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**STATE OF IOWA**

**Senate Journal**

**MONDAY, JANUARY 26, 2004**

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# JOURNAL OF THE SENATE

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FIFTEENTH CALENDAR DAY  
NINTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, January 26, 2004

The Senate met in regular session at 1:01 p.m., President Lamberti presiding.

Prayer was offered in song by Lauren Hummel, a freshman, and her sister Sara Hummel, a seventh grader, at Spirit Lake, Iowa. Lauren opened with "The Star Spangled Banner" followed by Lauren and Sara singing "God Bless America." They were the guests of Senator Johnson.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Pages Amy Penniston and Matt Kronlage.

The Journal of Thursday, January 22, 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 January 22, 2004, **passed** the following bill in which the concurrence of the Senate is asked:

**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.

Read first time and referred to committee on **Appropriations**.

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:14 p.m. until 8:30 a.m., Tuesday, January 27, 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 26, 2004

#### IOWA CHILD ADVOCACY BOARD

FY 2003 Annual Report.

#### DEPARTMENT OF HUMAN SERVICES

Mental Health and Developmental Disabilities Commission Annual Report, pursuant to Iowa Code section 225C.6.

### CERTIFICATES OF RECOGNITION

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

Tina Coppock, Marshalltown—For receiving the 2003 Pork Producers Belle Ringer Award. Senator McKibben (1/29/04).

Trenton D. Eyman, Bettendorf—For achieving the rank of Eagle Scout. Senator Tinsman (1/24/04).

Bob Hackbarth, Dows—For giving 30 years of service. Senator Iverson (1/26/04).

Jodella Legvold, Eagle Grove—For celebrating your 90th birthday on January 17, 2004. Senator Iverson (1/17/04).

Marion and Dorothy Smith, Nevada—For celebrating your 50th wedding anniversary. Senator Iverson (1/30/04).

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

**Convened:** January 22, 2004, 3:25 p.m.

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

**Members Absent:** Hatch, Ranking Member (excused).

**Committee Business:** Representatives of the Legislative Fiscal Agency, the Governor's office, and the departments of Human Services and Public Health discussed the Governor's budget recommendations.

**Adjourned:** 4:40 p.m.

#### BUSINESS AND LABOR RELATIONS

**Convened:** January 26, 2004, 1:45 p.m.

**Members Present:** Schuerer, Chair; Dearden, Ranking Member; Courtney, Dotzler, Horn, Johnson, McKibben, Seymour, and Wieck.

**Members Absent:** Lundby, Vice Chair; and Kettering (both excused).

**Committee Business:** Subcommittee assignment.

**Adjourned:** 1:50 p.m.

#### EDUCATION

**Convened:** January 26, 2004, 1:30 p.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:** Presentations by the Iowa Virtual School Program, the Belin-Blank Online Academy, and the Department of Education's Iowa Learning Online.

**Adjourned:** 2:30 p.m.

#### INTRODUCTION OF RESOLUTION

[Senate Resolution 107](#), by Iverson and Gronstal, a resolution designating January 28, 2004, as Iowa Telecommunications Association Day.

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

#### INTRODUCTION OF BILLS

[Senate File 2032](#), by committee on Transportation, a bill for an act relating to bicycles on primary highways and providing a penalty.

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

[Senate File 2033](#), by Kettering, a bill for an act increasing speed limits on certain multilaned, divided highways and primary highways.

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

[Senate File 2034](#), by Rehberg, McKinley, Hosch, Behn, Boettger, Angelo, Miller, Zieman, Schuerer, Veenstra, Wieck, Seymour, and Kettering, a bill for an act providing an exemption to dues checkoff in the scope of negotiations for school district and area education agency teachers.

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

[Senate File 2035](#), by Tinsman, a bill for an act relating to the speed limit for vehicles with a gross weight exceeding ten thousand pounds on divided, multilaned highways.

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

[Senate File 2036](#), by Miller, a bill for an act to exempt a successor employer from assuming the unemployment contribution rate of an insolvent predecessor.

Read first time under Rule 28 and referred to committee on **Business and Labor Relations.**

#### STUDY BILLS RECEIVED

#### [SSB 3030](#)      **Human Resources**

Relating to the establishment of a faith-based and community-based organizations network.

**SSB 3031 Business and Labor Relations**

Concerning the definition of gross misconduct for the purposes of denying unemployment compensation benefits.

**SSB 3032 Ways and Means**

Relating to the investment of moneys of the Iowa finance authority in funds within the office of the treasurer of state.

**SSB 3033 State Government**

Concerning the postmortem examination of a horse that dies at a racetrack and including an effective and retroactive applicability date provision.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2016**

COMMERCE: Schuerer, Chair; Behn and Warnstadt

**Senate File 2018**

JUDICIARY: Miller, Chair; Kettering and McCoy

**Senate File 2020**

APPROPRIATIONS: Tinsman, Chair; Angelo and Bolckom

**Senate File 2021**

JUDICIARY: McKibben, Chair; Gaskill and Horn

**Senate File 2024**

APPROPRIATIONS: Shull, Chair; Angelo and Warnstadt

**Senate File 2025**

APPROPRIATIONS: Angelo, Chair; Dvorsky and Lamberti

**Senate File 2027**

JUDICIARY: McKibben, Chair; Boettger and Holveck

[SSB 3030](#)

HUMAN RESOURCES: McKinley, Chair; Boettger and Kreiman

[SSB 3031](#)

BUSINESS AND LABOR RELATIONS: Kettering, Chair; Horn and Lundby

[SSB 3032](#)

WAYS AND MEANS: McKinley, Chair; Connolly and Shull

[SSB 3033](#)

STATE GOVERNMENT: Shull, Chair; Dearden and Johnson

FINAL COMMITTEE REPORT OF BILL ACTION

TRANSPORTATION

**Bill Title:** \*[SENATE FILE 2032](#) (formerly [SF 2001](#)), a bill for an act relating to bicycles on primary highways and providing a penalty.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: Drake, Putney, Dearden, Fraise, Houser, Johnson, Rehberg, and Ziemann. Nays, 2: McCoy and Warnstadt. Absent, 3: Beall, Iverson, and Shull.

**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 Transportation Committee on [Senate File 2032](#), and they were attached to the committee report.