

PROOF

STATE OF IOWA

Senate Journal

MONDAY, FEBRUARY 9, 2004

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

TWENTY-NINTH CALENDAR DAY
SEVENTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 9, 2004

The Senate met in regular session at 1:05 p.m., President Lamberti presiding.

Prayer was offered by Mike Andrews, pastor of the Rowley Presbyterian Church in Rowley, Iowa. He was the guest of Senator Rehberg.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Pages Allison Vennerberg and Carolyn Kistler.

The Journal of Thursday, February 5, 2004, was approved.

SPECIAL GUESTS

Senator Boettger welcomed to the Senate chamber a delegation of five international visitors from Saskatchewan, Canada: The Honorable John Nilson, Minister of Health and a member of the New Democratic Party (government party); Ms. Brenda Bakken, Ms. Doreen Eagles, and Mr. Wayne Elhard, members of the Saskatchewan Party (opposition party); and Ms. Debbie Saum, 2005 conference coordinator.

The Senate rose and expressed its welcome.

ANNOUNCEMENT OF VACANCY

President Lamberti announced that notification had been received from the office of Governor Vilsack of the following vacancy in the Senate:

District 30 – Mary Kramer, resignation effective January 14, 2004.

COMMITTEE ON CREDENTIALS

Senator Iverson moved that a committee of five be appointed as a committee on credentials.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Angelo, Chair; Boettger, Putney, Dvorsky, and Connolly.

The Senate stood at ease at 1:15 p.m. until the fall of the gavel.

The Senate resumed session at 1:18 p.m., President Lamberti presiding.

REPORT OF THE COMMITTEE ON CREDENTIALS

MR. PRESIDENT: We, your committee on credentials, respectively report that we find the person named in the attached copy of the certification of the Secretary of State duly elected to and entitled to a seat in the Senate for the remainder of the Eightieth General Assembly.

JEFF ANGELO, Chair
NANCY J. BOETTGER
JOHN PUTNEY
ROBERT E. DVORSKY
MIKE CONNOLLY

STATE OF IOWA
Office of the
Secretary of State
CERTIFICATION

To the Honorable Michael E. Marshall, Secretary of the Senate:

I, CHESTER J. CULVER, Secretary of State of the State of Iowa, custodian of the files and records pertaining to the elections in the state,

DO HEREBY CERTIFY THAT the State Canvassing Board has declared that at a special election held on February 3, 2004, Pat Ward was elected to fill a vacancy in the office of State Senator of the Thirtieth District for the balance of the term that began on January 2, 2002.

(SEAL)

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Statehouse, in Des Moines, this sixth day of February, 2004.

CHESTER J. CULVER
Secretary of State

I hereby acknowledge receipt of the original copy of this document on this sixth day of February, 2004.

MICHAEL E. MARSHALL
Secretary of the Senate

Senator Angelo moved the adoption of the report of the committee on credentials, which motion prevailed by a voice vote.

Senator-elect Ward appeared before the rostrum, was duly sworn, and subscribed her name to the oath of office.

SELECTION OF SEATS

The Chair announced the next order of business would be the selection of seats.

Senator Iverson moved that the senators be granted the privilege of selecting new seats in order of seniority from unassigned seats; and that first, the Majority Floor Leader and the Minority Floor Leader be permitted to select their seats.

The motion prevailed by a voice vote.

The Secretary of the Senate called the roll and seat selections were made as follows:

<u>NAME</u>	<u>SEAT NO.</u>
Angelo of Union.....	48
Beall of Webster.....	11
Behn of Boone	46
Black of Jasper.....	29

