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**STATE OF IOWA**

**Senate Journal**

**WEDNESDAY, MARCH 17, 2004**

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## JOURNAL OF THE SENATE

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SIXTY-SIXTH CALENDAR DAY  
THIRTY-NINTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, March 17, 2004

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

Prayer was offered by the Reverend Steve Ellerbusch, pastor of the Bethany Lutheran Church in Emmetsburg, Iowa. He was the guest of Senator Kibbie.

The Journal of Tuesday, March 16, 2004, was approved.

### SPECIAL GUESTS

Senator Kibbie introduced the Honorable Pat Breen T.D. and his wife Anne. Mr. Breen is a Fine Gael member of the Irish Parliament and represents County Clare. In 2002, Mr. Breen was elected to the 29th Dáil Éireann (Irish House). He was elected to Clare County Council in 1999, when he secured the highest Fine Gael vote in the county on his first attempt. Mr. Breen is a Fine Gael deputy spokesperson on Transport and also party spokesperson on Shannon Airport. He is also currently a member of the Clare V.E.C. (Clare Vocational Educational).

Mr. Breen addressed the Senate with brief remarks.

Senator Boettger presented Mr. Breen gifts on behalf of the Iowa Senate and the International Relations Committee.

The Senate rose and expressed its welcome.

## SPECIAL GUESTS

Senator Kibbie introduced 2004 Miss Shamrock Hilary Hansen and her escort Rachel Rouse. Also present were Mickey Conlon, Chairman of the St. Patrick's Association, and Andy and Kim Joyce, escorts for the Breens.

The Senate rose and expressed its welcome.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

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 March 16, 2004, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 2484](#), a bill for an act relating to the regulation of financial institutions including banks, credit unions, and real property loan lenders.

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

## RECESS

On motion of Senator Iverson, the Senate recessed at 8:50 a.m. until the completion of a meeting of the committee on Rules and Administration.

## RECONVENED

The Senate reconvened at 8:52 a.m., President Lamberti presiding.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Concurrent Resolution 114](#).

### Senate Concurrent Resolution 114

On motion of Senator Putney, [Senate Concurrent Resolution 114](#), a concurrent resolution honoring the Iowa State Fair in its sesquicentennial year, with report of committee recommending passage, was taken up for consideration.

Senator Putney moved the adoption of [Senate Concurrent Resolution 114](#), which motion prevailed by a voice vote.

#### SPECIAL GUESTS

Senator Putney welcomed to the Senate chamber members of the Iowa State Fair Board and staff.

The Senate rose and expressed its welcome.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [Senate Concurrent Resolution 114](#) be **immediately messaged** to the House.

#### RECESS

On motion of Senator Iverson, the Senate recessed at 8:58 a.m. until 2:00 p.m.

**APPENDIX — 1****REPORT OF THE COMMITTEE ON  
RULES AND ADMINISTRATION**

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on March 17, 2004:

**AGRICULTURE**

Cheryl Adam – Agricultural Development Authority  
Evelyn Rank – Agricultural Development Authority  
Jayme Ungs – Agricultural Development Authority

Edwin Hershberger – Iowa Grain Indemnity Fund Board  
Thomas Kaldenberg – Iowa Grain Indemnity Fund Board

Jody Kerns – State Soil Conservation Committee

**BUSINESS AND LABOR RELATIONS**

John Peno – Employment Appeal Board

Neil Barrick – Public Employment Relations Board  
M. Sue Warner – Public Employment Relations Board

Richard Running – Director of the Iowa Department of Workforce Development

Rosa Bailey – Iowa Workforce Development Board  
Jean Logan – Iowa Workforce Development Board  
Ken Sagar – Iowa Workforce Development Board

**COMMERCE**

Paul Becker – Credit Union Review Board  
Becky Hansen – Credit Union Review Board

