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**STATE OF IOWA**

**Senate Journal**

**TUESDAY, MARCH 11, 2003**

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## JOURNAL OF THE SENATE

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FIFTY-EIGHTH CALENDAR DAY  
THIRTY-FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, March 11, 2003

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

Prayer was offered by the Reverend Jim W. Morris, pastor of the United Methodist Church in Emmetsburg, Iowa. He was the guest of Senator Kibbie.

The Journal of Monday, March 10, 2003, was approved.

### SPECIAL GUEST

Senator Iverson welcomed to the Senate chamber the Honorable John Redwine, former member of the Senate from Plymouth County.

The Senate rose and expressed its welcome.

### BILLS REFERRED TO COMMITTEES

Senator Iverson asked and received unanimous consent that [Senate File 333](#) be referred from the Regular Calendar to the committee on **Appropriations** and that [Senate File 314](#) be referred from the Regular Calendar to the committee on **Ways and Means**.

### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:00 a.m. until 8:30 a.m. Wednesday, March 12, 2003.

## APPENDIX

### CERTIFICATES OF RECOGNITION

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

Maria Abens, Manson — For celebrating your 99th birthday on February 9, 2003. Senator Beall (3/11/03).

Mark Augspurger, Norwalk Schools — For being selected as having Exemplary Entries Using Technology in the Statewide Showcase on Educational Technology Projects. Senator Shull (3/11/03).

Charles City High School Speech and Drama Team, Charles City — For winning the Critics Choice Award at the 2003 All-State Speech Festival. Senator Ragan (3/11/03).

Dan and Arlene Huhn, Nevada — For celebrating your 50th wedding anniversary. Senator Iverson (3/11/03).

Sandi Lathrum, Norwalk Schools — For being selected as having Exemplary Entries Using Technology in the Statewide Showcase on Educational Technology Projects. Senator Shull (3/11/03).

Ella Lembke, Rockwell — For celebrating your 90th birthday on March 15, 2003. Senator Ragan (3/11/03).

Jeremy Leusink, Norwalk Schools — For being selected as having Exemplary Entries Using Technology in the Statewide Showcase on Educational Technology Projects. Senator Shull (3/11/03).

Howard and Velda Mallow, Webster City — For celebrating your 72nd wedding anniversary. Senator Iverson (3/11/03).

Tabitha Pauly, Carter Lake — For being awarded Second Place Best Essay on Women in Science and Engineering for eighth and ninth grades in the "Write Women Back Into History" contest. Senator Gronstal (3/11/03).

### REPORTS OF COMMITTEE MEETINGS

#### COMMERCE

**Convened:** March 10, 2003, 3:05 p.m.

**Members Present:** Angelo, Chair; Wieck, Vice Chair; Warnstadt, Ranking Member; Beall, Behn, Bolcom, Brunkhorst, Kettering, McCoy, Redfern, Schuerer, Sievers, and Stewart.

**Members Absent:** Gronstal and Larson (both excused).

**Committee Business:** Approved [SSB 1109](#) (as amended).

**Adjourned:** 3:10 p.m.

#### **BUSINESS AND LABOR RELATIONS**

**Convened:** March 11, 2003, 10:30 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:** Approved [SSB 1155](#).

**Adjourned:** 11:20 a.m.

#### **COMMERCE**

**Convened:** March 11, 2003, 2:50 p.m.

**Members Present:** Angelo, Chair; Wieck, Vice Chair; Warnstadt, Ranking Member; Beall, Behn, Bolkcom, Brunkhorst, Gronstal, Kettering, Larson, McCoy, Redfern, Schuerer, Sievers, and Stewart.

**Members Absent:** None.

**Committee Business:** Passed [SF 242](#) and approved [SSB 1124](#) (as amended).

**Adjourned:** 3:10 p.m.

#### **NATURAL RESOURCES AND ENVIRONMENT**

**Convened:** March 11, 2003, 9:10 a.m.

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

**Members Absent:** None.

**Committee Business:** Passed [SF 187](#) and approved SSBs 1035 and 1125.

**Adjourned:** 9:40 a.m.

#### **INTRODUCTION OF RESOLUTIONS**

**[Senate Joint Resolution 3](#)**, by Lundby, a joint resolution proposing an amendment to the Constitution of the State of Iowa to

ensure that the moneys in the senior living trust fund are expended only for the purposes specified for the trust fund.

