

PROOF

STATE OF IOWA

Senate Journal

MONDAY, MARCH 1, 2004

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

FIFTIETH CALENDAR DAY
TWENTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 1, 2004

The Senate met in regular session at 1:05 p.m., President Lamberti presiding.

Prayer was offered by the Reverend David Feltman, pastor of the First Presbyterian Church in Fort Dodge, Iowa. He was the guest of Senator Beall.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Matt Kronlage.

The Journal of Thursday, February 26, 2004, was approved.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 26, 2004, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2302, a bill for an act relating to gambling, concerning the operation, licensure, regulation, fee assessment, and taxation of racetracks and excursion gambling boats, imposing a moratorium for issuance of licenses for certain gambling games and pari-mutuel wagering, including pari-mutuel wagering, horse purses and gambling games at racetracks and on gambling boats, racing and gaming commission employees, gambling treatment fund and county endowment fund appropriations, gambling by minors and others, and

providing penalties and including effective and retroactive applicability date provisions.

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

INTRODUCTION OF RESOLUTION

[Senate Resolution 122](#), by Houser, a resolution recognizing the 100th anniversary of Glenn Miller's birthday.

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

RECESS

On motion of Senator Iverson, the Senate recessed at 1:10 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:14 p.m., President Lamberti presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 122](#), a resolution recognizing the 100th anniversary of Glenn Miller's birthday.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Iverson, Lamberti, Gronstal, Drake, Dvorsky, Gaskill, Ragan, and Wieck. Nays, none. Absent, 3: Boettger, Courtney, and Sievers.

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 122](#).

[Senate Resolution 122](#)

On motion of Senator Houser, [Senate Resolution 122](#), a resolution recognizing the 100th anniversary of Glenn Miller's birthday, with report of committee recommending passage, was taken up for consideration.

Senator Houser moved the adoption of [Senate Resolution 122](#), which motion prevailed by a voice vote.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:33 p.m. until 8:30 a.m., Tuesday, March 2, 2004.

APPENDIX**COMMUNICATION RECEIVED**

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

March 1, 2004

DEPARTMENT OF PUBLIC DEFENSE—IOWA NATIONAL GUARD

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

REPORTS OF COMMITTEE MEETINGS**BUSINESS AND LABOR RELATIONS**

Convened: March 1, 2004, 2:15 p.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 3114](#).

Adjourned: 2:50 p.m.

EDUCATION

Convened: March 1, 2004, 2:15 p.m.

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

Members Absent: None.

Committee Business: Approved SSBs 3128 and 3129.

Adjourned: 2:45 p.m.

HUMAN RESOURCES

Convened: March 1, 2004, 3:15 p.m.

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

Members Absent: None.

Committee Business: Passed [HF 2042](#) and approved SSBs 3007 and 3070 (both as amended).

Recessed: 3:40 p.m.

Reconvened: 3:55 p.m.

Adjourned: 4:05 p.m.

RULES AND ADMINISTRATION

Convened: March 1, 2004, 1:10 p.m.

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

Members Absent: Boettger, Courtney, and Sievers (all excused).

Committee Business: Passed [SJR 2009](#), [SCR 106](#), and SRs 120, 121, and 122.

Adjourned: 1:15 p.m.

INTRODUCTION OF BILLS

[Senate File 2193](#), by committee on Judiciary, a bill for an act relating to the civil commitment of sexually violent predators.

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

[Senate File 2194](#), by committee on Agriculture, a bill for an act providing for the appropriation of moneys to support the testing and monitoring of avian influenza.

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

[Senate File 2195](#), by Beall and Kibbie, a bill for an act authorizing the use of revenue derived from the physical plant and equipment levy and the local option sales tax for school infrastructure purposes for maintenance costs for specified school buildings, and for maintenance and repair costs for school district transportation equipment, and providing an applicability provision.

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

[Senate File 2196](#), by Sievers, Veenstra, Johnson, Shull, Wieck, Gaskill, Behn, Boettger, Tinsman, Seng, Ward, Dvorsky, Hosch, Kettering, Stewart, Seymour, Kibbie, Beall, Courtney, and Lamberti, a bill for an act relating to the establishment of an Iowa spinal cord injury research program and including the levying of a surcharge on certain motor vehicle violations.

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

[Senate File 2197](#), by committee on Agriculture, a bill for an act relating to setback distance requirements that apply to residences which are constructed in proximity to animal feeding operation structures and making penalties applicable.

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

[Senate File 2198](#), by Tinsman, a bill for an act providing an additional exclusion from pension or retirement income for certain taxpayers for purposes of the state and individual income tax and providing a retroactive applicability date.

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

[Senate File 2199](#), by committee on Judiciary, a bill for an act relating to residential landlord-tenant law, by making certain changes concerning family violence and domestic abuse.

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

[Senate File 2200](#), by Kreiman, a bill for an act establishing the criminal offense of and a civil cause of action for the unauthorized collection and disclosure of personal information by computer, and providing a penalty.

