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**STATE OF IOWA**

**Senate Journal**

**THURSDAY, JANUARY 22, 2004**

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## JOURNAL OF THE SENATE

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ELEVENTH CALENDAR DAY  
EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, January 22, 2004

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

Prayer was offered by the Reverend Spencer D. Keroff, pastor of the Assembly of God Church in Centerville, Iowa. He was the guest of Senator Kreiman.

The Journal of Wednesday, January 21, 2004, was approved.

### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:47 a.m. until 1:00 p.m., Monday, January 26, 2004.

## APPENDIX

### APPOINTMENTS BY THE SENATE MAJORITY AND MINORITY LEADERS

#### IOWA LEGISLATIVE COUNCIL

(Iowa Code section 2.41) (Expires 2/1/2005)

\*Stewart E. Iverson, Jr., Vice Chair

\*Jeff Lamberti

\*\*Jeff Angelo

\*Michael E. Gronstal

\*Robert E. Dvorsky

Nancy J. Boettger

Joe Bolkcom

Mike Connolly

John Putney

Amanda Ragan

Neal Schuerer

Mark Ziemer

#### IOWA LEGISLATIVE COUNCIL COMMITTEES

(Iowa Code section 2.45) (Expires 2/1/2005)

##### ADMINISTRATION

Jeff Angelo, Vice Chair

Mike Connolly

Neal Schuerer

##### CAPITAL PROJECTS

Nancy J. Boettger, Vice Chair

\*Jeff Angelo

Joe Bolkcom

Robert E. Dvorsky

Jeff Lamberti

##### FISCAL

\*Jeff Angelo, Co-chair

\*Joe Bolkcom

\*Robert E. Dvorsky

\*Larry McKibben

Neal Schuerer

##### INTERNATIONAL RELATIONS

Nancy J. Boettger, Chair

Dennis H. Black

Gene Fraise

Jack Holveck

Hubert Houser

John Putney

Maggie Tinsman

##### SERVICE

Jeff Lamberti, Chair

Jeff Angelo

Michael E. Gronstal

##### STUDIES

Stewart E. Iverson, Jr., Chair

Nancy J. Boettger

Michael E. Gronstal

Jeff Lamberti

Amanda Ragan

\*Indicates appointment mandated by statute

\*\*Currently serving two statutory appointments

**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

**DEPARTMENT OF EDUCATION**

Student Achievement and Accountability Annual Report, pursuant to 2001 Acts, [Senate File 476](#).

January 22, 2004

**BOARD OF REGENTS**

Annual Report on Beginning Farm Center for 2003—notification that the report in electronic form is available online.

**DEPARTMENT OF JUSTICE**

Report concerning the enhanced court collections fund and the court technology and modernization fund—notification that the report in electronic form is available online.

**AGENCY ICN REPORT**

January 21, 2004

**IOWA WORKFORCE DEVELOPMENT**

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

**CERTIFICATES OF RECOGNITION**

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

Alice Andreae, Elkader—For celebrating your 100th birthday on January 20, 2004. Senator Rehberg (1/20/04).

E. J. Dionne, Jr., Washington, D.C.—For being named an honorary Iowan. Senator Beall (1/19/04).

Ralf J. Leto, Des Moines—For celebrating your 80th birthday on January 25, 2004. Senator Hatch (1/25/04).

Victoria T. Leto, Des Moines—For celebrating your 80th birthday on January 25, 2004. Senator Hatch (1/25/04).

Mary Merfeld, Cascade—For celebrating your 100th birthday on January 17, 2004. Senator Hosch (1/17/04).

David, Diane, and Dresden Petty, Eldora—For receiving the Iowa's Good Neighbor Award for Land Stewardship. Senator McKibben (1/23/04).

Walt Stevens, Fort Dodge—For celebrating your 50th anniversary with the Fort Dodge Messenger. Senator Beall (2/15/04).

Nick Swenson, Waukon—For achieving the rank of Eagle Scout, Boy Scout Troop 64. Senator Ziemann (1/20/04).

Dorothy B. White, Davenport—For celebrating your 90th birthday on September 28, 2003. Senator Seng (9/28/03).

