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**STATE OF IOWA**

**Senate Journal**

**WEDNESDAY, JANUARY 19, 2005**

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## JOURNAL OF THE SENATE

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TENTH CALENDAR DAY  
SEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, January 19, 2005

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

Prayer was offered by the Reverend Michael Fitzsimmons, pastor of the First Presbyterian Church in Carroll, Iowa. He was the guest of Senator Kettering.

The Journal of Tuesday, January 18, 2005, was approved.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Putney, for the day, on request of Senator Shull.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 36](#).

#### [Senate File 36](#)

On motion of Senator Connolly, [Senate File 36](#), a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date, was taken up for consideration.

Senator Connolly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 36](#)), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kibbie	Schoenjahn
Beall	Fraise	Kreiman	Seng
Behn	Gaskill	Lamberti	Seymour
Black	Gronstal	Lundby	Shull
Boettger	Hahn	McCoy	Stewart
Bolkcom	Hancock	McKibben	Tinsman
Brunkhorst	Hatch	McKinley	Ward
Connolly	Horn	Miller	Warnstadt
Courtney	Houser	Mulder	Wieck
Danielson	Iverson	Quirnbach	Wood
Dearden	Johnson	Ragan	Zaun
Dotzler	Kettering	Rielly	Zieman

Nays, none.

Absent, 2:

Larson                      Putney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [Senate File 36](#) be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:53 a.m. until 8:30 a.m., Thursday, January 20, 2005.

## APPENDIX

### CERTIFICATES OF RECOGNITION

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

Arline and Warren Darland, Long Grove—For celebrating your 60th wedding anniversary. Senator Wood (1/19/05).

George Andrew Keith, Orange City—For achieving the rank of Eagle Scout, Boy Scout Troop 208. Senator Mulder (1/19/05).

Tom Kilburg, Epworth—For 40 years of service as a high school teacher and coach. Senator Hancock (1/19/05).

Charles Loussaert, Long Grove—For celebrating your 80th birthday. Senator Wood (1/19/05).

Andrew Reicks, Lawler—For achieving the rank of Eagle Scout, Boy Scout Troop 58. Senator Ziemann (1/19/05).

### 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:

#### DEPARTMENT OF AGRICULTURE AND DEPARTMENT OF PUBLIC HEALTH

Iowa's Center for Agricultural Safety and Health (I-CASH) Annual Report. Report received on January 19, 2005.

#### IOWA FINANCE AUTHORITY

Agency performance report for fiscal year 2004, pursuant to Iowa Code sections 8E.210 and 16.7. Report received on January 18, 2005.

### REPORTS OF COMMITTEE MEETINGS

#### LOCAL GOVERNMENT

**Convened:** January 18, 2005, 2:40 p.m.

**Members Present:** Quirnbach and Shull, Co-chairs; Houser, Kreiman, Lundby, Mulder, Putney, Schoenjahn, Stewart, and Zaun.

**Members Absent:** McCoy and Rielly (both excused).

**Committee Business:** Presentations by Iowa League of Cities and Iowa Association of Counties.

**Adjourned:** 3:15 p.m.

#### **GOVERNMENT OVERSIGHT**

**Convened:** January 19, 2005, 9:40 a.m.

**Members Present:** Courtney and Lundby, Co-chairs; Connolly and Wieck.

**Members Absent:** None.

**Committee Business:** Organizational meeting.

**Adjourned:** 10:30 a.m.

#### **HUMAN RESOURCES**

**Convened:** January 19, 2005, 2:00 p.m.

**Members Present:** Ragan and Seymour, Co-chairs; Behn, Boettger, Bolkcom, Dotzler, Gaskill, Hatch, Johnson, Kreiman, Quirnbach, Tinsman, and Wood.

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

**Committee Business:** Presentations by Department of Public Health Lead Prevention Director and Cerro Gordo County Department of Public Health Environmental Services Manager. Subcommittee assignments.