Pamela Duffy – Iowa Telecommunications and Technology Commission

Catherine Hult – Title Guaranty Division Board

**ECONOMIC GROWTH**

Burt Chojnowski – Iowa Capital Investment Board

Linda Bloodsworth – Iowa Economic Development Board  
Julie Carlson – Iowa Economic Development Board  
Jerry Courtney – Iowa Economic Development Board

David Bernstein – Economic Development Marketing Board  
Chris Harshbarger – Economic Development Marketing Board

Gerald Kirke – Grow Iowa Values Board  
Toby Shine – Grow Iowa Values Board

Martha Jane Bell – Loan and Credit Guarantee Advisory Board  
Robert Snodgrass – Loan and Credit Guarantee Advisory Board

Dawn Connet – Small Business Advisory Council  
James Davis – Small Business Advisory Council  
Elizabeth Garst – Small Business Advisory Council  
Kimberly Kudrna – Small Business Advisory Council  
Timothy Neugent – Small Business Advisory Council

#### **EDUCATION**

Frederick (Ted) Stilwill – Director of the Department of Education

Rosemarie Hussey – State Board of Education  
Jonathan Wilson – State Board of Education

Stephanie Savage – Iowa Higher Education Loan Authority

Clark Yeager – School Budget Review Committee

#### **HUMAN RESOURCES**

Edward Crowley – Board of Athletic Training Examiners  
Brett Raasch – Board of Athletic Training Examiners

James Anastasi – Board of Behavioral Science Examiners  
Linda Nebbe – Board of Behavioral Science Examiners

Douglas Elliott – Commission for the Blind

Lois Eichacker – Commission on Community Action Agencies  
Bob Knowler – Commission on Community Action Agencies  
Marc Lindeen – Commission on Community Action Agencies  
Tammy Wetjen-Kesterson – Commission on Community Action Agencies  
Catherine Whitfield – Commission on Community Action Agencies

Tina Lynch – Commission on the Deaf  
Kathy Miller – Commission on the Deaf  
Karen Potter-Maxwell – Commission on the Deaf

Kathleen Buckwalter – Commission of Elder Affairs  
Lisa Carlson – Commission of Elder Affairs  
Hazel Chuck – Commission of Elder Affairs  
Craig Downing – Commission of Elder Affairs

Scott Beall – Iowa Empowerment Board  
Christopher Carman – Iowa Empowerment Board  
Sally Hartley – Iowa Empowerment Board  
Darshini Jayawardena – Iowa Empowerment Board  
Douglas Peters – Iowa Empowerment Board

John Baker – Healthy and Well Kids in Iowa (HAWK-I) Board  
Wanda Wyatt-Hardwick – Healthy and Well Kids in Iowa (HAWK-I) Board

Russell Finken – Mental Health and Developmental Disabilities Commission  
Jon Grate – Mental Health and Developmental Disabilities Commission  
Mary Hughes – Mental Health and Developmental Disabilities Commission  
Lori Reynolds – Mental Health and Developmental Disabilities Commission  
Carl Smith – Mental Health and Developmental Disabilities Commission

Edward Friedmann – Board of Physician Assistant Examiners  
Fred Strickland – Board of Physician Assistant Examiners

Claibourne Dungy – Prevention of Disabilities Policy Council  
Scott Lindgren – Prevention of Disabilities Policy Council  
Thomas Slater – Prevention of Disabilities Policy Council

David Carlyle – Commission on Tobacco Use Prevention and Control  
Sharon Wellendorf – Commission on Tobacco Use Prevention and Control

Angelica Cardenas-Chaisson – Commission on the Status of Women  
Francis Giunta – Commission on the Status of Women  
Holly Mennen-Sagar – Commission on the Status of Women  
Kimberly Painter – Commission on the Status of Women  
Michael Whitlatch – Commission on the Status of Women

#### **JUDICIARY**

Ralph Rosenberg – Executive Director of the Iowa State Civil Rights Commission

Ed Barnes – Iowa Drug Policy Advisory Council  
Douglas Book – Iowa Drug Policy Advisory Council

