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**STATE OF IOWA**

**Senate Journal**

**TUESDAY, JANUARY 25, 2005**

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## JOURNAL OF THE SENATE

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SIXTEENTH CALENDAR DAY  
TENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, January 25, 2005

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

Prayer was offered by the Reverend Janette Scott, pastor of the Central Presbyterian Church in Des Moines, Iowa. She was the guest of Senator Ward.

The Journal of Monday, January 24, 2005, was approved.

### HOUSE MESSAGE RECEIVED

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 24, 2005, **passed** the following bill in which the concurrence of the House was asked:

**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.

### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:43 a.m. until 8:30 a.m., Wednesday, January 26, 2005.

**APPENDIX****CERTIFICATES OF RECOGNITION**

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

Gladys Brandt, Burlington—For celebrating your 100th birthday. Senator Courtney (1/25/05).

Clarence and Florence Schroeder, Le Mars—For celebrating your 75th wedding anniversary. Senator Mulder (1/25/05).

**REPORTS OF COMMITTEE MEETINGS****HUMAN RESOURCES**

**Convened:** January 24, 2005, 4:05 p.m.

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

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

**Committee Business:** Subcommittee assignments. Presentation by Department of Public Health.

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

**TRANSPORTATION**

**Convened:** January 24, 2005, 4:05 p.m.

**Members Present:** McCoy and Putney, Co-chairs; Beall, Danielson, Dearden, Fraise, Hahn, Kettering, Shull, Ward, and Warnstadt.

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

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

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

**AGRICULTURE**

**Convened:** January 25, 3:05 p.m.

**Members Present:** Fraise and Johnson, Co-chairs; Courtney, Gaskill, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, Ragan, and Rielly.

**Members Absent:** Black and Brunkhorst (both excused).

**Committee Business:** Approved [SSB 1024](#) (as amended).

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

#### COMMERCE

**Convened:** January 25, 2005, 4:05 p.m.

**Members Present:** Behn and Warnstadt, Co-chairs; Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, McCoy, McKinley, Rielly, Stewart, Zaun, and Ziemann.

**Members Absent:** Iverson and Wieck (both excused).

**Committee Business:** Approved [SSB 1001](#) (as amended).

**Adjourned:** 4:15 p.m.

#### ECONOMIC GROWTH

**Convened:** January 25, 2005, 1:05 p.m.

**Members Present:** Brunkhorst and Hatch, Co-chairs; Beall, Behn, Danielson, Dotzler, Hahn, Ragan, Rielly, Shull, Stewart, and Zaun.

**Members Absent:** McKinley and Seymour (both excused).

**Committee Business:** Presentation by Department of Economic Development. Introduction of Iowa Values Fund board member.

**Adjourned:** 2:00 p.m.

#### ETHICS

**Convened:** January 25, 2005, 2:35 p.m.

**Members Present:** Kibbie and Lamberti, Co-chairs; Connolly, Dearden, McKibben, and Mulder.

**Members Absent:** None.

**Committee Business:** Approved SSBs 1021 and 1022.

**Adjourned:** 2:40 p.m.

#### GOVERNMENT OVERSIGHT

**Convened:** January 25, 2005, 9:35 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentations by Department of Corrections, State Ombudsman's Office, State Public Defender, and Alcoholic Beverages Division.

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

#### **NATURAL RESOURCES AND ENVIRONMENT**

**Convened:** January 25, 2005, 1:05 p.m.

**Members Present:** Houser, Co-chair; Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood.

**Members Absent:** Black, Co-chair (excused).

**Committee Business:** Presentation by DNR director.

**Adjourned:** 1:35 p.m.

#### **TRANSPORTATION**

**Convened:** January 25, 2005, 2:05 p.m.

**Members Present:** McCoy and Putney, Co-chairs; Beall, Danielson, Dearden, Fraise, Hahn, Kettering, Shull, Ward, Warnstadt, and Zieman.

**Members Absent:** None.

**Committee Business:** Highway 20 coalition presentation.

**Adjourned:** 2:45 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

**Convened:** January 25, 2005, 9:30 a.m.

**Members Present:** Putney and Stewart, Co-chairs; Dvorsky, McCoy, Mulder, and Zieman.

**Members Absent:** None.

**Committee Business:** Presentations by State Auditor and Department of Management.

**Adjourned:** 9:40 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** January 25, 2005, 9:30 a.m.

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

**Members Absent:** None.

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

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

**APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** January 25, 2005, 9:40 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentation by Department of Economic Development.