Boettger of Shelby.....	38
Bolkcom of Johnson.....	31
Brunkhorst of Bremer.....	6
Connolly of Dubuque.....	45
Courtney of Des Moines.....	7
Dearden of Polk.....	21
Dotzler of Black Hawk.....	5
Drake of Muscatine.....	40
Dvorsky of Johnson.....	47
Fraise of Lee.....	39
Gaskill of Hancock.....	36
Gronstal of Pottawattamie.....	37
Hatch of Polk.....	27
Holveck of Polk.....	23
Horn of Linn.....	43
Hosch of Jones.....	24
Houser of Pottawattamie.....	30
Iverson of Wright.....	42
Johnson of Osceola.....	14
Kettering of Sac.....	1
Kibbie of Palo Alto.....	41
Kreiman of Davis.....	35
Lamberti of Polk.....	16
Larson of Linn.....	10
Lundby of Linn.....	49
McCoy of Polk.....	15
McKibben of Marshall.....	34
McKinley of Lucas.....	26
Miller of Jefferson.....	22
Putney of Tama.....	12
Quirnbach of Story.....	3
Ragan of Cerro Gordo.....	33
Redfern of Black Hawk.....	44
Rehberg of Buchanan.....	20
Schuerer of Iowa.....	4
Seng of Scott.....	25
Seymour of Harrison.....	19
Shull of Warren.....	2
Sievers of Scott.....	32
Stewart of Jackson.....	13
Tinsman of Scott.....	50
Veenstra of Sioux.....	28
Ward of Polk.....	8
Warnstadt of Woodbury.....	9
Wieck of Woodbury.....	17
Zieman of Allamakee.....	18

RECESS

On motion of Senator Iverson, the Senate recessed at 1:42 p.m. until 4:30 p.m.

APPENDIX — 1**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 9, 2004

IOWA HIGHER EDUCATION LOAN AUTHORITY

2003 Annual Report, pursuant to Iowa Code section 261A.21.

DEPARTMENT OF TRANSPORTATION

Coordination of Transit and School Busing in Iowa—notification that the report in electronic form is available online.

AGENCY ICN REPORT**DEPARTMENT OF MANAGEMENT**

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

CERTIFICATE OF RECOGNITION

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

Pastors Mike and Noelle Andrews, First Presbyterian Church, Rowley—For being pastors of the day. Senator Rehberg (2/9/04).

REPORT OF COMMITTEE MEETING**JUDICIARY**

Convened: February 5, 2004, 10:00 a.m.

Members Present: Redfern, Chair; Kettering, Vice Chair; Kreiman, Ranking Member; Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Quirnbach, and Tinsman.

Members Absent: Boettger, Brunkhorst, Lamberti, and Miller (all excused).

Committee Business: Passed [SF 2045](#).

Adjourned: 10:15 a.m.

INTRODUCTION OF BILLS

[Senate File 2089](#), by Lamberti, a bill for an act relating to the local sales and services tax for school infrastructure purposes by removing the duration of tax restriction, removing the limit on the amount of distributions under certain circumstances, and defining the authority to issue bonds in anticipation of receipt of tax revenues.

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

[Senate File 2090](#), by Lamberti, a bill for an act relating to the waiver of physical requirements for peace officers and civil service employees.

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

[Senate File 2091](#), by Lamberti, a bill for an act providing for certification of recreational vehicle driver safety education courses.

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

[Senate File 2092](#), by committee on Judiciary, a bill for an act relating to filling the office of county attorney by appointment.

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

[Senate File 2093](#), by Ragan, Holveck, Courtney, Kibbie, Gronstal, Connolly, Dvorsky, Stewart, Quirnbach, Hatch, Warnstadt, Dotzler, Horn, Fraise, Dearden, Bolkcom, McCoy, Beall, Black, Seng, and Kreiman, a bill for an act relating to the healthy opportunities for parents to experience success (HOPES)—healthy families Iowa (HFI) program.

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

[Senate File 2094](#), by Kreiman, Holveck, Courtney, Kibbie, Gronstal, Connolly, Dvorsky, Stewart, Quirnbach, Hatch, McCoy, Dotzler, Horn, Fraise, Dearden, Bolkcom, Beall, Black, Warnstadt, Ragan, and Seng, a bill for an act relating to the development of a health care coverage plan for children.

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

[Senate File 2095](#), by Kreiman, Holveck, Courtney, Kibbie, Gronstal, Connolly, Dvorsky, Stewart, Quirnbach, Hatch, Warnstadt, Bolkom, McCoy, Dotzler, Horn, Fraise, Dearden, Beall, Ragan, and Seng, a bill for an act requiring the department of human services to comply with national standards for social worker caseloads.

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

[Senate File 2096](#), by Dvorsky and Lundby, a bill for an act relating to the use of a certain transaction fee collected by the county recorder.