Richard Bordwell – Board of Parole

Thomas Becker – State Public Defender

#### **LOCAL GOVERNMENT**

Dennis Plautz – City Development Board

Judy Clark – Mental Health Risk Pool Board  
Sally Stutsman – Mental Health Risk Pool Board

**STATE GOVERNMENT**

Susan Loy – Accountancy Examining Board  
Carol Schuster – Accountancy Examining Board  
Wesley Stille – Accountancy Examining Board

Gilbert “Ron” Dardis – State of Iowa Adjutant General

Beverly Allen – Commission on the Status of African-Americans  
Jamie Howard – Commission on the Status of African-Americans  
Thomas Simmons – Commission on the Status of African-Americans  
Loretha Teggatz – Commission on the Status of African-Americans  
Jerome Thomas – Commission on the Status of African-Americans

Carolyn Cavitt – Alcoholic Beverages Commission

Dale McKinney – Architectural Examining Board  
Susan McKinney – Architectural Examining Board

Stuart Preston – Board of Barber Examiners

Rod Rebarcak – Board of Chiropractic Examiners

Becky Brockmann – Board of Cosmetology Arts and Sciences Examiners  
Jack Morlan – Board of Cosmetology Arts and Sciences Examiners

Deena Kuempel – Board of Dental Examiners  
Richard Reay – Board of Dental Examiners  
Peter Vidal – Board of Dental Examiners

Jean Anderson – Board of Dietetic Examiners

Susan Lagneaux – Iowa Emergency Response Commission

Patricia Heagel – Engineering and Land Surveying Examining Board  
Dennis Osipowicz – Engineering and Land Surveying Examining Board

Betsy Roe – Iowa Ethics and Campaign Disclosure Board  
John Walsh – Iowa Ethics and Campaign Disclosure Board

Gregory Hoyman – Board for the Licensing and Regulation of Hearing Aid Dispensers  
Gregory Moore – Board for the Licensing and Regulation of Hearing Aid Dispensers

Mary Elizabeth Brandsgard – Information Technology Council  
Sandra Glenn – Information Technology Council  
Timothy Lapointe – Information Technology Council

Sheila Castaneda – IowaAccess Advisory Council  
Kelly Hayworth – IowaAccess Advisory Council  
Richard Neri – IowaAccess Advisory Council  
Herbert Strentz – IowaAccess Advisory Council



Phyllis Peterson – Investment Board of the IPERS

Jon Crose – Landscape Architectural Examining Board  
Julie Westerheim – Landscape Architectural Examining Board

Timothy Clausen – Iowa Lottery Authority Board of Directors

Mary Belieu – Board of Examiners for Massage Therapy  
Cindy Pancratz – Board of Examiners for Massage Therapy

Blaine Houmes – Board of Medical Examiners  
Russell Lee – Board of Medical Examiners  
Yasyn Lee – Board of Medical Examiners  
Paul Thurlow – Board of Medical Examiners

Margaret Eicher – Board of Mortuary Science Examiners  
Eugene Siegert – Board of Mortuary Science Examiners

Clyde Bradley – Board of Nursing Examiners  
Jane Hasek – Board of Nursing Examiners  
William Miller – Board of Nursing Examiners

Margaret Beaty – State Board of Examiners for Nursing Home Administrators  
Judy Weller – State Board of Examiners for Nursing Home Administrators

Connie Connolly – Board of Optometry Examiners  
Christopher Olson – Board of Optometry Examiners

Terrance Lillis – Peace Officers' Retirement, Accident, and Disability System Trustee

Kathleen Halloran – Board of Pharmacy Examiners  
Michael Seifert – Board of Pharmacy Examiners

Cheryl Stewart – Board of Physical and Occupational Therapy Examiners  
Martin Unga – Board of Physical and Occupational Therapy Examiners  
Kurt Walderbach – Board of Physical and Occupational Therapy Examiners

Eric Jensen – Board of Podiatry Examiners  
Jill Scholz – Board of Podiatry Examiners  
Matthew Wilber – Board of Podiatry Examiners

