

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, MARCH 11, 2004

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JOURNAL OF THE SENATE

SIXTIETH CALENDAR DAY
THIRTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 11, 2004

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

Prayer was offered by the Reverend David Splett, pastor of St. Paul Lutheran Church in Eldora, Iowa. He was the guest of Senator McKibben.

The Journal of Wednesday, March 10, 2004, was approved.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Concurrent Resolution 106](#).

[Senate Concurrent Resolution 106](#)

On motion of Senator Tinsman, [Senate Concurrent Resolution 106](#), a concurrent resolution designating March 2004 as Iowa Women's History Month, with report of committee recommending passage, was taken up for consideration.

Senator Boettger took the chair at 8:40 a.m.

Senator Tinsman moved the adoption of [Senate Concurrent Resolution 106](#), which motion prevailed by a voice vote.

SPECIAL GUESTS

In celebration of Women's History Month, Senators Holveck and Tinsman welcomed student winners of the 20th Annual "Write Women Back Into History" Essay Contest to the Senate chamber. The contest is sponsored by the Iowa Commission on the Status of Women, the Iowa Department of Education, and the State Historical Society of Iowa. Approximately 2,250 students participated in the contest statewide.

Sixth and Seventh Grades:

First Place: Rachel Evans of Urbandale Middle School.

Second Place: Tausha Vannatta of Parkview Middle School in Ankeny.

Third Place: Lauren Ehrler of Andrew Community Schools.

Eighth and Ninth Grades:

First Place: Kathryn Skilton of Nashua-Plainfield Middle School.

Second Place: Jessie Stumme of Central Academy in Des Moines.

Best Essays on Women in Science and Engineering for Sixth and Seventh Grades:

First Place: Ryan Hupp of Prairie Middle School in Cedar Rapids.

Best Essays on Women in Science and Engineering for Eighth and Ninth Grades:

First Place: Kelly Pierce of Waukee Middle School.

Second Place: Alex Hedrick of Wilson Junior High School in Council Bluffs.

Edith Rose Murphy Sackett Award for the Best Essay on a Woman Volunteer:

Anna McNulty of Merrill Middle School in Des Moines.

The Senate rose and expressed its welcome.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [Senate Concurrent Resolution 106](#) be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 120](#).

[Senate Resolution 120](#)

On motion of Senator Redfern, [Senate Resolution 120](#), a resolution to honor the First Judicial District Department of Correctional Services for receiving the exemplary offender program award, with report of committee recommending passage, was taken up for consideration.

Senator Redfern moved the adoption of [Senate Resolution 120](#), which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Concurrent Resolution 107](#).

[Senate Concurrent Resolution 107](#)

On motion of Senator Rehberg, [Senate Concurrent Resolution 107](#), a concurrent resolution urging the Congress of the United States to enact the Housing Bond and Credit Modernization and Fairness Act, was taken up for consideration.

Senator Rehberg moved the adoption of [Senate Concurrent Resolution 107](#), which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [Senate Concurrent Resolution 107](#) be **immediately messaged** to the House.

BILLS REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that the following bills be referred from the Regular Calendar to the following committees:

S.F. 2115	Ways and Means
S.F. 2214	Ways and Means
S.F. 2283	Appropriations

RECESS

On motion of Senator Iverson, the Senate recessed at 8:55 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:58 a.m., President Lamberti presiding.

The Senate stood at ease at 9:10 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:59 a.m., President Lamberti presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 113](#).

Senate Resolution 113

On motion of Senator Iverson, Senate Resolution 113, a resolution honoring former Senator David O. Shaff, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 113, which motion prevailed by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Horn, for the day, on request of Senator Bolkcom.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2249 and 2247.

Senate File 2249

On motion of Senator Miller, Senate File 2249, a bill for an act regulating contest events involving animals, and providing a penalty and effective date, was taken up for consideration.

