

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, JANUARY 21, 2004

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JOURNAL OF THE SENATE

TENTH CALENDAR DAY
SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 21, 2004

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

Prayer was offered by Father John Spiegel of St. Mary's and St. Patrick's Churches in Ottumwa, Iowa. He was the guest of Senator Kreiman.

The Journal of Tuesday, January 20, 2004, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:41 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:43 a.m., President Lamberti presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 104](#), a resolution designating January 21, 2004, as Iowa Insurance Day.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 104](#).

[Senate Resolution 104](#)

On motion of Senator Iverson, [Senate Resolution 104](#), a resolution designating January 21, 2004, as Iowa Insurance Day, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of [Senate Resolution 104](#), which motion prevailed by a voice vote.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:45 a.m. until 8:30 a.m., Thursday, January 22, 2004.

APPENDIX

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

January 21, 2004

STATE PSEUDORABIES ADVISORY COMMITTEE

Report on the 2003 calendar year activities, pursuant to Iowa Code section 166D.3.

AGENCY ICN REPORT

IOWA VETERANS HOME

Iowa Communications Network (ICN) Usage for FY 2003, pursuant to Iowa Code section 8D.10.

REPORTS OF COMMITTEE MEETINGS

GOVERNMENT OVERSIGHT

Convened: January 20, 2004, 3:05 p.m.

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

Members Absent: Brunkhorst, Vice Chair; and Wieck (both excused).

Committee Business: Discussion of committee topics and priorities. Subcommittee assignments.

Adjourned: 3:40 p.m.

HUMAN RESOURCES

Convened: January 21, 2004, 1:05 p.m.

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

Members Absent: Schuerer.

Committee Business: Presentations by representatives of U.S. Department of Health and Human Services, the Administration on Aging, and the Food and Drug Administration.

Adjourned: 2:00 p.m.

RULES AND ADMINISTRATION

Convened: January 21, 2004, 8:40 a.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: None.

Committee Business: Approved [SR 104](#).

Adjourned: 8:45 a.m.

WAYS AND MEANS

Convened: January 21, 2004, 2:15 p.m.

Members Present: McKibben, Chair; Bolkcom, Ranking Member; Angelo, Connolly, Dotzler, Hosch, McKinley, Miller, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck.

Members Absent: Shull, Vice Chair; and McCoy (both excused).

Committee Business: Approved [SSB 3006](#).

Adjourned: 2:45 p.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 105](#), by Warnstadt, Kreiman, Bolkcom, Beall, Seng, Dearden, Dvorsky, Connolly, Kibbie, Ragan, Courtney, Dotzler, Fraise, Gronstal, Stewart, Horn, Quirnbach, Hatch, McCoy, Holveck, and Black, a resolution encouraging Congress to pass legislation allowing National Guard and Reserve members eligibility for TRICARE on a permanent basis.

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

INTRODUCTION OF BILLS

[Senate File 2015](#), by Veenstra, a bill for an act relating to the transfer of jurisdiction of primary road bridges leading to an adjoining state and providing effective and retroactive applicability dates.

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

[Senate File 2016](#), by Johnson, a bill for an act relating to the establishment of a prescription drug assistance program by the commissioner of insurance, and providing for a contingent appropriation.

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

[Senate File 2017](#), by Warnstadt, Kreiman, Bolkcom, Beall, Seng, Dearden, Dvorsky, Connolly, Kibbie, Ragan, Courtney, Dotzler, Fraise, Gronstal, Stewart, Horn, Quirnbach, Hatch, McCoy, Holveck, and Black, a bill for an act relating to the creation of a home modification grant program for veterans, and making an appropriation.

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

[Senate File 2018](#), by McCoy, a bill for an act relating to the jurisdictional limit in small claims court.

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

[Senate File 2019](#), by Bolkcom, a bill for an act relating to the reimbursement for services provided under a medical assistance home and community-based services waiver for the elderly.

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

[Senate File 2020](#), by Bolkcom, a bill for an act relating to the senior living trust fund and providing for appropriation of the moneys in the fund.

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

[Senate File 2021](#), by McKibben, a bill for an act establishing a child endangerment offense for permitting the presence of a child or minor at a location where a controlled substance manufacturing or possession violation occurs and providing a penalty.