Francisco Barrios – Board of Psychology Examiners  
Sandra Dirks – Board of Psychology Examiners

Michael Mahaffey – State Racing and Gaming Commission

Richard DeHeer – Real Estate Appraiser Examining Board  
Richard Koestner – Real Estate Appraiser Examining Board

Donald Marple – Real Estate Commission

Kerry George – State Board for Respiratory Care

Lance Clemens – Board of Social Work Examiners  
Ken Zimmerman – Board of Social Work Examiners

Jason Aird – Board of Speech Pathology and Audiology Examiners  
Coral Jud – Board of Speech Pathology and Audiology Examiners

Arthur Dayton – Commission of Veterans Affairs  
Darlene McMartin – Commission of Veterans Affairs  
Steven Mulcahy – Commission of Veterans Affairs

Earl Goerdts – Iowa Board of Veterinary Medicine

Lorna Burnside – Vision Iowa Board  
Gregg Connell – Vision Iowa Board  
Mike Edwards – Vision Iowa Board  
Cathy Reece – Vision Iowa Board

#### TRANSPORTATION

Angela Bonar – Iowa Law Enforcement Academy Council  
Niki Dean – Iowa Law Enforcement Academy Council

Mark Wandro – Director of the Iowa Department of Transportation

Suzan Boden – State Transportation Commission  
Barbara Mac Gregor – State Transportation Commission

#### WAYS AND MEANS

Michael Tramontina – Executive Director of the Iowa Finance Authority

Jonathon Muller – Iowa Railway Finance Authority

#### CERTIFICATES OF RECOGNITION

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

Anne McInerney Breen, County Clare, Ireland—For being an honorary Iowan. Senator Beall (3/17/04).

The Honorable Pat Breen, County Clare, Ireland—For being an honorary Iowan. Senator Beall (3/17/04)

Steve Eastvedt, Dubuque—For receiving the Governor's "Above and Beyond" service recognition. Senator Connolly (2/26/04).

Coach Jill Harbst, Underwood—For leading the Underwood Girls' Basketball Team in winning two consecutive state championships. Senator Seymour (3/19/04).

Coach Craig Hough, Underwood—For leading the Underwood Girls' Basketball Team in winning two consecutive state championships. Senator Seymour (3/19/04).

Coach Eric Hjelle, Underwood—For leading the Underwood Girls' Basketball Team in winning two consecutive state championships. Senator Seymour (3/19/04).

Alma Julifs, Pomeroy—For celebrating your 90th birthday on March 15, 2004. Senator Beall (3/15/04).

City of Manchester—For being recognized by KWWL Channel 7 as an Iowa Proud Community. Senator Hosch (3/17/04).

## REPORTS OF COMMITTEE MEETINGS

### APPROPRIATIONS

**Convened:** March 17, 2004, 1:10 p.m.

**Members Present:** Angelo, Chair; Lamberti, Vice Chair; Dvorsky, Ranking Member; Behn, Bolkcom, Connolly, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Ziemann.

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

**Committee Business:** Passed [SF 2250](#) (as amended).

**Adjourned:** 1:20 p.m.

### RULES AND ADMINISTRATION

**Convened:** March 17, 2004, 8:40 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:** Approved the list of Governor's appointees.

**Adjourned:** 8:45 a.m.

### WAYS AND MEANS

**Convened:** March 17, 2004, 11:10 a.m.

**Members Present:** McKibben, Chair; Shull, Vice Chair; Bolkcom, Ranking Member; Angelo, Connolly, Hosch, McKinley, Miller, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck.