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

[Senate File 2201](#), by Kreiman, a bill for an act relating to dangerous animals, including by regulating the possession of those animals, requiring registration of the animals, and providing penalties.

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

STUDY BILLS RECEIVED

[SSB 3130](#) **Human Resources**

Relating to crimes against an unborn child, providing for a repeal, and providing penalties.

[SSB 3131](#) **Natural Resources and Environment**

Relating to the regulation and protection of mountain lions and providing penalties.

[SSB 3132](#) **State Government**

Relating to the sale of beer kegs by requiring an identification number on each keg of beer, specifying registration procedures, and providing penalties.

[SSB 3133](#) **Agriculture**

Relating to technical requirements applicable to weights and measures, and providing an effective date and for retroactive applicability.

[SSB 3134](#) **Agriculture**

Relating to grain regulation.

[SSB 3135](#) **Local Government**

Providing for the administration of fairs, providing for the allocation of moneys, and providing for an effective date.

SSB 3136 Natural Resources and Environment

Relating to the creation of a rural resource development assistance program and fund.

SSB 3137 Ways and Means

Allowing individual income tax credits for contributions made to certain school tuition organizations and including an applicability date provision.

SUBCOMMITTEE ASSIGNMENTS**Senate Resolution 122**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate File 2120

WAYS AND MEANS: Wieck, Chair; McKibben and Seng

Senate File 2144

WAYS AND MEANS: Putney, Chair; Rehberg and Seng

Senate File 2171

COMMERCE: Kettering, Chair; Bolkom and Wieck

Senate File 2181

TRANSPORTATION: Drake, Chair; Dearden and Putney

Senate File 2196

JUDICIARY: Boettger, Chair; Holveck and Tinsman

Senate File 2198

WAYS AND MEANS: Shull, Chair; Bolkom and Rehberg

SSB 3130

HUMAN RESOURCES: Boettger, Chair; Holveck and Hosch

[SSB 3131](#)

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

[SSB 3132](#)

STATE GOVERNMENT: Schuerer, Chair; Black and Shull

[SSB 3133](#)

AGRICULTURE: Johnson, Chair; Fraise and Veenstra

[SSB 3134](#)

AGRICULTURE: Kibbie, Chair; Veenstra and Zieman

[SSB 3135](#)

LOCAL GOVERNMENT: Houser, Chair; Kreiman and Rehberg

[SSB 3136](#)

NATURAL RESOURCES AND ENVIRONMENT: Kettering, Chair; Black and Miller

[SSB 3137](#)

WAYS AND MEANS: Sievers, Chair; McKibben and Seng

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: [SENATE FILE 2194 \(SSB 3110\)](#), a bill for an act providing for the appropriation of moneys to support the testing and monitoring of avian influenza.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *[SENATE FILE 2197 \(SSB 3103\)](#), a bill for an act relating to setback distance requirements that apply to residences which are constructed in proximity to animal feeding operation structures and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Johnson, Hosch, Fraise, Angelo, Behn, Gaskill, Houser, Kibbie, Putney, Ragan, Seng, Veenstra, and Ziemann. Nays, 1: Courtney. Absent, 1: Black.

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 Agriculture Committee on [Senate File 2197](#), and they were attached to the committee report.

JUDICIARY

Bill Title: *[SENATE FILE 2193 \(SSB 3054\)](#), a bill for an act relating to the civil commitment of sexually violent predators.

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.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on [Senate File 2193](#), and they were attached to the committee report.

ALSO:

Bill Title: *[SENATE FILE 2199](#) (formerly [SF 2117](#)), a bill for an act relating to residential landlord-tenant law, by making certain changes concerning family violence and domestic abuse.

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.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on [Senate File 2199](#), and they were attached to the committee report.

RULES AND ADMINISTRATION

Bill Title: [SENATE JOINT RESOLUTION 2009](#), a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the 2004 Annual Meeting of the MidAmerican Chapter of the American Association of Law Librarians.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Iverson, Lamberti, Gronstal, Drake, Dvorsky, Gaskill, Ragan, and Wieck. Nays, none. Absent, 3: Boettger, Courtney, and Sievers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE CONCURRENT RESOLUTION 106](#), a concurrent resolution designating March 2004 as Iowa Women's History Month.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Iverson, Lamberti, Gronstal, Drake, Dvorsky, Gaskill, Ragan, and Wieck. Nays, none. Absent, 3: Boettger, Courtney, and Sievers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 120](#), a resolution to honor the First Judicial District Department of Correctional Services for receiving the exemplary offender program award.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Iverson, Lamberti, Gronstal, Drake, Dvorsky, Gaskill, Ragan, and Wieck. Nays, none. Absent, 3: Boettger, Courtney, and Sievers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 121](#), a resolution to recognize and honor Iowans serving in all branches and components of the military.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Iverson, Lamberti, Gronstal, Drake, Dvorsky, Gaskill, Ragan, and Wieck. Nays, none. Absent, 3: Boettger, Courtney, and Sievers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5033	S.F. 2175	Larry McKibben
S-5034	S.F. 2120	David Johnson