Senator Miller 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. 2249), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kreiman	Schuerer
Beall	Fraise	Lamberti	Seng
Behn	Gaskill	Lundby	Seymour
Black	Gronstal	McCoy	Shull
Boettger	Hatch	McKibben	Sievers
Bolkcom	Holveck	McKinley	Stewart
Brunkhorst	Hosch	Miller	Tinsman
Connolly	Houser	Putney	Veenstra
Courtney	Iverson	Quirnbach	Ward

Dearden	Johnson	Ragan	Warnstadt
Dotzler	Kettering	Redfern	Wieck
Drake	Kibbie	Rehberg	Zieman

Nays, none.

Absent, 2:

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

[Senate File 2247](#)

On motion of Senator Shull, [Senate File 2247](#), a bill for an act creating a special combat infantry motor vehicle registration plate and a special combat field medical motor vehicle registration plate and providing an effective date, was taken up for consideration.

Senator Lundby offered amendment [S-5080](#), filed by her on March 10, 2004, to page 1 and to the title page of the bill, and moved its adoption.

Amendment [S-5080](#) was adopted by a voice vote.

Senator Shull 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. 2247](#)), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kreiman	Schuerer
Beall	Fraise	Lamberti	Seng
Behn	Gaskill	Lundby	Seymour
Black	Gronstal	McCoy	Shull
Boettger	Hatch	McKibben	Sievers
Bolkcom	Holveck	McKinley	Stewart
Brunkhorst	Hosch	Miller	Tinsman
Connolly	Houser	Putney	Veenstra
Courtney	Iverson	Quirnbach	Ward
Dearden	Johnson	Ragan	Warnstadt
Dotzler	Kettering	Redfern	Wieck
Drake	Kibbie	Rehberg	Zieman

Nays, none.

Absent, 2:

Horn Larson

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2247** and **2249** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Concurrent Resolution 108](#).

[Senate Concurrent Resolution 108](#)

On motion of Senator Quirnbach, [Senate Concurrent Resolution 108](#), a concurrent resolution memorializing Stephen Garst of Coon Rapids, Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Quirnbach moved the adoption of [Senate Concurrent Resolution 108](#), which motion prevailed by a voice vote.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 2272](#).

[Senate File 2272](#)

On motion of Senator Redfern, [Senate File 2272](#), a bill for an act relating to detaining or the placement of criminal defendants who are mentally incompetent or dangerous, was taken up for consideration.

Senator Redfern 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. 2272](#)), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kreiman	Schuerer
Beall	Fraise	Lamberti	Seng
Behn	Gaskill	Lundby	Seymour
Black	Gronstal	McCoy	Shull
Boettger	Hatch	McKibben	Sievers
Bolkcom	Holveck	McKinley	Stewart
Brunkhorst	Hosch	Miller	Tinsman
Connolly	Houser	Putney	Veenstra
Courtney	Iverson	Quirnbach	Ward
Dearden	Johnson	Ragan	Warnstadt
Dotzler	Kettering	Redfern	Wieck
Drake	Kibbie	Rehberg	Zieman

Nays, none.

Absent, 2:

Horn	Larson
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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 Concurrent Resolution 108](#) and [Senate File 2272](#) be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he returns, on request of Senator McKibben.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 2246](#).

[Senate File 2246](#)

On motion of Senator McKinley, [Senate File 2246](#), a bill for an act requiring the board of directors of a school district to adopt a student promotion policy to support student reading at grade level, providing for related matters, and providing an effective date and for the Act's applicability, was taken up for consideration.

Senator McKinley offered amendment [S-5084](#), filed by him from the floor to page 1 of the bill.

Senator Boettger took the chair at 11:45 a.m.

Senator McKinley asked and received unanimous consent that action on amendment [S-5084](#) be deferred.

Senator Connolly offered amendment [S-5088](#), filed by Senator Connolly, et al., from the floor striking and replacing everything after the enacting clause and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5088](#) be adopted?" ([S.F. 2246](#)), the vote was:

Yeas, 20:

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

Nays, 27:

Angelo	Iverson	Miller	Sievers
Behn	Johnson	Putney	Tinsman

Boettger	Kettering	Redfern	Veenstra
Brunkhorst	Lamberti	Rehberg	Ward
Drake	Lundby	Schuerer	Wieck
Gaskill	McKibben	Seymour	Zieman
Hosch	McKinley	Shull	

Absent, 3:

Horn	Houser	Larson
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Amendment [S-5088](#) lost.