**Adjourned:** 2:55 p.m.

#### **WAYS AND MEANS**

**Convened:** January 19, 2005, 3:05 p.m.

**Members Present:** Bolkcom and Zieman, Co-chairs; Connolly, Danielson, Dotzler, Hahn, McKibben, McKinley, Miller, Quirnbach, Seng, Stewart, Wieck, and Zaun.

**Members Absent:** Lamberti and McCoy (both excused).

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

**Adjourned:** 3:45 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

**Convened:** January 19, 2005, 9:35 a.m.

**Members Present:** Stewart, Co-chair; McCoy, Mulder, and Ziemann.

**Members Absent:** Putney, Co-chair; and Dvorsky (both excused).

**Committee Business:** Organizational meeting.

**Adjourned:** 10:05 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** January 19, 2005, 9:40 a.m.

**Members Present:** Gaskill and Seng, Co-chairs; Black, Hahn, Houser, and Schoenjahn.

**Members Absent:** None.

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

**Adjourned:** 10:35 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** January 19, 2005, 9:35 a.m.

**Members Present:** Dotzler and Ward, Co-chairs; Behn, Brunkhorst, Danielson, and Rielly.

**Members Absent:** None.

**Committee Business:** Organizational meeting.

**Adjourned:** 10:00 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** January 19, 2005, 9:35 a.m.

**Members Present:** Boettger and Horn, Co-chairs; McKinley, Quirnbach, Shull, and Wood.

**Members Absent:** None.

**Committee Business:** Presentations by Department of Management and Legislative Services Agency.

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

#### **APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

**Convened:** January 19, 2005, 9:35 a.m.

**Members Present:** Hatch and Tinsman, Co-chairs; Bolkom, Johnson, Ragan, and Seymour.

**Members Absent:** None.

**Committee Business:** Organizational meeting.

**Adjourned:** 10:15 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** January 19, 2005, 9:35 a.m.

**Members Present:** Fraise and McKibben, Co-chairs; Hancock, Kreiman, and Miller.

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

**Committee Business:** Organizational meeting.

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

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

**Convened:** January 19, 2005, 9:35 a.m.

**Members Present:** Kettering and Warnstadt, Co-chairs; Angelo, Beall, Dearden, and Zaun.

**Members Absent:** None.

**Committee Business:** Organizational meeting.

**Adjourned:** 10:20 a.m.

### **INTRODUCTION OF BILLS**

**[Senate File 37](#)**, by Connolly, a bill for an act providing for a sales and use tax exemption for the purchase of toys to be distributed by a nonprofit organization at no cost.

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

[Senate File 38](#), by Kreiman, 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 39](#), by Brunkhorst, a bill for an act relating to redemption of empty beverage containers, creating a container redemption fund, and providing effective dates.

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

[Senate File 40](#), by Brunkhorst, a bill for an act relating to establishing the state percent of growth for purposes of the state school foundation program and providing applicability and contingent applicability dates.

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

[Senate File 41](#), by Angelo, a bill for an act relating to authorization for a county commissioner of elections to appoint certain high school students to serve as precinct election board members.

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

[Senate File 42](#), by Kreiman, a bill for an act relating to public hunting on forest reservations.

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

[Senate File 43](#), by Lamberti, a bill for an act relating to the exemption of sales and use taxes on the purchase of precious metals and rare coins by dealers.



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

[Senate File 44](#), by Black, a bill for an act relating to condemnation of agricultural land for recreational trails.

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

[Senate File 45](#), by Brunkhorst and Kreiman, a bill for an act relating to the educational placement of a student who is required to register as a sex offender.

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

#### STUDY BILLS RECEIVED

[SSB 1023](#)      **Agriculture**

Providing for the confidentiality of records relating to the outbreak of animal disease, and providing an effective date.

[SSB 1024](#)      **Agriculture**

Relating to an appropriation from the environment first fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local governmental units, and providing an effective date.

[SSB 1025](#)      **Judiciary**

Relating to the regulation of substances which are precursors of amphetamine and methamphetamine and providing a penalty.

[SSB 1026](#)      **Judiciary**

Providing for the regulation of ephedrine, pseudoephedrine, and phenylpropanolamine and providing a penalty.