## REPORTS OF COMMITTEE MEETINGS

### GOVERNMENT OVERSIGHT

**Convened:** January 21, 2004, 3:05 p.m.

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

**Members Absent:** Courtney, Ranking Member; and Wieck (both excused).

**Committee Business:** Presentations by representatives of the departments of Lottery, Inspections and Appeals, and Public Safety. Subcommittee assignments and withdrawal of bills from further committee consideration.

**Adjourned:** 4:25 p.m.

### APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

**Convened:** January 21, 2004, 3:10 p.m.

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

**Members Absent:** None.

**Committee Business:** Presentations by representatives of the Department of Human Services.

**Adjourned:** 4:20 p.m.

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

**Convened:** January 21, 2004, 3:10 p.m.

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

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

**Committee Business:** Discussion of the Governor's proposed budget and presentation by representatives of the Department of Transportation.

**Adjourned:** 3:55 p.m.

**COMMERCE**

**Convened:** January 22, 2004, 1:15 p.m.

**Members Present:** Behn, Chair; Warnstadt, Ranking Member; Bolkom, Gronstal, Kettering, Lundby, Putney, Schuerer, and Stewart.

**Members Absent:** Wieck, Vice Chair; Beall, Brunkhorst, McCoy, Redfern, and Sievers (all excused).

**Committee Business:** Subcommittee assignments and withdrawal of bills from further committee consideration.

**Adjourned:** 1:20 p.m.

**EDUCATION**

**Convened:** January 22, 2004, 10:05 a.m.

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

**Members Absent:** Angelo, Brunkhorst, and Iverson (all excused).

**Committee Business:** Presentation by representatives of the Department of Education regarding the condition of education in Iowa and the implementation of the No Child Left Behind act.

**Adjourned:** 11:40 a.m.

**LOCAL GOVERNMENT**

**Convened:** January 22, 2004, 10:40 a.m.

**Members Present:** Gaskill, Chair; Miller, Vice Chair; Quirnbach, Ranking Member; Hatch, Hosch, Houser, Kettering, Kreiman, McCoy, Seymour, and Stewart.

**Members Absent:** Angelo and Rehberg (both excused).

**Committee Business:** Organizational meeting.

**Adjourned:** 10:45 a.m.

#### STATE GOVERNMENT

**Convened:** January 22, 2004, 9:35 a.m.

**Members Present:** Zieman, Chair; Sievers, Vice Chair; Kibbie, Ranking Member; Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Tinsman, and Veenstra.

**Members Absent:** Black, Lamberti, and Shull (all excused).

**Committee Business:** Discussion of previous year's bills.

**Adjourned:** 9:50 a.m.

#### TRANSPORTATION

**Convened:** January 22, 2004, 11:05 a.m.

**Members Present:** Drake, Chair; Putney, Vice Chair; McCoy, Ranking Member; Dearden, Fraise, Houser, Johnson, Rehberg, Warnstadt, and Zieman.

**Members Absent:** Beall, Iverson, and Shull (all excused).

**Committee Business:** Passed [SF 2001](#). Subcommittee assignment.

**Adjourned:** 11:35 a.m.

#### INTRODUCTION OF RESOLUTIONS

[Senate Joint Resolution 2003](#), by Warnstadt, a joint resolution requesting the Congress of the United States to submit to the states for ratification an amendment to the United States Constitution providing for a nonpartisan approach to congressional redistricting.

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

[Senate Resolution 106](#), by Warnstadt, Kreiman, Bolkcom, Beall, Dvorsky, Ragan, Courtney, Dotzler, Gronstal, Stewart, Quirnbach, Hatch, McCoy, Holveck, and Black, a resolution to amend Rule 39 of the Rules of the Senate.

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

#### INTRODUCTION OF BILLS

[Senate File 2027](#), by McKibben, a bill for an act relating to receiving a precursor substance or possessing a product to be used in the unlawful manufacture of a controlled substance.

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

[Senate File 2028](#), by Miller, a bill for an act relating to the budget certification deadline for counties and providing an applicability date.

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

[Senate File 2029](#), by Johnson, a bill for an act modifying requirements for securing children transported in motor vehicles and making a penalty applicable.