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

[Senate Joint Resolution 4](#), by Kramer, a joint resolution proposing redesign of the Medicaid system.

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

[Senate Concurrent Resolution 9](#), by Ragan and Kramer, a concurrent resolution designating March 2003 as Iowa Women's History Month.

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

#### INTRODUCTION OF BILLS

[Senate File 332](#), by committee on State Government, a bill for an act relating to the number of votes required to be received in the primary election to be a political party nominee on the general election ballot.

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

[Senate File 333](#), by committee on State Government, a bill for an act relating to fire fighter preparedness by creating a fire fighter preparedness fund, by allocating a certain portion of insurance premiums tax to the fire fighter preparedness fund, and making an appropriation and providing a retroactive applicability date.

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

[Senate File 334](#), by committee on Local Government, a bill for an act providing for exceptions to municipal tort liability for claims arising from bicycling on public property.

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

[Senate File 335](#), by Houser, a bill for an act relating to a countywide hotel and motel tax by providing for the imposition of the tax and the use of the revenues from the tax.

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

[Senate File 336](#), by Hatch, a bill for an act relating to agreements for financial assistance and administrative rules under the vision Iowa program.

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

[Senate File 337](#), by Johnson, a bill for an act relating to the authority of a local governmental entity to regulate the application, use, sale, and distribution of fertilizers and soil conditioners.

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

[Senate File 338](#), by Behn, Lamberti, Rehberg, Brunkhorst, Houser, Hosch, McKibben, Sievers, Gaskill, Putney, McKinley, Seymour, Schuerer, Angelo, and Kettering, a bill for an act applying the death penalty or life imprisonment for the offense of first degree murder, by establishing circumstances under which the death penalty will be applied, by providing a minimum age for imposition of a death sentence, by providing for review of death sentences, by providing for execution by lethal injection, by amending the rules of criminal procedure, and by providing an effective date and for the Act's applicability.

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

[Senate File 339](#), by Kibbie, Fraise, Stewart, Seng, and Connolly, a bill for an act relating to agricultural contracts and providing penalties.

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

[Senate File 340](#), by committee on Commerce, a bill for an act relating to business entities, based on revisions related to the Iowa business corporation Act, including addition of a savings clause and addition of provisions related to director and officer liability, duty, and indemnification for certain insurance companies and indemnification for cooperative associations.

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

[Senate File 341](#), by committee on Agriculture, a bill for an act regulating the balance of competitive forces in swine and beef production by enhancing the welfare of the farming community and by preventing processors from gaining control of beef or swine production, providing for the transfer of provisions, making a penalty applicable, and providing for an effective date.

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

[Senate File 342](#), by committee on Natural Resources and Environment, a bill for an act relating to the sale of wine produced by native wineries in this state.

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

[Senate File 343](#), by committee on Natural Resources and Environment, a bill for an act relating to operation permits for public disposal systems and providing an effective date.

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

[Senate File 344](#), by committee on Business and Labor Relations, a bill for an act concerning regulatory and statutory requirements impacting business relating to liability reform, unemployment compensation benefits eligibility and employer contributions, workers' compensation, occupational safety and health administration training and compliance requirements, financial services and restrictions on property rights, environmental regulatory requirements, and public project contractor requirements.

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

[Senate File 345](#), by Hosch, a bill for an act relating to the sale of nursery stock by state nurseries.

Read first time under Rule 28 and referred to committee on **Business and Labor Relations**.

[Senate File 346](#), by Putney, a bill for an act relating to repeat operating a motor vehicle while intoxicated violations and providing penalties.

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

[Senate File 347](#), by Seng, a bill for an act creating a criminal offense for allowing a dog to run at large after the dog caused physical injury and providing a penalty.