Senator Connolly asked and received unanimous consent to withdraw amendment [S-5087](#) filed by Senator Connolly, et al., from the floor to pages 1–5 and to the title page of the bill.

The Senate resumed consideration of amendment [S-5084](#), previously deferred.

Senator McKinley offered amendment [S-5086](#), filed by Senators McKinley and Connolly from the floor to page 1 of amendment [S-5084](#), and moved its adoption.

Amendment [S-5086](#) was adopted by a voice vote.

Senator McKinley moved the adoption of amendment [S-5084](#), as amended.

Amendment [S-5084](#) was adopted by a voice vote.

Senator Gronstal asked unanimous consent that action on [Senate File 2246](#) be deferred.

Senator Gronstal withdrew his request to defer.

President Lamberti took the chair at 12:55 p.m.

Senator McKinley 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. 2246](#)), the vote was:

Yeas, 27:

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

Nays, 21:

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

Absent, 2:

Horn	Larson
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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 2246](#) be **immediately messaged** to the House.

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 March 11, 2004, **adopted** the following resolution in which the concurrence of the House was asked:

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

ALSO: That the House has on March 11, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 511](#), a bill for an act relating to the training and certification of designated security personnel working at commercial establishments with a liquor control license or wine or beer permit.

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

[House File 2145](#), a bill for an act relating to membership on certain city planning and zoning commissions.

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

[House File 2383](#), a bill for an act relating to rural improvement zones.

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

[House File 2452](#), a bill for an act providing for licensure requirements relating to the practice of athletic training and increasing a penalty.

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

[House File 2467](#), a bill for an act relating to the quorum requirement for the Iowa Access advisory council.

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

[House File 2468](#), a bill for an act to limit the period of effectiveness for an administrative rule adopted without a notice of intended action and opportunity for public participation.

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

[House File 2490](#), a bill for an act relating to the uniform electronic transactions Act.

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

[House File 2538](#), a bill for an act providing a transfer from the cash reserve fund to the rebuild Iowa infrastructure fund for purposes of the standing appropriation to the environment first fund and providing an effective date.

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

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:13 p.m. until 1:00 p.m., Monday, March 15, 2004.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Ken Anderson, Marshalltown—For being named the Iowa Chamber Executive of the Year. Senator McKibben (3/11/04).

Stephanie Collins, Elkader—For achieving the highest award for Senior Girl Scouts, “The Gold Award.” Senator Rehberg (3/28/04).

Loretta Davis, Oelwein—For celebrating your 95th birthday on March 9, 2004. Senator Rehberg (3/9/04).

Ashley Fangman, Elkader—For achieving the highest award for Senior Girl Scouts, “The Gold Award.” Senator Rehberg (3/28/04).

Amy Pieper, Marshalltown—For being named the Up and Coming Chamber Professional in Iowa. Senator McKibben (3/11/04).

Shannon Rodenberg, Elkader—For achieving the highest award for Senior Girl Scouts, “The Gold Award.” Senator Rehberg (3/28/04).

Molly Zapf, Elkader—For achieving the highest award for Senior Girl Scouts, “The Gold Award.” Senator Rehberg (3/28/04).

BILL ATTACHED

President Lamberti announced that [House File 2440](#) was attached to similar [Senate File 2236](#).

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: March 11, 2004, 8:35 a.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: None.

Committee Business: Passed SRs 127, 128, and 129, and [HJR 2005](#).

Adjourned: 8:40 a.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 130](#), by Dearden and McKinley, a resolution honoring Haley Dunn.

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

INTRODUCTION OF BILL

[Senate File 2289](#), by committee on Ways and Means, a bill for an act relating to various duties of the county treasurer and to certain fees collected by the county treasurer.