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

[Senate File 2030](#), by Bolkcom, a bill for an act relating to the amount of the personal needs allowance for residents of nursing facilities under the medical assistance program.

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

[Senate File 2031](#), by Lundby, McCoy, and Hatch, 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 referred to committee on **State Government**.



## STUDY BILLS RECEIVED

**SSB 3017**      **Commerce**

Relating to collateral required to be pledged by banks to the treasurer of state in order to secure the deposit of public moneys.

**SSB 3018**      **Commerce**

Relating to rules of the Iowa utilities board regarding rate regulation proceedings.

**SSB 3019**      **Commerce**

Relating to the registration and titling of wrecked or salvage travel trailers and fifth-wheel travel trailers.

**SSB 3020**      **Commerce**

Relating to the collection of costs associated with residential real estate loans.

**SSB 3021**      **Commerce**

Regarding public utility rights-of-way and providing an effective date.

**SSB 3022**      **Judiciary**

Relating to an individual's right of publicity, providing remedies, and including an applicability provision.

**SSB 3023**      **Judiciary**

Relating to the uniform athlete agents Act and providing remedies and penalties.

**SSB 3024**      **Judiciary**

Excluding certain funeral and burial expenses in the determination of medical assistance eligibility.

**SSB 3025**      **Judiciary**

Relating to safe deposit box access by a trustee of a trust created by the deceased owner or lessee of the safe deposit box.

**SSB 3026**      **Judiciary**

Relating to agreements to arbitrate and providing remedies.

**SSB 3027**      **Judiciary**

Relating to abandonment of a child as grounds for termination of parental rights.

**SSB 3028**      **Judiciary**

Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

**SSB 3029**      **Judiciary**

Relating to the statewide welcome center program.

**SUBCOMMITTEE ASSIGNMENTS****Senate Resolution 105**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

**Senate File 58**  
(Reassignment)

COMMERCE: Behn, Chair; Warnstadt and Wieck

**Senate File 107**  
(Reassignment)

COMMERCE: Behn, Chair; Warnstadt and Wieck

[Senate File 117](#)

COMMERCE: Behn, Chair; Beall, Bolkcom, Brunkhorst, and Schuerer

[Senate File 227](#)  
(Reassignment)

COMMERCE: Behn, Chair; Warnstadt and Wieck

[Senate File 232](#)  
(Reassignment)

COMMERCE: Behn, Chair; Warnstadt and Wieck

[Senate File 261](#)  
(Reassignment)

GOVERNMENT OVERSIGHT: Lundby, Chair; Brunkhorst and Dvorsky

[Senate File 2014](#)

TRANSPORTATION: Drake, Chair; Dearden and Putney

[Senate File 2019](#)

HUMAN RESOURCES: McKinley, Chair; Behn and Holveck

[Senate File 2023](#)

HUMAN RESOURCES: Hosch, Chair; Kreiman and Schuerer

[House File 586](#)

COMMERCE: Bolkcom, Chair; Kettering and Redfern

[SSB 3017](#)

COMMERCE: Kettering, Chair; Lundby and Stewart

[SSB 3018](#)

COMMERCE: Brunkhorst, Chair; Gronstal and Putney

[SSB 3019](#)

COMMERCE: Putney, Chair; McCoy and Sievers

[SSB 3020](#)

COMMERCE: Kettering, Chair; Redfern and Stewart

[SSB 3021](#)

COMMERCE: Wieck, Chair; Beall and Schuerer

[SSB 3022](#)

JUDICIARY: Miller, Chair; Horn and Tinsman

[SSB 3023](#)

JUDICIARY: Brunkhorst, Chair; Kettering and Quirmbach

[SSB 3024](#)

JUDICIARY: Tinsman, Chair; Gaskill and McCoy

[SSB 3025](#)

JUDICIARY: Kettering, Chair; Boettger and Holveck

[SSB 3026](#)

JUDICIARY: Redfern, Chair; Kreiman and McKibben

[SSB 3027](#)

JUDICIARY: Boettger, Chair; Brunkhorst and Fraise

[SSB 3028](#)

JUDICIARY: Brunkhorst, Chair; Kreiman and Tinsman

[SSB 3029](#)

JUDICIARY: Rehberg, Chair; Dotzler and Putney