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**STATE OF IOWA**

**Senate Journal**

**MONDAY, APRIL 12, 2004**

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# JOURNAL OF THE SENATE

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NINETY-SECOND CALENDAR DAY  
FIFTY-THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, April 12, 2004

The Senate met in regular session at 10:10 a.m., President Lamberti presiding.

Prayer was offered by Father Mark Reasoner of the Sacred Heart Catholic Church in Osage, Iowa. He was the guest of Senator Ragan. Father Reasoner is the brother of Representative Reasoner.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Senate Pages.

The Journal of Thursday, April 8, 2004, was approved.

## INTRODUCTION OF RESOLUTION

[Senate Resolution 164](#), by Iverson, a resolution requesting the commissioner of insurance to submit an annual report to the legislative council containing administrative and financial information relating to medical malpractice claims.

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

## CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Concurrent Resolution 113](#) and [Senate Resolution 129](#).

### Senate Concurrent Resolution 113

On motion of Senator Lundby, [Senate Concurrent Resolution 113](#), a concurrent resolution recognizing the 25th anniversary of the Iowa Natural Heritage Foundation, with report of committee recommending passage, was taken up for consideration.

Senator Lundby offered amendment [S-5280](#), filed by Senators Connolly and Lundby on April 6, 2004, to page 2 of the resolution, and moved its adoption.

Amendment [S-5280](#) was adopted by a voice vote.

Senator Lundby moved the adoption of [Senate Concurrent Resolution 113](#), which motion prevailed by a voice vote.

#### SPECIAL GUEST

Senator Lundby welcomed to the Senate chamber Mr. Mark Ackelson, Director of the Iowa Natural Heritage Foundation.

The Senate rose and expressed its welcome.

### Senate Resolution 129

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

Senator Iverson moved the adoption of [Senate Resolution 129](#), which motion prevailed by a voice vote.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [Senate Concurrent Resolution 113](#) be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTIONS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolutions 141 and 132.

[Senate Resolution 141](#)

On motion of Senator Lundby, [Senate Resolution 141](#), a resolution honoring the town of Center Point and its surrounding community on the town's sesquicentennial year, with report of committee recommending passage, was taken up for consideration.

Senator Lundby moved the adoption of [Senate Resolution 141](#), which motion prevailed by a voice vote.

[Senate Resolution 132](#)

On motion of Senator Lundby, [Senate Resolution 132](#), a resolution honoring the town of Palo and its surrounding community on the town's sesquicentennial year, with report of committee recommending passage, was taken up for consideration.

Senator Lundby moved the adoption of [Senate Resolution 132](#), which motion prevailed by a voice vote.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Bolkom, for the day, on request of Senator Gronstal; Senator Fraise, until he arrives, on request of Senator Gronstal; and Senator Houser, until he arrives, on request of Senator Redfern.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [House File 2559](#).

[House File 2559](#)

On motion of Senator Stewart, [House File 2559](#), a bill for an act relating to the duties of the college student aid commission and the approval and registration of postsecondary schools by the commission, the department of education, and the secretary of state, and the establishment and collection of fees and chargeable expenses by the state board of education and the secretary of state, with report of committee recommending passage, was taken up for consideration.

Senator Stewart 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. 2559](#)), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

Bolkcom	Fraise	Houser	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.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 2299](#).

[Senate File 2299](#)

On motion of Senator Lundby, [Senate File 2299](#), a bill for an act establishing a planning group for unifying state administration of services utilized by elderly Iowans, was taken up for consideration.

Senator Lundby offered amendment [S-5300](#), filed by her on April 8, 2004, to pages 1, 2, and to the title page of the bill, and moved its adoption.

Amendment [S-5300](#) was adopted by a voice vote.

Senator Lundby 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. 2299](#)), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

Bolkcom	Fraise	Houser	Larson
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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 Boettger asked and received unanimous consent that [Senate File 2299](#) and [House File 2559](#) be **immediately messaged** to the House.

## HOUSE AMENDMENT CONSIDERED

[Senate File 2119](#)

Senator Kettering called up for consideration [Senate File 2119](#), a bill for an act relating to collateral required to be pledged by banks to the treasurer of state in order to secure the deposit of public moneys, amended by the House in House amendment [S-5255](#), filed April 5, 2004.

Senator Kettering 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 Kettering 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 voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2119](#)), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

Bolkcom

Fraise

Houser

Larson

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

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration [Senate Resolution 148](#).

[Senate Resolution 148](#)

On motion of Senator Warnstadt, [Senate Resolution 148](#), a resolution urging the United States Congress to appropriate funds to the National Park Service to assist state and local governments and private landowners in developing a comprehensive plan to preserve and restore the Loess Hills in Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Warnstadt moved the adoption of [Senate Resolution 148](#), which motion prevailed by a voice vote.

UNFINISHED BUSINESS  
(Deferred April 6, 2004)

[House File 2481](#)

The Senate resumed consideration of [House File 2481](#), a bill for an act expanding the circumstances by which the juvenile court may modify, vacate and substitute, or terminate a child in need of assistance dispositional order, deferred April 6, 2004.

Senator Gronstal asked and received unanimous consent that action on [House File 2481](#) be **deferred**.



## IMMEDIATELY MESSAGED

Senator Boettger asked and received unanimous consent that [Senate File 2119](#) be **immediately messaged** to the House.

President Pro Tempore Angelo took the chair at 11:00 a.m.