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

STUDY BILL RECEIVED

[SSB 3165](#) **Commerce**

Nullifying an administrative rule of the insurance division of the department of commerce concerning the consideration of diminished value as an additional measure of damages in settlement of automobile insurance claims and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS

[Senate File 2115](#)

WAYS AND MEANS: Miller, Chair; Quirnbach and Shull

[Senate File 2214](#)

WAYS AND MEANS: Rehberg, Chair; Dotzler and Shull

[House File 511](#)

STATE GOVERNMENT: Shull, Chair; Ragan and Tinsman

[House File 2170](#)

JUDICIARY: Ward, Chair; Horn and McKibben

[House File 2327](#)

HUMAN RESOURCES: Seymour, Chair; Ragan and Veenstra

[House File 2328](#)

HUMAN RESOURCES: Tinsman, Chair; Horn and Hosch

[House File 2341](#)

JUDICIARY: Kettering, Chair; Fraise and Ward

[House File 2350](#)

HUMAN RESOURCES: Behn, Chair; Kreiman and Veenstra

[House File 2358](#)

HUMAN RESOURCES: Hosch, Chair; Hatch and Seymour

[House File 2366](#)

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Miller and Zieman

[House File 2378](#)

HUMAN RESOURCES: Tinsman, Chair; Holveck and McKinley

[House File 2390](#)

HUMAN RESOURCES: Veenstra, Chair; Horn and Tinsman

[House File 2393](#)

NATURAL RESOURCES AND ENVIRONMENT: Black, Chair; Brunkhorst and Miller

[House File 2396](#)

JUDICIARY: Tinsman, Chair; Kreiman and Miller

[House File 2397](#)

JUDICIARY: Gaskill, Chair; Boettger and McCoy

[House File 2398](#)

JUDICIARY: Brunkhorst, Chair; Holveck and Tinsman

[House File 2401](#)

NATURAL RESOURCES AND ENVIRONMENT: Johnson, Chair; Bolcom and Kettering

[House File 2404](#)

STATE GOVERNMENT: Shull, Chair; Dearden and Ward

[House File 2431](#)

ECONOMIC GROWTH: Seymour, Chair; Hatch and Putney

[House File 2452](#)

STATE GOVERNMENT: Sievers, Chair; Courtney and Shull

[SSB 3165](#)

COMMERCE: Wieck, Chair; Putney and Warnstadt

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 127](#), a resolution honoring University of Iowa football player Robert Gallery.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 128](#), a resolution honoring Eastern Iowa Community College Men's Basketball Coach Bob Walker.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 129](#), a resolution to recognize Technical Sergeant Brian Dutcher of the Iowa Air National Guard and his employer, Iowa Select Farms, for their receipt of the George W. Bush Award.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE JOINT RESOLUTION 2005](#), a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol in conjunction with the 2004 Annual Meeting of the Midwestern Legislative Conference of the Council of State Governments.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: *[SENATE FILE 2289](#) (formerly [SF 2180](#)), a bill for an act relating to various duties of the county treasurer and to certain fees collected by the county treasurer.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: McKibben, Shull, Bolkom, Connolly, Dotzler, Hosch, McKinley, Miller, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 3: Angelo, McCoy, and Putney.

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 Ways and Means Committee on [Senate File 2289](#), and they were attached to the committee report.

AMENDMENTS FILED

S-5084	S.F. 2246	Paul McKinley
S-5085	H.F. 2440	John Putney
		David Johnson
S-5086	S.F. 2246	Paul McKinley
		Mike Connolly
S-5087	S.F. 2246	Mike Connolly
		Robert E. Dvorsky
		Joe Bolkcom
		Gene Fraise
		John P. Kibbie
		Keith A. Kreiman
		Jack Holveck
		Jack Hatch
		Joe M. Seng
		Dick L. Dearden
		Matt W. McCoy
		Herman C. Quirnbach
		Thomas G. Courtney
		Steve Warnstadt
		Daryl Beall
S-5088	S.F. 2246	Mike Connolly
		Daryl Beall
		John P. Kibbie
		Gene Fraise
		Michael E. Gronstal
		Steve Warnstadt
		Matt W. McCoy
		Keith A. Kreiman
		Herman C. Quirnbach
		Roger Stewart
		Thomas G. Courtney
S-5089	S.F. 2237	Bob Brunkhorst
		Daryl Beall