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**STATE OF IOWA**

**Senate Journal**

**THURSDAY, FEBRUARY 5, 2004**

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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.)

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## JOURNAL OF THE SENATE

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TWENTY-FIFTH CALENDAR DAY  
SIXTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, February 5, 2004

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

Prayer was offered by the Reverend Jamie Johnson, pastor of the Stavanger Lutheran Church in Garden City, Iowa. He was the guest of Senator Gaskill.

The Journal of Wednesday, February 4, 2004, was approved.

### ADJOURNMENT

On motion of Senator Zieman, the Senate adjourned at 8:54 a.m. until 1:00 p.m., Monday, February 9, 2004.

**APPENDIX****REPORTS OF COMMITTEE MEETINGS****APPROPRIATIONS**

**Convened:** February 4, 2004, 4:45 p.m.

**Members Present:** Angelo, Chair; Lamberti, Vice Chair; Dvorsky, Ranking Member; Behn, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Zieman.

**Members Absent:** Black (excused).

**Committee Business:** Passed [HF 2039](#).

**Recessed:** 4:50 p.m.

**Reconvened:** 4:55 p.m.

**Adjourned:** 5:05 p.m.

**GOVERNMENT OVERSIGHT**

**Convened:** February 4, 2004, 3:05 p.m.

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

**Members Absent:** None.

**Committee Business:** Continued discussion regarding effects of property tax valuation, property tax credits, and available funding.

**Adjourned:** 4:35 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

**Convened:** February 4, 2004, 3:10 p.m.

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

**Members Absent:** None.

**Committee Business:** Presentation by Department of Management.

**Adjourned:** 4:00 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** February 4, 2004, 3:00 p.m.

**Members Present:** Shull, Chair; Horn, Ranking Member; and Kibbie.

**Members Absent:** Boettger, Vice Chair; and Schuerer (both excused).

**Committee Business:** Presentation by Ted Stilwill, Department of Education, and Leland Tack, administrator of the division of financial and information services.

**Adjourned:** 4:30 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

**Convened:** February 4, 2004, 3:10 p.m.

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

**Members Absent:** None.

**Committee Business:** Discussion regarding the Medicare prescription drug bill.

**Adjourned:** 4:30 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** February 4, 2004, 3:05 p.m.

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

**Members Absent:** Angelo, Vice Chair (excused).

**Committee Business:** Presentation by Department of Public Safety.

**Adjourned:** 4:00 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,  
INFRASTRUCTURE, AND CAPITALS**

**Convened:** February 4, 2004, 3:10 p.m.

**Members Present:** Kettering, Chair; McKibben, Vice Chair; Warnstadt, Ranking Member; and Beall.

**Members Absent:** Lamberti (excused).

**Committee Business:** Discussed and passed the committee bill on transportation appropriations.

**Adjourned:** 3:25 p.m.

**AGRICULTURE**

**Convened:** February 5, 2004, 11:05 a.m.

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

**Members Absent:** Angelo, Putney, and Veenstra (all excused).

**Committee Business:** Presentations regarding a tag ID program for cattle and a farm demonstration program on nitrogen.

**Adjourned:** 11:55 a.m.

**COMMERCE**

**Convened:** February 5, 2004, 1:35 p.m.

**Members Present:** Behn, Chair; Warnstadt, Ranking Member; and Bolkcom.

**Members Absent:** Wieck, Vice Chair; Beall, Brunkhorst, Gronstal, Kettering, Lundby, McCoy, Putney, Redfern, Schuerer, Sievers, and Stewart (all excused).

**Committee Business:** Presentations on wind energy and anaerobic digesters.

**Adjourned:** 2:25 p.m.

**INTRODUCTION OF RESOLUTIONS**

[Senate Joint Resolution 2006](#), by Kreiman, Warnstadt, Stewart, Dvorsky, Quirnbach, Gronstal, Dotzler, and Ragan, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to a right to privacy.

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

[Senate Concurrent Resolution 103](#), by Kibbie, a concurrent resolution to urge that the President of the United States and the United States Congress take all steps necessary to ensure that food is labeled with its country of origin by the end of 2004.

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

#### INTRODUCTION OF BILLS

[Senate File 2082](#), by Kreiman, Hatch, Beall, Stewart, Dvorsky, Kibbie, Courtney, Ragan, Holveck, Dotzler, Seng, Bolckcom, McCoy, Horn, Fraise, and Dearden, a bill for an act relating to the rights, duties, and responsibilities of a person providing family foster care.