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

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

**Convened:** January 25, 2005, 9:35 a.m.

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

**Members Absent:** None.

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

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

**APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** January 25, 2005, 9:30 a.m.

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

**Members Absent:** Iverson and Miller (both excused).

**Committee Business:** Presentations by Fiscal Services Division, Office of Homeland Security and Emergency Management Division, and Department of Corrections.

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

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

**Convened:** January 25, 2005, 9:35 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentation by Department of Administrative Services.

**Adjourned:** 10:25 a.m.

**INTRODUCTION OF RESOLUTIONS**

**Senate Concurrent Resolution 1**, by Bolkcom, a concurrent resolution requesting that the legislative council establish an interim study committee to review Iowa's truancy laws.

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

**Senate Concurrent Resolution 2**, by Bolkcom, a concurrent resolution requesting that the legislative council establish an interim study committee to study instant runoff voting.

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

**INTRODUCTION OF BILLS**

**Senate File 58**, by McKinley, Behn, Hahn, and Fraise, a bill for an act relating to an action to quiet title of real property and the doctrine of adverse possession.

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

[Senate File 59](#), by McKinley and Brunkhorst, a bill for an act relating to the licensure requirements for a practitioner who provides competent private instruction to a child of compulsory attendance age.

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

[Senate File 60](#), by Kreiman, a bill for an act relating to exceptions to the hearing and waiting period requirements applicable to the granting of a decree dissolving a marriage.

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

[Senate File 61](#), by Kreiman, a bill for an act requiring the department of human services to report annually concerning the costs and benefits of various contracted services under the medical assistance program.

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

[Senate File 62](#), by Warnstadt, Black, Dotzler, and Seymour, a bill for an act relating to the designation of a First Americans Day.

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

[Senate File 63](#), by Bolkcom, a bill for an act providing for the restoration of the right to vote and hold elective office for certain persons.

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

[Senate File 64](#), by Bolkcom, a bill for an act relating to the use of marijuana for therapeutic purposes and establishing a marijuana therapeutic research program.



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

[Senate File 65](#), by McKinley, Hahn, and Behn, a bill for an act relating to the review of administrative rules for their impact on small business.

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

[Senate File 66](#), by McKinley, a bill for an act requiring periodic review of administrative rules by administrative agencies.

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

[Senate File 67](#), by McKinley, Behn, and Hahn, a bill for an act relating to requests for a regulatory analysis of administrative rules.

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

[Senate File 68](#), by Lundby, a bill for an act relating to the acceptance of empty beverage containers by approved redemption centers.

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

[Senate File 69](#), by Dotzler, a bill for an act relating to wage discrimination by providing for the determination of wage discrimination, applicable remedies, and providing an effective date.

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

#### STUDY BILLS RECEIVED

[SSB 1055](#)      **Judiciary**

Expanding the criminal offense of trespass, and providing for a penalty.

**SSB 1056      Transportation**

Modifying the road use tax fund allocations and providing an effective date.

**SSB 1057      Transportation**

Relating to motor vehicle regulation by the state department of transportation, including motor vehicle registration and titling, restricted and special driver's licenses for minors, driver licensing, regulation of commercial vehicles, the use of flashing lights on certain vehicles, permits for vehicles of excessive height or weight, and persons with disabilities parking.

**SSB 1058      Local Government**

Relating to county recorders and vital statistics record fees, and providing an effective date.

**SUBCOMMITTEE ASSIGNMENTS****Senate Resolution 4**

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

**Senate File 45**

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

**Senate File 46**

EDUCATION: Brunkhorst and Dvorsky, Co-chairs; McKinley and Schoenjahn

**Senate File 49**

TRANSPORTATION: Beall and Zieman, Co-chairs; Hahn and Warnstadt

**Senate File 50**

LOCAL GOVERNMENT: Quirnbach and Shull, Co-chairs; Kreiman and Putney

**Senate File 51**

TRANSPORTATION: Ward and Warnstadt, Co-chairs; Fraise and Shull

**Senate File 52**

STATE GOVERNMENT: Brunkhorst and Danielson, Co-chairs; Wood and Zieman

**Senate File 55**

STATE GOVERNMENT: Ward and Wood, Co-chairs; Brunkhorst and Hancock

**SSB 1055**

JUDICIARY: Hancock and Miller, Co-chairs; Lamberti and Warnstadt

**SSB 1056**

TRANSPORTATION: Fraise and Shull, Co-chairs; Danielson and Kettering

**SSB 1057**

TRANSPORTATION: McCoy and Putney, Co-chairs; Shull and Warnstadt

**SSB 1058**

LOCAL GOVERNMENT: Schoenjahn and Zaun, Co-chairs; Mulder and Stewart