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

[Senate File 2097](#), by Bolkom, a bill for an act changing the budget certification deadline for school districts, cities, and counties and providing effective and applicability dates.

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

STUDY BILLS RECEIVED

[SSB 3062](#) **Appropriations**

Relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund, the primary road fund, and the keep Iowa beautiful fund, and providing for the nonreversion of certain moneys.

[SSB 3063](#) **State Government**

Allowing the awarding of a cash prize at an annual raffle.

SUBCOMMITTEE ASSIGNMENTS

[Senate File 2080](#)

APPROPRIATIONS: Lamberti, Chair; Angelo and Hatch

[Senate File 2087](#)

HUMAN RESOURCES: Schuerer, Chair; Horn and McKinley

[Senate File 2088](#)

HUMAN RESOURCES: Tinsman, Chair; Hosch and Ragan

[SSB 3062](#)

APPROPRIATIONS: McKibben, Chair; Angelo and Warnstadt

[SSB 3063](#)

STATE GOVERNMENT: Zieman, Chair; Connolly and Ward

FINAL COMMITTEE REPORT OF BILL ACTION

JUDICIARY

Bill Title: [SENATE FILE 2092](#) (formerly [SF 2045](#)), a bill for an act relating to filling the office of county attorney by appointment.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Redfern, Kettering, Kreiman, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Quirnbach, and Tinsman. Nays, none. Absent, 4: Boettger, Brunkhorst, Lamberti, and Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMITTEE CHANGES

Senator Iverson announced the following changes to Senate standing committees and the appropriations subcommittee:

Economic Growth: Senator Ward will replace Senator Lamberti.

Education: Senator Ward will replace Senator Iverson.

Judiciary: Senator Ward will replace Senator Lamberti.

State Government: Senator Ward will replace Senator Lamberti.

Transportation: Senator Ward will replace Senator Iverson.

Appropriations Subcommittee on Transportation, Infrastructure, and Capitals: Senator Ward will replace Senator Lamberti.

AFTERNOON SESSION

The Senate reconvened at 3:44 p.m., President Pro Tempore Angelo presiding.

The Senate stood at ease at 3:45 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:50 p.m., President Lamberti presiding.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 2066](#).

[Senate File 2066](#)

On motion of Senator Johnson, [Senate File 2066](#), a bill for an act modifying requirements for securing children transported in motor vehicles and making a penalty applicable, was taken up for consideration.

Senator Brunkhorst offered amendment [S-5002](#), filed by him from the floor to pages 1 and 2 of the bill, and moved its adoption.

Amendment [S-5002](#) lost by a voice vote.

Senator Johnson 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. 2066](#)), the vote was:

Yeas, 44:

Angelo	Dvorsky	Kreiman	Seng
Beall	Fraise	Lamberti	Seymour
Behn	Gaskill	Lundby	Shull
Black	Gronstal	McCoy	Sievers
Boettger	Hatch	McKibben	Stewart
Bolkcom	Holveck	Putney	Tinsman

Connolly	Horn	Quirnbach	Veenstra
Courtney	Hosch	Ragan	Ward
Dearden	Iverson	Redfern	Warnstadt
Dotzler	Johnson	Rehberg	Wieck
Drake	Kibbie	Schuerer	Zieman

Nays, 5:

Brunkhorst	Kettering	Miller
Houser	McKinley	

Absent, 1:

Larson

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 2066](#) be **immediately messaged** to the House.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [House File 2039](#).

[House File 2039](#)

On motion of Senator Sievers, [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, with report of committee recommending passage, was taken up for consideration.

Senator Kreiman offered amendment [S-5003](#), filed by Senators Kreiman and Quirnbach from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5003](#) be adopted?” ([H.F. 2039](#)), the vote was:

Yeas, 21:

Beall	Dotzler	Kibbie	Seng
Black	Dvorsky	Kreiman	Stewart
Bolkcom	Fraise	McCoy	Warnstadt
Connolly	Gronstal	Quirnbach	
Courtney	Holveck	Ragan	
Dearden	Horn	Schuerer	

Nays, 28:

Angelo	Hosch	McKibben	Shull
Behn	Houser	McKinley	Sievers
Boettger	Iverson	Miller	Tinsman
Brunkhorst	Johnson	Putney	Veenstra
Drake	Kettering	Redfern	Ward
Gaskill	Lamberti	Rehberg	Wieck
Hatch	Lundby	Seymour	Zieman

Absent, 1:

Larson

Amendment [S-5003](#) lost.

