

PROOF

STATE OF IOWA

Senate Journal

MONDAY, FEBRUARY 23, 2004

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JOURNAL OF THE SENATE

FORTY-THIRD CALENDAR DAY
TWENTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 23, 2004

The Senate met in regular session at 1:04 p.m., President Lamberti presiding.

Prayer was offered by Father Paul Strittmatter, pastor of St. Patrick's Church in Dunlap, Iowa. He was the guest of Senator Seymour.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Pages John Lande and Samara Pals.

The Journal of Thursday, February 19, 2004, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 19, 2004, **concurred** in the Senate amendment to the House amendment, **and passed** the following bill in which the concurrence of the House was asked:

[Senate File 344](#), a bill for an act relating to a monetary limit on an appeal bond and providing an applicability date.

ALSO: That the House has on February 19, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 2042](#), a bill for an act relating to the donation of blood by persons sixteen years of age.

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

[House File 2167](#), a bill for an act to eliminate the inspections division of the department of inspections and appeals.

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

[House File 2174](#), a bill for an act to establish an interior design examining board, to provide for the registration of interior designers in order to use the title of registered interior designer, and to provide fees and penalties.

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

[House File 2176](#), a bill for an act relating to abandonment of a child as grounds for termination of parental rights.

Read first time and **attached to companion** [Senate File 2147](#).

[House File 2186](#), a bill for an act increasing the damages payable upon conviction of certain unlawful activities involving antlered deer.

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

[House File 2193](#), a bill for an act relating to determining compliance with course of study requirements regarding cosmetology licensure.

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

[House File 2200](#), a bill for an act relating to fire safety issues, including the promulgation of administrative rules by the state fire marshal and arson and simulated explosive related criminal offenses, and providing for a penalty.

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

[House File 2207](#), a bill for an act 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.

Read first time and referred to committee on **attached to similar Senate File 2102**.

House File 2208, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

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

House File 2241, a bill for an act authorizing school districts and nonpublic schools to apply credit under the state education program for successful completion of military basic training.

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

House File 2259, a bill for an act relating to the selling and purchasing of products containing pseudoephedrine, and providing penalties.

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

House File 2269, a bill for an act providing for the regulation of business entities, including businesses providing for cemetery and funeral merchandising and services, business promotions and contracts, and businesses providing continuing care or adult congregate living services, and providing penalties.

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

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:35 p.m. until 8:30 a.m., Tuesday, February 24, 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:

February 23, 2004

IOWA COUNTY ENGINEERS ASSOCIATION SERVICE BUREAU

2003 Annual Report, pursuant to Iowa Code section 312.3B.

AGENCY ICN REPORT

OFFICE OF DRUG CONTROL POLICY

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:

Helen Fleck, Fayette—For celebrating your 100th birthday on February 29, 2004. Senator Rehberg (2/29/04).

Mr. and Mrs. Clarence Messerly, Vincent—For celebrating your 70th wedding anniversary. Senator Iverson (2/25/04).

INTRODUCTION OF RESOLUTION

[Senate Concurrent Resolution 106](#), by Tinsman and Holveck, a concurrent resolution designating March 2004 as Iowa Women's History Month.

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

INTRODUCTION OF BILLS

[Senate File 2157](#), by committee on Judiciary, a bill for an act relating to the uniform limited partnership Act and providing a penalty and effective dates.

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

[Senate File 2158](#), by committee on Natural Resources and Environment, a bill for an act relating to the use of motor vehicle fuel, by providing for gasoline and ethanol blended gasoline, by providing for taxation, and by providing for ethanol incentive programs.

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

[Senate File 2159](#), by Dotzler, a bill for an act providing for the licensure of electricians and installers on a statewide basis, providing for apprentice electrician registration, establishing fees, providing penalties, and providing an effective date.

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

[Senate File 2160](#), by Dearden, a bill for an act relating to approving the establishment of an open season for the taking and possession of mourning doves at a county general election and providing penalties.

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

STUDY BILLS RECEIVED

[SSB 3105](#) **Judiciary**

Eliminating a provision allowing a criminal offender to make a donation in lieu of performing community service.

SSB 3106 Agriculture

Appropriating moneys to support the testing and monitoring of avian influenza.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2141**

APPROPRIATIONS: Angelo, Chair; Seng and Tinsman

Senate File 2151

EDUCATION: Boettger, Chair; Connolly and McKinley

Senate File 2152

STATE GOVERNMENT: Johnson, Chair; Dearden and Schuerer

House File 358

(Reassignment)

GOVERNMENT OVERSIGHT: Wieck, Chair; Brunkhorst and Courtney

SSB 3105

JUDICIARY: Redfern, Chair; Boettger and Kreiman

SSB 3106

AGRICULTURE: Gaskill, Chair; Johnson and Seng

FINAL COMMITTEE REPORTS OF BILL ACTION**JUDICIARY**

Bill Title: [SENATE FILE 2157 \(SSB 3049\)](#), a bill for an act relating to the uniform limited partnership Act and providing a penalty and effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, 1: Horn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: *[SENATE FILE 2158 \(SSB 3102\)](#), a bill for an act relating to the use of motor vehicle fuel, by providing for gasoline and ethanol blended gasoline, by providing for taxation, and by providing for ethanol incentive programs.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Houser, Johnson, Seng, Black, Bolkcom, Brunkhorst, Dearden, Drake, Kettering, Kibbie, Lundby, Miller, Redfern, and Ziemann. Nays, none. Present, 1: Holveck. 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 Natural Resources and Environment Committee on [Senate File 2158](#), and they were attached to the committee report.

**GOVERNOR'S APPOINTEE PLACED ON
EN BLOC CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

HUMAN RESOURCES

Patricia Penning – Mental Health and Developmental Disabilities Commission

AMENDMENTS FILED

S-5016	S.F. 2032	Joe Bolkcom
S-5017	S.F. 2032	Joe Bolkcom
S-5018	S.F. 2032	Joe Bolkcom
S-5019	S.F. 2032	Joe Bolkcom
S-5020	S.F. 2032	Joe Bolkcom
S-5021	S.F. 2032	Joe Bolkcom
S-5022	S.F. 2032	Joe Bolkcom
S-5023	S.F. 2032	Joe Bolkcom
S-5024	S.F. 2032	Joe Bolkcom
S-5025	S.F. 2032	Joe Bolkcom
S-5026	S.F. 2032	Joe Bolkcom
S-5027	S.F. 2032	Joe Bolkcom
S-5028	S.F. 2032	Joe Bolkcom
S-5029	S.F. 2032	Joe Bolkcom