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

[Senate File 2022](#), by Kreiman, a bill for an act eliminating an examination requirement as a prerequisite for designation as a registered dental assistant.

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

[Senate File 2023](#), by Kreiman, a bill for an act relating to the personal needs allowance under the medical assistance program for persons in nursing facilities.

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

[Senate File 2024](#), by Stewart, Courtney, Ragan, Dvorsky, Connolly, Gronstal, Kibbie, Black, Dotzler, Seng, Bolkom, Warnstadt, Quirnbach, Kreiman, Beall, Hatch, and McCoy, a bill for an act making an appropriation to the college student aid commission for purposes of the national guard educational assistance program.

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

[Senate File 2025](#), by Bolkom, Warnstadt, Quirnbach, Kreiman, Beall, Hatch, Stewart, Dvorsky, Connolly, Gronstal, Kibbie, Black, Holveck, Ragan, Courtney, Dotzler, Seng, Fraise, Dearden, and McCoy, a bill for an act restoring the allocation of state franchise tax revenues to cities and counties.

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

[Senate File 2026](#), by committee on Ways and Means, a bill for an act relating to the phaseout of the sales and use taxes on the sale and furnishing of gas, electricity, and fuel to residential customers.

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

STUDY BILLS RECEIVED

[SSB 3007](#) **Human Resources**

Relating to provisions of an accident or health policy regarding equal compensation of certain providers of equivalent services and accessibility to certain providers.

[SSB 3008](#) **Human Resources**

Relating to informed consent to an abortion, providing penalties, and providing an effective date.

[SSB 3009](#) **Human Resources**

Relating to causing the death of or serious injury to an unborn child and providing penalties.

[SSB 3010](#) **Human Resources**

Relating to child abuse reporting by increasing the child age for mandatory reporting of suspected child sexual abuse perpetrated by a person other than the person responsible for the care of the child and requiring members of the clergy to be mandatory reporters of child abuse under certain circumstances.

[SSB 3011](#) **Human Resources**

Designating physicians assistants as providers of health care services pursuant to managed care or prepaid services contracts under the medical assistance program.

SSB 3012 Transportation

Relating to duties and activities of the state department of transportation, including the registration and titling of motor vehicles, and providing effective dates.

SSB 3013 Ways and Means

Providing for the property taxation of the facilities of city-operated cable communications systems and including effective and applicability date provisions.

SSB 3014 Government Oversight

Providing for the sale of Iowa communications network assets, providing for related technical and substantive changes, and providing an effective date.

SSB 3015 State Government

Relating to ethics laws and the Iowa ethics and campaign disclosure board.

SSB 3016 State Government

Relating to ethics provisions by reducing the length of a prohibition for certain activities, creating a prohibition pertaining to certain conflicts of interest, creating a new nepotism provision, and making penalties applicable.

SUBCOMMITTEE ASSIGNMENTS**Senate Joint Resolution 2002**

HUMAN RESOURCES: Veenstra, Chair; Boettger and Kreiman

Senate Resolution 104

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate File 17

(Reassignment)

WAYS AND MEANS: Sievers, Chair; McCoy and Putney

[Senate File 27](#)
(Reassignment)

WAYS AND MEANS: Sievers, Chair; McCoy and Putney

[Senate File 39](#)

WAYS AND MEANS: Miller, Chair; Stewart and Wieck

[Senate File 76](#)
(Reassignment)

WAYS AND MEANS: McKinley, Chair; Seng and Wieck

[Senate File 83](#)
(Reassignment)

WAYS AND MEANS: Sievers, Chair; McCoy and Putney

[Senate File 93](#)
(Reassignment)

WAYS AND MEANS: Putney, Chair; Connolly and McKibben

[Senate File 146](#)
(Reassignment)

WAYS AND MEANS: Shull, Chair; Putney and Quirnbach

[Senate File 148](#)
(Reassignment)

EDUCATION: Brunkhorst, Chair; Boettger and Connolly

[Senate File 179](#)
(Reassignment)

WAYS AND MEANS: McKinley, Chair; Bolkcom and Wieck

[Senate File 193](#)
(Reassignment)