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

**Committee Business:** Passed [SF 2115](#).

**Adjourned:** 11:35 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND  
REGULATION**

**Convened:** March 17, 2004, 9:40 a.m.

**Members Present:** Sievers, Chair; Ziemann, Vice Chair; Holveck, Ranking Member; Rehberg and Stewart.

**Members Absent:** None.

**Committee Business:** Distributed committee bill to members.

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

**APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL  
RESOURCES**

**Convened:** March 17, 2004, 9:40 a.m.

**Members Present:** Gaskill, Chair; Houser, Vice Chair; Black, Ranking Member; Seng and Seymour.

**Members Absent:** None.

**Committee Business:** Presentation on the budget by representative of the Department of Natural Resources.

**Recessed:** 9:45 a.m.

**Reconvened:** 9:50 a.m.

**Adjourned:** 10:55 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

**Convened:** March 17, 2004, 9:40 a.m.

**Members Present:** Tinsman, Chair; Johnson, Vice Chair; Hatch, Ranking Member; Bolkcom and Veenstra.

**Members Absent:** None.

**Committee Business:** Discussion on the appropriations budget.

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

## SUBCOMMITTEE ASSIGNMENTS

[Senate File 2283](#)

APPROPRIATIONS: Zieman, Chair; Connolly and Veenstra

[House File 2315](#)

AGRICULTURE: Gaskill, Chair; Johnson and Kibbie

[House File 2352](#)

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

[House File 2392](#)

NATURAL RESOURCES AND ENVIRONMENT: Johnson, Chair; Brunkhorst and Kibbie

[House File 2462](#)

HUMAN RESOURCES: McKinley, Chair; Behn and Holveck

[House File 2464](#)

HUMAN RESOURCES: Ragan, Chair; Seymour and Veenstra

[House File 2475](#)

AGRICULTURE: Seng, Chair; Angelo and Johnson

[House File 2480](#)

JUDICIARY: Ward, Chair; Boettger and McCoy

[House File 2481](#)

JUDICIARY: Tinsman, Chair; Gaskill and Holveck

[House File 2505](#)

JUDICIARY: Brunkhorst, Chair; Horn and Kettering

[House File 2538](#)

APPROPRIATIONS: Angelo, Chair; Lamberti and Warnstadt

## AFTERNOON SESSION

The Senate reconvened at 2:03 p.m., President Lamberti presiding.

The Senate stood at ease at 2:04 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:48 p.m., President Lamberti presiding.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 2241](#).

[Senate File 2241](#)

On motion of Senator Houser, [Senate File 2241](#), a bill for an act providing for the administration of fairs, providing for the allocation of moneys, and providing for an effective date, was taken up for consideration.

Senator Houser asked and received unanimous consent that [House File 2403](#) be **substituted** for [Senate File 2241](#).

[House File 2403](#)

On motion of Senator Houser, [House File 2403](#), a bill for an act providing for the administration of fairs, providing for the allocation of moneys, and providing for an effective date, was taken up for consideration.

Senator Houser 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. 2403](#)), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Larson

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

#### WITHDRAWN

Senator Houser asked and received unanimous consent that [Senate File 2241](#) be **withdrawn** from further consideration of the Senate.

#### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2237 and 2210.

#### [Senate File 2237](#)

On motion of Senator Brunkhorst, [Senate File 2237](#), a bill for an act relating to the minimum amount of instructional time accredited schools are required to provide, with report of committee without recommendation, was taken up for consideration.

Senator Brunkhorst offered amendment [S-5089](#), filed by Senators Brunkhorst and Beall on March 11, 2004, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment [S-5089](#) was adopted by a voice vote.

Senator Brunkhorst 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. 2237](#)), the vote was:

Yeas, 48:

Angelo	Fraise	Kreiman	Schuerer
Beall	Gaskill	Lamberti	Seng
Behn	Gronstal	Lundby	Seymour
Black	Hatch	McCoy	Shull
Boettger	Holveck	McKibben	Sievers
Bolkcom	Horn	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, 1:

Dvorsky

Absent, 1:

Larson

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

### [Senate File 2210](#)

On motion of Senator Gaskill, [Senate File 2210](#), a bill for an act relating to the Iowa corn promotion board, including its ex officio, nonvoting membership and the expenditure of moneys for programs, was taken up for consideration.