**SSB 1027      Judiciary**

Relating to the manufacturing of a controlled substance or counterfeit substance near property frequented by children, and providing for a penalty.

**SSB 1028      Judiciary**

Allowing certain abstractors to request a mortgage release.

**SSB 1029      Judiciary**

Relating to the penalty for sexual misconduct with offenders committed by an officer, employee, or agent of the department of corrections or a judicial district department of correctional services, and providing a penalty.

**SSB 1030      Judiciary**

Relating to the civil commitment of a sexually violent predator, and providing a penalty.

**SSB 1031      Judiciary**

Prohibiting a person who is the subject of a protective order or who has been convicted of a misdemeanor crime of domestic violence in violation of federal law from possessing, transferring, or selling firearms or offensive weapons and providing a penalty.

**SSB 1032      Judiciary**

Relating to the Iowa civil rights Act by expanding the public accommodations protections of the Act to include correctional facilities.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 1**

STATE GOVERNMENT: Connolly and McKibben, Co-chairs; Kibbie and Miller

[Senate File 3](#)

COMMERCE: Bolkcom and Iverson, Co-chairs; McCoy and Wieck

[Senate File 4](#)

EDUCATION: Boettger and Kreiman, Co-chairs; Mulder and Wood

[Senate File 5](#)

STATE GOVERNMENT: Connolly and Ward, Co-chairs; Black and Kettering

[Senate File 6](#)

JUDICIARY: Brunkhorst and Kreiman, Co-chairs; Lamberti and Schoenjahn

[Senate File 8](#)

WAYS AND MEANS: Danielson and Wieck, Co-chairs; McCoy and Miller

[Senate File 11](#)

WAYS AND MEANS: Connolly and Zieman, Co-chairs; Quirnbach and Zaun

[Senate File 19](#)

COMMERCE: Bolkcom and Wieck, Co-chairs; Courtney and McKinley

[Senate File 26](#)

EDUCATION: Mulder and Quirnbach, Co-chairs; Dvorsky and Ward

[Senate File 27](#)

EDUCATION: Beall and Boettger, Co-chairs; Angelo and Schoenjahn

[Senate File 28](#)

WAYS AND MEANS: Danielson and McKibben, Co-chairs; Dotzler and Miller

[Senate File 29](#)

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

[Senate File 30](#)

APPROPRIATIONS: Miller and Warnstadt, Co-chairs; Lamberti and Ragan

[Senate File 31](#)

COMMERCE: McCoy and McKinley, Co-chairs; Courtney and Zaun

[Senate File 32](#)

WAYS AND MEANS: Seng and Wieck, Co-chairs; Stewart and Zaun

[Senate File 34](#)

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

[Senate File 38](#)

HUMAN RESOURCES: Houser and Kreiman, Co-chairs; Ragan and Seymour

[SSB 1023](#)

AGRICULTURE: Black and Putney, Co-chairs; Hancock and Johnson

[SSB 1024](#)

AGRICULTURE: Fraise and Johnson, Co-chairs; Houser and Ragan

[SSB 1025](#)

JUDICIARY: Brunkhorst and Kreiman, Co-chairs; Warnstadt and Zaun

[SSB 1026](#)

JUDICIARY: Brunkhorst and Kreiman, Co-chairs; Warnstadt and Zaun

[SSB 1027](#)

JUDICIARY: Brunkhorst and Kreiman, Co-chairs; Warnstadt and Zaun

[SSB 1028](#)

JUDICIARY: Hancock and Ward, Co-chairs; Horn and Lamberti

[SSB 1029](#)

JUDICIARY: Kreiman and McKibben, Co-chairs; Hancock and Zaun

[SSB 1030](#)

JUDICIARY: Hancock and Tinsman, Co-chairs; Boettger and Dvorsky

[SSB 1031](#)

JUDICIARY: Kreiman and Miller, Co-chairs; Horn and Lamberti

[SSB 1032](#)

JUDICIARY: Hancock and McKibben, Co-chairs; Kreiman and Miller