

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, FEBRUARY 26, 2004

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JOURNAL OF THE SENATE

FORTY-SIXTH CALENDAR DAY
TWENTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 26, 2004

The Senate met in regular session at 8:34 a.m., President Pro Tempore Angelo presiding.

Prayer was offered by the Reverend Alden Kuiper, pastor of Crossroads Christian Reform Church in West Des Moines, Iowa. He was the guest of Senator Ward.

The Journal of Wednesday, February 25, 2004, was approved.

BILLS REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate Files 2120 and 2144** be referred from the Regular Calendar to the committee on **Ways and Means**.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:37 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:40 a.m., President Pro Tempore Angelo presiding.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:41 a.m. until 1:00 p.m., Monday, March 1, 2004.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: February 26, 2004, 1:10 p.m.

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

Members Absent: Black (excused).

Committee Business: Passed [SF 2138](#) and approved SSBs 3103 (as amended) and 3110.

Adjourned: 1:35 p.m.

ECONOMIC GROWTH

Convened: February 26, 2004, 2:05 p.m.

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

Members Absent: McKinley and Putney (both excused).

Committee Business: Approved [SSB 3091](#) and the Governor's appointees.

Adjourned: 2:15 p.m.

GOVERNMENT OVERSIGHT

Convened: February 26, 2004, 1:00 p.m.

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

Members Absent: Courtney, Ranking Member (excused).

Committee Business: Subcommittee assignments.

Adjourned: 1:10 p.m.

JUDICIARY

Convened: February 26, 2004, 11:05 a.m.

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

Members Absent: Boettger and Brunkhorst (both excused).

Committee Business: Passed [SF 2117](#) (as amended) and [HF 2138](#) and approved SSBs 3026 and 3054 (as amended).

Adjourned: 11:40 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 26, 2004, 2:10 p.m.

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

Members Absent: Black, Drake, Lundby, and Redfern (all excused).

Committee Business: Passed [HF 2186](#).

Adjourned: 2:20 p.m.

RULES AND ADMINISTRATION

Convened: February 26, 2004, 8:35 a.m.

Members Present: Iverson, Chair; Gronstal, Ranking Member; Boettger, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: Lamberti, Vice Chair; Courtney, Drake, and Dvorsky (all excused).

Committee Business: Passed SRs 115, 116, and 117.

Adjourned: 8:40 a.m.

WAYS AND MEANS

Convened: February 26, 2004, 10:05 a.m.

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

Members Absent: McKinley (excused).

Committee Business: Approved Governor's appointee.

Adjourned: 10:10 a.m.

INTRODUCTION OF RESOLUTION

[Senate Concurrent Resolution 107](#), by committee on Economic Growth, a concurrent resolution urging the Congress of the United States to enact the Housing Bond and Credit Modernization and Fairness Act.

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

INTRODUCTION OF BILLS

[Senate File 2181](#), by Holveck, a bill for an act relating to the operation of a vessel while a person is in the water and making a penalty applicable.

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

[Senate File 2182](#), by Holveck, a bill for an act relating to the applicability of motor vehicle laws to persons operating wheelchairs.

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

[Senate File 2183](#), by committee on Commerce, a bill for an act relating to asset disregard under the medical assistance program for the purchase of a qualified long-term care insurance policy, providing for a repeal, and providing a contingent effective date.

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

[Senate File 2184](#), by Tinsman, a bill for an act relating to compulsory education.

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

[Senate File 2185](#), by Kreiman, a bill for an act to establish a crime victim and witness notification system and advisory council in the department of justice and providing an effective date.

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

[Senate File 2186](#), by Sievers, a bill for an act limiting the liability of manufacturers, distributors, and sellers of food or nonalcoholic beverages.

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

[Senate File 2187](#), by committee on Commerce, a bill for an act relating to municipal utilities that provide local exchange services, including the confidentiality and audits of certain accounting records, the allocation of the cost of use of city resources, and exemption from sales and use taxes.

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

[Senate File 2188](#), by committee on State Government, a bill for an act providing for the establishment of a commission on the status of Iowans of Asian and Pacific Islander heritage within the department of human rights.

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

[Senate File 2189](#), by committee on Commerce, a bill for an act conferring additional enforcement authority on the real estate commission, and providing penalties.

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

[Senate File 2190](#), by committee on Human Resources, a bill for an act relating to the development of the long-term care system in Iowa.

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

[Senate File 2191](#), by committee on Judiciary, a bill for an act relating to agreements to arbitrate and providing remedies.

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

[Senate File 2192](#), by Lundby, Dotzler, Kettering, and Ragan, a bill for an act concerning the refund of unearned accident and health insurance premiums upon the death of the insured.