Senator Gaskill 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. 2210](#)), the vote was:

Yeas, 49:

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

Nays, none.

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 Files 2210 and 2237** and [House File 2403](#) be **immediately messaged** to the House.

#### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 2157](#).

[Senate File 2157](#)

On motion of Senator Miller, [Senate File 2157](#), a bill for an act relating to the uniform limited partnership Act and providing a penalty and effective date, was taken up for consideration.

Senator Miller asked and received unanimous consent that [House File 2347](#) be **substituted** for [Senate File 2157](#).

[House File 2347](#)

On motion of Senator Miller, [House File 2347](#), a bill for an act relating to the uniform limited partnership Act 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?" ([H.F. 2347](#)), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Larson

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

## WITHDRAWN

Senator Miller asked and received unanimous consent that [Senate File 2157](#) be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [House File 2373](#).

[House File 2373](#)

On motion of Senator Putney, [House File 2373](#), a bill for an act providing for the inapplicability of provisions regulating licensed real estate brokers and salespersons to auctioneers under specified circumstances, and providing penalties, with report of committee recommending passage, was taken up for consideration.

Senator Putney 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. 2373](#)), the vote was:

Yeas, 48:

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

Nays, 1:

Miller

Absent, 1:

Larson

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

President Pro Tempore Angelo took the chair at 3:17 p.m.

#### HOUSE AMENDMENT CONSIDERED

#### Senate File 2070

Senator Putney called up for consideration Senate File 2070, a bill for an act relating to duties and activities of the state department of transportation, including the registration and titling of motor vehicles, regulation of electric personal assistive mobility devices, and issuance of commercial driver's licenses, and providing effective dates, amended by the House in House amendment S-5097, filed March 16, 2004.

Senator Putney moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Putney moved that the bill, as amended by the House and concurred in by the Senate, 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. 2070), the vote was:

Yeas, 49:

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

Nays, none.

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 Veenstra asked and received unanimous consent that [Senate File 2070](#) and **House Files 2347** and **2373** be **immediately messaged** to the House.

#### CONSIDERATION OF BILLS (Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration Senate Files 2270 and 2233.

#### [Senate File 2270](#)

On motion of Senator Miller, [Senate File 2270](#), a bill for an act relating to county records, including the fees for recorded transactions and the confidentiality of veterans' military records maintained by the county recorder, 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. 2270](#)), the vote was:

Yeas, 49:

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

Dearden	Johnson	Redfern	Zieman
Dotzler	Kettering	Rehberg	
Drake	Kibbie	Schuerer	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Larson

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

### [Senate File 2233](#)

On motion of Senator Redfern, [Senate File 2233](#), a bill for an act eliminating a provision allowing a criminal offender to make a donation in lieu of performing community service, was taken up for consideration.

Senator McCoy asked and received unanimous consent that action on [Senate File 2233](#) be **deferred**.

### IMMEDIATELY MESSAGED

Senator Veenstra asked and received unanimous consent that [Senate File 2270](#) be **immediately messaged** to the House.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration Senate Files 2274 and 2257.

### [Senate File 2274](#)

On motion of Senator Kreiman, [Senate File 2274](#), a bill for an act relating to the revised Iowa nonprofit corporation Act and providing penalties and effective and applicability dates, was taken up for consideration.

Senator Kreiman withdrew amendment [S-5043](#), filed by him on March 8, 2004, to pages 2, 11, 30, 46, 74, 129, and 137 of the bill.

Senator Kreiman offered amendment [S-5109](#), filed by him on March 16, 2004, to pages 2, 5, 7, 11, 17, 30, 46, 74, 128, 129, 131, 135, and 137 of the bill, and moved its adoption.

Amendment [S-5109](#) was adopted by a voice vote.

Senator Kreiman 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. 2274](#)), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Larson

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

### [Senate File 2257](#)

On motion of Senator Kettering, [Senate File 2257](#), a bill for an act relating to the use of credit information for underwriting or rating risks for personal lines of property and casualty insurance and providing an applicability date, was taken up for consideration.