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

[Senate File 2083](#), by Bolckcom, Ragan, Connolly, Dvorsky, Dearden, Dotzler, Courtney, Horn, Holveck, and Brunkhorst, a bill for an act relating to required notices and disclosures of delayed deposit services, prohibited acts by licensees, and providing for fees.

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

[Senate File 2084](#), by Lundby, a bill for an act establishing a fine arts motor vehicle registration plate, creating a fine arts fund, and making an appropriation.

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

[Senate File 2085](#), by Lundby, a bill for an act relating to the permissible uses of physical plant and equipment levy revenue, and providing an applicability provision.

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

[Senate File 2086](#), by Lundby, a bill for an act relating to the confidentiality of certain information relating to homeless individuals.

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

[Senate File 2087](#), by Bolkom, a bill for an act providing for the department of elder affairs to assume authority over appropriations affecting the elderly.

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

[Senate File 2088](#), by Warnstadt, a bill for an act providing a preference for out-of-home placement of children with relatives.

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

#### STUDY BILLS RECEIVED

[SSB 3053](#)      **Appropriations**

Appropriating federal funds made available from federal block grants, and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

[SSB 3054](#)      **Judiciary**

Relating to the civil commitment of sexually violent predators.

[SSB 3055](#)      **Judiciary**

Relating to child endangerment offenses resulting in the death of a child or minor and providing a penalty.

**SSB 3056**      **Judiciary**

Relating to gambling by persons under the age of twenty-one and providing penalties.

**SSB 3057**      **Judiciary**

Relating to regulation of sales at unused property markets and providing penalties.

**SSB 3058**      **Judiciary**

Relating to parties to whom traffic citations are issued for failure to obey school bus warning devices.

**SSB 3059**      **Judiciary**

Providing for the establishment of a vaccination program for first responders, and providing an immediate effective date.

**SSB 3060**      **Judiciary**

Relating to raising an ineffective assistance of counsel claim against an attorney in a criminal case on appeal.

**SSB 3061**      **Judiciary**

Relating to the motor vehicle operating privileges of a person convicted of motor fuel theft from a retail dealer.

**SUBCOMMITTEE ASSIGNMENTS****Senate Resolution 110**

HUMAN RESOURCES: Boettger, Chair; Behn and Ragan

**Senate File 2068**

STATE GOVERNMENT: Shull, Chair; Ragan and Veenstra

**Senate File 2069**

STATE GOVERNMENT: Schuerer, Chair; Black and Johnson

[Senate File 2071](#)

STATE GOVERNMENT: Schuerer, Chair; Dearden and Sievers

[Senate File 2081](#)

HUMAN RESOURCES: Hosch, Chair; Kreiman and McKinley

[Senate File 2082](#)

HUMAN RESOURCES: Tinsman, Chair; Ragan and Schuerer

[SSB 3053](#)

APPROPRIATIONS: Seymour, Chair; Angelo and Hatch

[SSB 3054](#)

JUDICIARY: Tinsman, Chair; Boettger and Holveck

[SSB 3055](#)

JUDICIARY: Boettger, Chair; Fraise and McKibben

[SSB 3056](#)

JUDICIARY: Brunkhorst, Chair; Gaskill and Kreiman

[SSB 3057](#)

JUDICIARY: Gaskill, Chair; McCoy and McKibben

[SSB 3058](#)

JUDICIARY: Redfern, Chair; Boettger and Kreiman

[SSB 3059](#)

JUDICIARY: Gaskill, Chair; McCoy and Redfern

[SSB 3060](#)

JUDICIARY: Kettering, Chair; Horn and Tinsman

[SSB 3061](#)

JUDICIARY: Brunkhorst, Chair; Gaskill and McCoy

## FINAL COMMITTEE REPORT OF BILL ACTION

### APPROPRIATIONS

**Bill Title:** [HOUSE FILE 2039](#), a bill for an act relating to state budget provisions involving the ending balance in the general fund of the state and the state general fund expenditure limitation by transferring funds from the cash reserve fund and by revising the percentage amount used for the limitation, providing for a standing limited appropriation to the senior living trust fund, and including effective date and applicability provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Angelo, Lamberti, Behn, Gaskill, Houser, McKibben, McKinley, Miller, Schuerer, Seymour, Shull, Sievers, Veenstra, and Ziemann. Nays, 10: Dvorsky, Bolkom, Connolly, Dotzler, Fraise, Hatch, Horn, Seng, Tinsman, and Warnstadt. Absent, 1: Black.

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

### 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:

#### STATE GOVERNMENT

Willard Boyd – Board of Trustees of the Iowa Cultural Trust

Lorie Bennett – Investment Board of IPERS

Lana Dettbarn – Investment Board of IPERS

Jack Leaman – Landscape Architectural Examining Board