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

STUDY BILLS RECEIVED

[SSB 3118](#) **Judiciary**

Relating to the inmate labor used on improvement projects at state institutions.

[SSB 3119](#) **Judiciary**

Creating a private cause of action against any person, agency, or other recipient for disclosing the identity of a person who files a complaint against a health care facility.

[SSB 3120](#) **Judiciary**

Relating to child custody and visitation provisions.

[SSB 3121](#) **Transportation**

Creating a special combat infantry motor vehicle registration plate.

[SSB 3122](#) **Natural Resources and Environment**

Relating to air and water regulation adopted by the environmental protection commission.

[SSB 3123](#) **Natural Resources and Environment**

Providing for the regulation of air quality, and making penalties applicable.

SSB 3124 Agriculture

Relating to the powers and duties of the department of agriculture and land stewardship, and making penalties applicable.

SSB 3125 State Government

Relating to the awarding of bonuses to appointed state officers and state employees and providing an effective date.

SSB 3126 Agriculture

Relating to the Iowa corn promotion board, including its ex officio, nonvoting membership and the expenditure of moneys for programs.

SSB 3127 Commerce

Relating to cemeteries and cemetery regulation; establishing requirements for interment rights agreements and reporting; establishing and appropriating fees; and providing administration and enforcement procedures and penalties.

SSB 3128 Education

Requesting the Legislative Council to create an interim study committee to examine options for integrating technology to improve student achievement.

SSB 3129 Education

Relating to meningococcal disease vaccination information for students who are enrolled in an institution of higher learning that has an on-campus dormitory or residence hall.

SUBCOMMITTEE ASSIGNMENTS**Senate Joint Resolution 2009**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Concurrent Resolution 106

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[Senate Resolution 120](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[Senate Resolution 121](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[Senate File 414](#)

HUMAN RESOURCES: Schuerer, Chair; Ragan and Veenstra

[Senate File 2122](#)

NATURAL RESOURCES AND ENVIRONMENT: Houser, Chair; Lundby and Seng

[Senate File 2160](#)

NATURAL RESOURCES AND ENVIRONMENT: Lundby, Chair; Dearden and Kettering

[Senate File 2178](#)

GOVERNMENT OVERSIGHT: Dvorsky, Chair; Courtney and Lundby

[SSB 3118](#)

JUDICIARY: Tinsman, Chair; Fraise and Miller

[SSB 3119](#)

JUDICIARY: Boettger, Chair; Horn and Ward

[SSB 3120](#)

JUDICIARY: Miller, Chair; McCoy and Redfern

[SSB 3121](#)

TRANSPORTATION: Shull, Chair; Dearden and Drake

[SSB 3122](#)

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

[SSB 3123](#)

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

[SSB 3124](#)

AGRICULTURE: Johnson, Chair; Fraise and Houser

[SSB 3125](#)

STATE GOVERNMENT: Schuerer, Chair; Courtney and Ziemann

[SSB 3126](#)

AGRICULTURE: Gaskill, Chair; Angelo and Courtney

[SSB 3127](#)

COMMERCE: Schuerer, Chair; Beall and Sievers

[SSB 3128](#)

EDUCATION: Behn, Chair; Beall and Boettger

[SSB 3129](#)

EDUCATION: Boettger, Chair; Dvorsky and Rehberg

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: [SENATE FILE 2138](#), a bill for an act providing for an Iowa animal identification development council, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Johnson, Hosch, Fraise, Angelo, Behn, Courtney, Gaskill, Houser, Kibbie, Putney, Ragan, Seng, Veenstra, and Ziemann. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMERCE

Bill Title: [SENATE FILE 2183](#) (formerly [SF 2163](#)), a bill for an act relating to asset disregard under the medical assistance program for the purchase of a qualified long-term care insurance policy, providing for a repeal, and providing a contingent effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Behn, Wieck, Warnstadt, Beall, Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, McCoy, Putney, Redfern, Schuerer, Sievers, and Stewart. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *[SENATE FILE 2187 \(SSB 3036\)](#), a bill for an act relating to municipal utilities that provide local exchange services, including the confidentiality and audits of certain accounting records, the allocation of the cost of use of city resources, and exemption from sales and use taxes.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Behn, Wieck, Warnstadt, Beall, Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, McCoy, Putney, Redfern, Schuerer, Sievers, and Stewart. Nays, none. Absent, none.

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 Commerce Committee on [Senate File 2187](#), and they were attached to the committee report.

