connolly, Beall, Dvorsky, Holveck, Kreiman, and Quirnbach. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on February 19, 2003, when the vote was taken on [Senate File 97](#). Had I been present, I would have voted "Yea."

KEITH A. KREIMAN

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:

WAYS AND MEANS

David Erickson – State Board of Tax Review

**GOVERNOR'S APPOINTEE PLACED ON
INDIVIDUAL CONFIRMATION CALENDAR**

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

WAYS AND MEANS

Michael Ralston – Director of Revenue and Finance

WITHDRAWAL OF GOVERNOR'S APPOINTEE

The following letter from the Governor was received in the office of the Secretary of the Senate on February 19, 2003:

I submitted the name of Cathy R. Anderson to serve on the Mental Health and Developmental Disabilities Commission on November 1, 2002. I am withdrawing her name from further consideration by the Senate.

Sincerely,
THOMAS J. VILSACK
Governor

AMENDMENTS FILED

<u>S-3010</u>	<u>S.F. 97</u>	Richard F. Drake Steven H. Warnstadt John Putney
<u>S-3011</u>	<u>S.F. 97</u>	Mike Connolly
<u>S-3012</u>	<u>S.F. 97</u>	Richard F. Drake Steven H. Warnstadt John Putney
<u>S-3013</u>	<u>S.F. 97</u>	Keith A. Kreiman
<u>S-3014</u>	<u>S.F. 97</u>	Jack Holveck Herman C. Quirnbach
<u>S-3015</u>	<u>S.F. 97</u>	Herman C. Quirnbach