Senator Kettering offered amendment [S-5104](#), filed by Senators Kettering and Bolkom on March 16, 2004, striking and replacing everything after the enacting clause and to the title page of the bill.

Senator Warnstadt offered amendment [S-5113](#), filed by Senators Warnstadt and Kettering from the floor to page 2 of amendment [S-5104](#), and moved its adoption.

Amendment [S-5113](#) was adopted by a voice vote.

Senator Kettering withdrew amendment [S-5110](#), filed by him on March 16, 2004, to page 2 of amendment [S-5104](#).

Senator Kettering offered amendment [S-5107](#), filed by him on March 16, 2004, to pages 3 and 5 of amendment [S-5104](#), and moved its adoption.

Amendment [S-5107](#) was adopted by a voice vote.

Senator Kettering moved the adoption of amendment [S-5104](#), as amended.

Amendment [S-5104](#) was adopted by a voice vote.

Senator Kettering 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. 2257](#)), the vote was:

Yeas, 49:

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



Nays, none.

Absent, 1:

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 Veenstra asked and received unanimous consent that **Senate Files 2257** and **2274** be **immediately messaged** to the House.

#### CONSIDERATION OF BILL (Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration [Senate File 2275](#).

#### [Senate File 2275](#)

On motion of Senator Redfern, [Senate File 2275](#), a bill for an act relating to criminal sentencing practice and procedure, was taken up for consideration.

Senator Dvorsky withdrew amendment [S-5112](#), filed by him from the floor to page 1 and to the title page of the bill.

Senator Dvorsky offered amendment [S-5114](#), filed by him from the floor to page 1 and to the title page of the bill.

Senator Redfern raised the point of order that amendment [S-5114](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-5114](#) out of order.

Senator Redfern offered amendment [S-5115](#), filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment [S-5115](#) was adopted by a voice vote.

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. 2275](#)), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Larson

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

#### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 2153](#).

#### [Senate File 2153](#)

On motion of Senator Dotzler, [Senate File 2153](#), a bill for an act relating to the funding of efforts to alleviate a public health emergency or disaster, was taken up for consideration.

Senator Dotzler offered amendment [S-5117](#), filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment [S-5117](#) was adopted by a voice vote.

Senator Dotzler 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. 2153](#)), the vote was:

Yeas, 49:

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

Nays, none.

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 Files 2153** and **2275** be **immediately messaged** to the House.

#### 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 March 17, 2004, **adopted** the following resolution in which the concurrence of the House was asked:

[Senate Concurrent Resolution 114](#), a concurrent resolution honoring the Iowa State Fair in its sesquicentennial year.

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:29 p.m. until 8:30 a.m., Thursday, March 18, 2004.

**APPENDIX — 2****CERTIFICATE OF RECOGNITION**

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

Margaret DuMond, Waterloo—For celebrating your 90th birthday on March 17, 2004. Senator Dotzler (3/17/04).

**REPORT OF COMMITTEE MEETING****APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** March 17, 2004, 9:30 a.m.

**Members Present:** Shull, Chair; Boettger, Vice Chair; Horn, Ranking Member; Kibbie and Schuerer.

**Members Absent:** None.

**Committee Business:** Reviewed proposed committee bill and amendments.

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

**INTRODUCTION OF RESOLUTIONS**

[Senate Resolution 131](#), by Johnson, Shull, Angelo, Ziemann, Miller, Tinsman, Houser, McKinley, Hosch, Kettering, Brunkhorst, Gaskill, Boettger, McKibben, Sievers, Schuerer, Ward, Veenstra, Drake, Redfern, Lundby, Seymour, Behn, Wieck, Rehberg, Putney, Lamberti, Iverson, Beall, Quirnbach, Kreiman, Warnstadt, Bolkcom, Seng, McCoy, Courtney, Ragan, Holveck, Kibbie, Connolly, Dvorsky, Stewart, Horn, Fraise, Dearden, Dotzler, Hatch, and Gronstal, a resolution honoring George S. Mills for his service to the people of Iowa as a reporter, author, and noted Iowa historian.