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

[Senate File 348](#), by committee on Natural Resources and Environment, a bill for an act relating to fishing by establishing fees, allocating fishing license revenue to fish habitat development, modifying trout fishing fee requirements, and providing effective and applicability dates.

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

#### STUDY BILLS RECEIVED

[SSB 1157](#)      **Human Resources**

Relating to child care requirements involving prohibitions against involvement with child care, record checks and evaluations performed by the department of human services, eligibility for state assistance, and child care fraud program sanctions, and making penalties applicable.

[SSB 1158](#)      **Judiciary**

Relating to certain agricultural liens.



**SSB 1159      Judiciary**

Relating to detaining or the placement of criminal defendants who are mentally incompetent or dangerous and providing for a study.

**SSB 1160      Natural Resources and Environment**

Relating to E-85 ethanol.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 40**  
(Reassignment)

NATURAL RESOURCES AND ENVIRONMENT: Brunkhorst, Chair; Dearden, Houser, Kibbie, and Miller

**Senate File 237**

WAYS AND MEANS: Bolkcom, Chair; Miller and Sievers

**Senate File 268**

WAYS AND MEANS: Seng, Chair; Angelo and Rehberg

**Senate File 279**

WAYS AND MEANS: Miller, Chair; Rehberg and Stewart

**Senate File 284**

WAYS AND MEANS: Larson, Chair; McCoy and Sievers

**Senate File 291**

WAYS AND MEANS: Hosch, Chair; Sievers and Stewart

**Senate File 300**

NATURAL RESOURCES AND ENVIRONMENT: Ziemann, Chair; Black and Wieck

**Senate File 311**

STATE GOVERNMENT: Schuerer, Chair; Dearden and Sievers

**Senate File 314**

WAYS AND MEANS: Angelo, Chair; Connolly and Sievers

[Senate File 322](#)

AGRICULTURE: Houser, Chair; Kibbie and Putney

[Senate File 324](#)

STATE GOVERNMENT: Drake, Chair; Johnson and Kibbie

[Senate File 325](#)

STATE GOVERNMENT: Sievers, Chair; Black and Tinsman

[Senate File 326](#)

WAYS AND MEANS: Hosch, Chair; Bolkcom and Lamberti

[Senate File 333](#)

APPROPRIATIONS: Lamberti, Chair; Dvorsky and Kramer

[Senate File 335](#)

WAYS AND MEANS: McKinley, Chair; Lamberti and Quirnbach

[Senate File 346](#)

JUDICIARY: Putney, Chair; McCoy and McKibben

[House File 304](#)

WAYS AND MEANS: Sievers, Chair; Angelo and Dotzler

[SSB 1157](#)

HUMAN RESOURCES: Tinsman, Chair; Ragan and Veenstra

[SSB 1158](#)

JUDICIARY: Miller, Chair; Kreiman and McKibben

[SSB 1159](#)

JUDICIARY: Larson, Chair; Holveck and Lamberti

[SSB 1160](#)

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

## COMMITTEE REPORTS

## AGRICULTURE

**Final Bill Action:** [SENATE FILE 341 \(SSB 1144\)](#), a bill for an act regulating the balance of competitive forces in swine and beef production by enhancing the welfare of the farming community and by preventing processors from gaining control of beef or swine production, providing for the transfer of provisions, making a penalty applicable, and providing for an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

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

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## BUSINESS AND LABOR RELATIONS

**Final Bill Action:** [SENATE FILE 344 \(SSB 1155\)](#), a bill for an act concerning regulatory and statutory requirements impacting business relating to liability reform, unemployment compensation benefits eligibility and employer contributions, workers' compensation, occupational safety and health administration training and compliance requirements, financial services and restrictions on property rights, environmental regulatory requirements, and public project contractor requirements.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 6: Schuerer, Johnson, Kettering, McKibben, Seymour, and Wieck. Nays, 5: Lundby, Dearden, Courtney, Dotzler, and Horn. Absent: none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## COMMERCE