ALSO:

Bill Title: *[SENATE FILE 2189 \(SSB 3081\)](#), a bill for an act conferring additional enforcement authority on the real estate commission, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Behn, Wieck, Warnstadt, Beall, Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, McCoy, Putney, Redfern, Schuerer, Sievers, and Stewart. Nays, none. Absent, none.

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 Commerce Committee on [Senate File 2189](#), and they were attached to the committee report.

ECONOMIC GROWTH

Bill Title: *[SENATE CONCURRENT RESOLUTION 107 \(SSB 3091\)](#), a concurrent resolution urging the Congress of the United States to enact the Housing Bond and Credit Modernization and Fairness Act.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Rehberg, Shull, Hatch, Beall, Boettger, Dotzler, Ragan, Seymour, Stewart, Veenstra, and Ward. Nays, none. Absent, 2: McKinley and Putney.

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 Economic Growth Committee on [Senate Concurrent Resolution 107](#), and they were attached to the committee report.

HUMAN RESOURCES

Bill Title: *[SENATE FILE 2190 \(SSB 3065\)](#), a bill for an act relating to the development of the long-term care system in Iowa.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Veenstra, Seymour, Ragan, Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, none. Absent, none.

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 2190](#), and they were attached to the committee report.

JUDICIARY

Bill Title: [SENATE FILE 2191 \(SSB 3026\)](#), a bill for an act relating to agreements to arbitrate and providing remedies.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Redfern, Kettering, Kreiman, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, 2: Boettger and Brunkhorst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2138](#), a bill for an act relating to payment of legal expenses for indigent persons by the state public defender.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Redfern, Kettering, Kreiman, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, 2: Boettger and Brunkhorst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: [HOUSE FILE 2186](#), a bill for an act increasing the damages payable upon conviction of certain unlawful activities involving antlered deer.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Houser, Johnson, Seng, Bolkcom, Brunkhorst, Dearden, Kettering, Kibbie, Miller, and Zieman. Nays, none. Present, 1: Holveck. Absent, 4: Black, Drake, Lundby, and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 115](#), a resolution to recognize and honor the members of the Iowa Army and Air National Guard.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Iverson, Gronstal, Boettger, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 4: Lamberti, Courtney, Drake, and Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 116](#), a resolution honoring the Iowa Democratic Party and the Republican Party of Iowa for outstanding achievements in bringing about nationwide recognition for the 2004 presidential precinct caucuses.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Iverson, Gronstal, Boettger, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 4: Lamberti, Courtney, Drake, and Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 117](#), a resolution honoring Dr. Norm Nielsen, President of Kirkwood Community College.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Iverson, Gronstal, Boettger, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 4: Lamberti, Courtney, Drake, and Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: *[SENATE FILE 2188](#) (formerly [SF 2031](#)), a bill for an act providing for the establishment of a commission on the status of Iowans of Asian and Pacific Islander heritage within the department of human rights.

Recommendation: APPROVED COMMITTEE BILL.

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

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 State Government Committee on [Senate File 2188](#), and they were attached to the committee report.

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 26th day of February, 2004:

[Senate File 344](#).

MICHAEL E. MARSHALL
Secretary of the Senate

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:

ECONOMIC GROWTH

David Bernstein – Economic Development Marketing Board
Mary Chapman – Economic Development Marketing Board
Teri Goodmann – Economic Development Marketing Board
Chris Harshbarger – Economic Development Marketing Board
Craig Lang – Economic Development Marketing Board
Mary O'Keefe – Economic Development Marketing Board
Gary Wells – Economic Development Marketing Board

Kathy Alden – Grow Iowa Values Board
Bonnie Barney – Grow Iowa Values Board
Mary Chapman – Grow Iowa Values Board
Nancy Dunkel – Grow Iowa Values Board
James Hancock – Grow Iowa Values Board
Gerald Kirke – Grow Iowa Values Board
Craig Lang – Grow Iowa Values Board
John Lisle – Grow Iowa Values Board

Marcia Nichols – Grow Iowa Values Board
Henry Royer – Grow Iowa Values Board
Toby Shine – Grow Iowa Values Board

Harvey Siegelman – Grow Iowa Values Review Commission

Robin Anderson – Loan and Credit Guarantee Advisory Board
Martha Jane Bell – Loan and Credit Guarantee Advisory Board
Jose Laracuente – Loan and Credit Guarantee Advisory Board
William Logan – Loan and Credit Guarantee Advisory Board
Donna Sorensen – Loan and Credit Guarantee Advisory Board
John Stavnes – Loan and Credit Guarantee Advisory Board
Gary Streit – Loan and Credit Guarantee Advisory Board

WAYS AND MEANS

Douglas Walter – Iowa Finance Authority

AMENDMENT FILED

[S-5032](#)

[S.F. 2175](#)

Larry McKibben