WAYS AND MEANS: Shull, Chair; Quirnbach and Wieck

[Senate File 195](#)
(Reassignment)

WAYS AND MEANS: Miller, Chair; Stewart and Wieck

[Senate File 241](#)

(Reassignment)

WAYS AND MEANS: Putney, Chair; Connolly and McKibben

[Senate File 242](#)

WAYS AND MEANS: Miller, Chair; Bolkcom and Shull

[Senate File 246](#)

(Reassignment)

WAYS AND MEANS: Putney, Chair; Connolly and McKibben

[Senate File 263](#)

(Reassignment)

EDUCATION: Boettger, Chair; Connolly and McKinley

[Senate File 264](#)

(Reassignment)

WAYS AND MEANS: Putney, Chair; Connolly and McKinley

[Senate File 270](#)

EDUCATION: Boettger, Chair; Behn and Kreiman

[Senate File 284](#)

(Reassignment)

WAYS AND MEANS: Putney, Chair; McCoy and Sievers

[Senate File 326](#)

(Reassignment)

WAYS AND MEANS: Hosch, Chair; Bolkcom and Wieck

[Senate File 335](#)

(Reassignment)

WAYS AND MEANS: McKinley, Chair; Quirnbach and Wieck

[Senate File 360](#)

(Reassignment)

WAYS AND MEANS: Putney, Chair; McCoy and Wieck

[Senate File 385](#)

EDUCATION: Behn, Chair; Beall and Boettger

[Senate File 404](#)

WAYS AND MEANS: Putney, Chair; Angelo and McCoy

[Senate File 406](#)

EDUCATION: Brunkhorst, Chair; Kreiman and McKinley

[Senate File 429](#)

(Reassignment)

WAYS AND MEANS: Putney, Chair; McKibben and Stewart

[Senate File 450](#)

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

[Senate File 455](#)

WAYS AND MEANS: Putney, Chair; Connolly and Miller

[Senate File 2005](#)

JUDICIARY: McKibben, Chair; Boettger and Holveck

[Senate File 2006](#)

JUDICIARY: Miller, Chair; Brunkhorst and Kreiman

[Senate File 2008](#)

APPROPRIATIONS: Angelo, Chair; Lamberti and Warnstadt

[Senate File 2012](#)

EDUCATION: Boettger, Chair; Connolly and McKinley

[Senate File 2013](#)

JUDICIARY: Gaskill, Chair; Quirnbach and Tinsman

[House File 696](#)

WAYS AND MEANS: Wieck, Chair; McKibben and Seng

[House File 701](#)

WAYS AND MEANS: Shull, Chair; McKinley and Seng

[SSB 3007](#)

HUMAN RESOURCES: Seymour, Chair; Hosch and Kreiman

[SSB 3008](#)

HUMAN RESOURCES: Veenstra, Chair; Behn and Holveck

[SSB 3009](#)

HUMAN RESOURCES: McKinley, Chair; Boettger and Horn

[SSB 3010](#)

HUMAN RESOURCES: Veenstra, Chair; Hatch and Seymour

[SSB 3011](#)

HUMAN RESOURCES: Boettger, Chair; Ragan and Seymour

[SSB 3012](#)

TRANSPORTATION: Putney, Chair; Dearden, Drake, Johnson, and Warnstadt

[SSB 3013](#)

WAYS AND MEANS: Wieck, Chair; McCoy and Sievers

[SSB 3014](#)

GOVERNMENT OVERSIGHT: Lundby, Chair; Dvorsky and Wieck

[SSB 3015](#)

STATE GOVERNMENT: Zieman, Chair; Ragan and Schuerer

[SSB 3016](#)

STATE GOVERNMENT: Zieman, Chair; Dearden and Sievers

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: [SENATE FILE 2026 \(SSB 3006\)](#), a bill for an act relating to the phaseout of the sales and use taxes on the sale and furnishing of gas, electricity, and fuel to residential customers.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McKibben, Bolkcom, Angelo, Connolly, Dotzler, Hosch, McKinley, Miller, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 2: Shull and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENT FILED

[S-5001](#)

S.C.R. 101

David Johnson