Senator Fraise offered amendment [S-5004](#), filed by Senator Fraise, et al., from the floor to pages 1–3 and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5004](#) be adopted?” ([H.F. 2039](#)), the vote was:

Yeas, 21:

Beall	Dotzler	Horn	Seng
Black	Dvorsky	Kibbie	Stewart
Bolkcom	Fraise	Kreiman	Warnstadt
Connolly	Gronstal	McCoy	
Courtney	Hatch	Quirnbach	
Dearden	Holveck	Ragan	

Nays, 28:

Angelo	Houser	McKinley	Shull
Behn	Iverson	Miller	Sievers
Boettger	Johnson	Putney	Tinsman
Brunkhorst	Kettering	Redfern	Veenstra
Drake	Lamberti	Rehberg	Ward
Gaskill	Lundby	Schuerer	Wieck
Hosch	McKibben	Seymour	Zieman

Absent, 1:

Larson

Amendment [S-5004](#) lost.

Senator Sievers 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?" ([H.F. 2039](#)), the vote was:

Yeas, 28:

Angelo	Hosch	McKibben	Seymour
Behn	Houser	McKinley	Shull
Boettger	Iverson	Miller	Sievers
Brunkhorst	Johnson	Putney	Veenstra
Dotzler	Kettering	Redfern	Ward
Drake	Lamberti	Rehberg	Wieck
Gaskill	Lundby	Schuerer	Zieman

Nays, 21:

Beall	Dvorsky	Kibbie	Stewart
Black	Fraise	Kreiman	Tinsman
Bolkcom	Gronstal	McCoy	Warnstadt
Connolly	Hatch	Quirnbach	
Courtney	Holveck	Ragan	
Dearden	Horn	Seng	

Absent, 1:

Larson

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 [House File 2039](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 5:39 p.m. until 8:30 a.m., Tuesday, February 10, 2004.

APPENDIX — 2**REPORT OF COMMITTEE MEETING****EDUCATION**

Convened: February 9, 2004, 2:10 p.m.

Members Present: Boettger, Chair; McKinley, Vice Chair; Connolly, Ranking Member; Behn, Brunkhorst, Holveck, Hosch, Quirmbach, and Ward.

Members Absent: Angelo, Beall, Dvorsky, Kreiman, Redfern, and Rehberg (all excused).

Committee Business: Presentation by Carroll Public Schools on laptop initiative.

Adjourned: 3:10 p.m.

INTRODUCTION OF BILLS

[Senate File 2098](#), by Kreiman, a bill for an act relating to the exercise of district judge authority by a district associate judge.

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

[Senate File 2099](#), by Seymour, a bill for an act making appropriations to the department of education for community colleges and making related changes.

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

EXPLANATION OF VOTE

MR. PRESIDENT: I was present in the Senate chamber on February 9, 2004, when the vote was taken on [House File 2039](#). I was present, and I voted "Yea." My vote Yea represented an inadvertent and accidental use of the green button (Yea), when in fact I had intended to exercise the red button (Nay) in the vote. The President of the Senate had closed the machine prior to my being able to change my vote. Let it herein be noted that I opposed final passage of [House File 2039](#).

WILLIAM A. DOTZLER, JR.

AMENDMENTS FILED

<u>S-5002</u>	<u>S.F. 2066</u>	Bob Brunkhorst
<u>S-5003</u>	<u>H.F. 2039</u>	Keith A. Kreiman
		Herman C. Quirnbach
<u>S-5004</u>	<u>H.F. 2039</u>	Gene Fraise
		Daryl Beall
		Dennis H. Black
		Joe Bolkcom
		Mike Connolly
		Thomas G. Courtney
		Dick L. Dearden
		William A. Dotzler, Jr.
		Robert E. Dvorsky
		Michael E. Gronstal
		Jack Hatch
		Jack Holveck
		Wally E. Horn
		John P. Kibbie
		Keith A. Kreiman
		Matt W. McCoy
		Herman C. Quirnbach
		Amanda Ragan
		Joe M. Seng
		Roger Stewart