**Final Bill Action:** [SENATE FILE 242](#), a bill for an act relating to the imposition of a revenue nondistribution tax on certain credit unions and including an applicability date provision.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Angelo, Wieck, Behn, Kettering, McCoy, Schuerer, Sievers, and Stewart. Nays, 7: Warnstadt, Beall, Bolkcom, Brunkhorst, Gronstal, Larson, and Redfern. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Final Bill Action:** \*[SENATE FILE 340 \(SSB 1109\)](#), a bill for an act relating to business entities, based on revisions related to the Iowa business corporation Act, including addition of a savings clause and addition of provisions related to director and officer liability, duty, and indemnification for certain insurance companies and indemnification for cooperative associations.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Angelo, Wieck, Warnstadt, Beall, Behn, Bolcom, Brunkhorst, Kettering, McCoy, Redfern, Schuerer, Sievers, and Stewart. Nays, none. Absent, 2: Gronstal and Larson.

**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 Commerce Committee on [Senate File 340](#), and they were attached to the committee report.

**LOCAL GOVERNMENT**

**Final Bill Action:** [SENATE FILE 39](#), a bill for an act relating to property tax assessments of subdivided property and providing an applicability date.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3031](#).

**Final Vote:** Ayes, 13: Gaskill, Miller, Quirnbach, Angelo, Hatch, Hosch, Houser, Kreiman, McCoy, Rehberg, Seymour, Stewart, and Wieck. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Final Bill Action:** [SENATE FILE 334 \(SSB 1090\)](#), a bill for an act providing for exceptions to municipal tort liability for claims arising from bicycling on public property.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Gaskill, Miller, Quirnbach, Angelo, Hatch, Hosch, Houser, McCoy, Rehberg, Seymour, Stewart, and Wieck. Nays, 1: Kreiman. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**NATURAL RESOURCES AND ENVIRONMENT**

**Final Bill Action:** [SENATE FILE 342 \(SSB 1125\)](#), a bill for an act relating to the sale of wine produced by native wineries in this state.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Houser, Johnson, Seng, Black, Bolkcom, Brunkhorst, Dearden, Drake, Holveck, Kettering, Kibbie, Lundby, Miller, Wieck, and Zieman. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Final Bill Action:** [SENATE FILE 343](#) (formerly [SF 187](#)), a bill for an act relating to operation permits for public disposal systems and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

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

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Final Bill Action:** \*[SENATE FILE 348 \(SSB 1035\)](#), a bill for an act relating to fishing by establishing fees, allocating fishing license revenue to fish habitat development, modifying trout fishing fee requirements, and providing effective and applicability dates.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Houser, Johnson, Seng, Black, Bolkcom, Brunkhorst, Dearden, Drake, Kettering, Kibbie, Lundby, Miller, Wieck, and Zieman. Nays, 1: Holveck. 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 Natural Resources and Environment Committee on [Senate File 348](#), and they were attached to the committee report.

#### STATE GOVERNMENT

**Final Bill Action:** [SENATE FILE 332 \(SSB 1113\)](#), a bill for an act relating to the number of votes required to be received in the primary election to be a political party nominee on the general election ballot.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: Zieman, Sievers, Johnson, Lamberti, Schuerer, Shull, Tinsman, and Veenstra. Nays, 7: Kibbie, Black, Connolly, Courtney, Dearden, Drake, and Ragan. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Final Bill Action:** [SENATE FILE 333](#) (formerly [SF 189](#)), a bill for an act relating to fire fighter preparedness by creating a fire fighter preparedness fund, by allocating a certain portion of insurance premiums tax to the fire fighter preparedness fund, and making an appropriation and providing a retroactive applicability date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Lamberti, Ragan, Shull, Tinsman, and Veenstra. Nays, none. Absent, 1: Schuerer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**AMENDMENTS FILED**

<a href="#">S-3031</a>	<a href="#">S.F. 39</a>	Local Government
<a href="#">S-3032</a>	<a href="#">S.F. 230</a>	Herman C. Quirnbach