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

[Senate Resolution 132](#), by Lundby, a resolution honoring the town of Palo and its surrounding community on the town's sesquicentennial year.

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

#### INTRODUCTION OF BILLS

[Senate File 2291](#), by committee on Ways and Means, a bill for an act relating to local government authority to encourage development and rehabilitation of certain real property and including effective date and applicability date provisions.

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

[Senate File 2292](#), by committee on Appropriations, a bill for an act providing for the automatic repeal of programs containing an appropriation under specified circumstances.

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

#### STUDY BILLS RECEIVED

##### [SSB 3167](#)      **Ways and Means**

Relating to the policy administration of the tax and related laws by the department of revenue, including administration of and substantive changes to the state individual income, corporate income, sales, use, property, inheritance, motor fuel, special fuel, cigarette, and tobacco taxes and including penalties.

##### [SSB 3168](#)      **Ways and Means**

Relating to property taxation by establishing a maximum property tax dollars limitation for counties and cities, repealing the square footage tax, and creating a state tax implementation committee to study local and state sources of revenue, and including effective and applicability date provisions.

## SUBCOMMITTEE ASSIGNMENTS

[House File 2434](#)

COMMERCE: Putney, Chair; Beall and Wieck

[House File 2484](#)

COMMERCE: Wieck, Chair; Kettering and Stewart

[SSB 3167](#)

WAYS AND MEANS: McKinley, Chair; Bolkcom and McKibben

[SSB 3168](#)

WAYS AND MEANS: Sievers, Chair; Hosch and Stewart

## FINAL COMMITTEE REPORTS OF BILL ACTION

## APPROPRIATIONS

**Bill Title:** \*[SENATE FILE 2292](#) (formerly [SF 2250](#)), a bill for an act providing for the automatic repeal of programs containing an appropriation under specified circumstances.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 23: Angelo, Lamberti, Dvorsky, Behn, Bolkcom, Connolly, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Zieman. Nays, none. Absent, 2: Black and Dotzler.

**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 Appropriations Committee on [Senate File 2292](#), and they were attached to the committee report.

## WAYS AND MEANS

**Bill Title:** \*[SENATE FILE 2291](#) (formerly [SF 2115](#)), a bill for an act relating to local government authority to encourage development and rehabilitation of certain real property and including effective date and applicability date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: McKibben, Shull, Bolkcom, Angelo, Connolly, Hosch, McKinley, Miller, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 2: Dotzler and McCoy.

**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 2291](#), and they were attached to the committee report.

#### BILL ASSIGNED TO COMMITTEE

President Lamberti announced that [House File 2434](#) was assigned to the **Commerce** committee.

#### BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 17th day of March, 2004:

Senate Files 2059, 2166, 2189, 2240, 2253, 2261, and 2290.

MICHAEL E. MARSHALL  
Secretary of the Senate

#### AMENDMENTS FILED

<a href="#">S-5111</a>	<a href="#">S.F. 2255</a>	Nancy J. Boettger
<a href="#">S-5112</a>	<a href="#">S.F. 2275</a>	Robert E. Dvorsky
<a href="#">S-5113</a>	<a href="#">S.F. 2257</a>	Steve Warnstadt
		Steve Kettering
<a href="#">S-5114</a>	<a href="#">S.F. 2275</a>	Robert E. Dvorsky
<a href="#">S-5115</a>	<a href="#">S.F. 2275</a>	Donald B. Redfern
<a href="#">S-5116</a>	<a href="#">S.F. 2264</a>	Larry McKibben
<a href="#">S-5117</a>	<a href="#">S.F. 2153</a>	William A. Dotzler, Jr.
<a href="#">S-5118</a>	<a href="#">S.F. 2273</a>	Kitty Rehberg