## HOUSE AMENDMENT CONSIDERED

[Senate File 2183](#)

Senator Schuerer called up for consideration [Senate File 2183](#), a bill for an act relating to asset disregard under the medical assistance program for the purchase of a qualified long-term care insurance policy, providing for a repeal, and providing a contingent effective date, amended by the House in House amendment [S-5277](#), filed April 5, 2004.

Senator Schuerer 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 Schuerer 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 voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2183](#)), the vote was:

Yeas, 35:

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

Nays, 12:

Connolly	Dotzler	Holveck	Quirnbach
Courtney	Dvorsky	Kreiman	Ragan
Dearden	Hatch	McCoy	Seng

Absent, 3:

Bolkcom	Fraise	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 2183](#) be **immediately messaged** to the House.

#### MOTION TO RECONSIDER ADOPTED

#### [House File 2440](#)

Senator Iverson called up the motion to reconsider [House File 2440](#), filed by him on April 5, 2004, and found on page 910 of the Senate Journal.

The Senate stood at ease at 11:30 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 12:41 p.m., Senator Tinsman presiding.

#### QUORUM CALL

Senator Iverson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent, and a quorum present.

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

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Redfern, until he returns, on request of Senator Iverson.

## BUSINESS PENDING

House File 2440

The Senate resumed consideration of House File 2440.

Senator Iverson moved the adoption of the motion to reconsider.

On the question "Shall the motion to reconsider be adopted?" (H.F. 2440), the vote was:

Yeas, 27:

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

Nays, 20:

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

Absent, 3:

Bolkcom	Larson	Redfern
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The motion prevailed.

Senator Johnson moved to reconsider the vote by which House File 2440 went to its last reading, which motion prevailed by a voice vote.

On motion of Senator Johnson, [House File 2440](#), a bill for an act relating to awards of noneconomic damages against health care providers, was taken up for reconsideration.

Senator Gronstal offered amendment [S-5302](#), filed by him from the floor to page 1 and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5302](#) be adopted?” ([H.F. 2440](#)), the vote was:

Yeas, 20:

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

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, 2:

Bolkcom	Larson
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Amendment [S-5302](#) lost.

Senator Gronstal offered amendment [S-5303](#), filed by him 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-5303](#) be adopted?” ([H.F. 2440](#)), the vote was:

Yeas, 20:

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

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, 2:

Bolkcom	Larson
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Amendment [S-5303](#) lost.

Senator Kreiman asked and received unanimous consent that action on [House File 2440](#) be **deferred**.

#### SPECIAL PRESENTATION TO SENATE PAGES

The Senate Pages were invited to the well of the Senate for a special presentation and thanked by Senators Iverson and Gronstal for their service to the Senate.

Certificates of Excellence for serving with honor and distinction as Senate Pages during the 2004 Regular Session of the Eightieth General Assembly were given to the following:

Sarah Battani, Dexter Chan, Lindsay Davis, Jeremy Dunkin, Carolyn Kistler, Krista Kreiman, Matt Kronlage, John Lande, Marguerite Moeller, Samara Pals, Amy Penniston, Maddison Sieck, Laura Thomas, Allison Vennerberg, and Ashley Wilson.

The Senate rose and expressed its appreciation.

## BUSINESS PENDING

[House File 2440](#)

The Senate resumed consideration of [House File 2440](#), a bill for an act relating to awards of noneconomic damages against health care providers, previously deferred.

Senator Kreiman offered amendment [S-5305](#), filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment [S-5305](#) lost by a voice vote.

Senator Kreiman offered amendment [S-5306](#), filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment [S-5306](#) lost by a voice vote.

President Pro Tempore Angelo took the chair at 2:05 p.m.

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?" ([H.F. 2440](#)), the vote was:

Yeas, 27:

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

Nays, 21:

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

Absent, 2:

Bolkcom	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.

WITHDRAWN

Senator Johnson asked and received unanimous consent that [Senate File 2236](#) be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [House File 2440](#) be **immediately messaged** to the House.

The Senate stood at ease at 2:16 p.m. until the fall of the gavel for the purpose of a Republican caucus.

The Senate resumed session at 2:38 p.m., President Lamberti presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 2:39 p.m. until 4:00 p.m.

**APPENDIX — 1****COMMUNICATION RECEIVED**

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

**AGENCY ICN REPORT**

April 8, 2004

**DEPARTMENT OF JUSTICE—IOWA ATTORNEY GENERAL'S OFFICE**

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

**CERTIFICATES OF RECOGNITION**

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

Trevor Biggs, Rockford—For achieving the rank of Eagle Scout, Boy Scout Troop 34. Senator Ragan (4/13/04).

Dominique Covey, Dubuque—For receiving the Herbert Hoover Uncommon Student Award. Senator Connolly (10/18/03).

Kirk and JoAnn Daddow, Ames—For celebrating your 40th wedding anniversary. Senator Quirnbach (4/10/04).

Richard Denbow, Gladbrook—For your service as national Vice-Commander of the American Legion. Senator Putney (4/12/04).

John Hall—For achieving the rank of Eagle Scout, Boy Scout Troop 188. Senator Veenstra (5/16/04).

Phil Henning, Marshalltown—For retiring after 34 years of coaching wrestling. Senator McKibben (4/13/04).

Larry Hicok, Rockford—For receiving the 2004 Iowa Reading Administrator of the Year Award. Senator Ragan (4/13/04).

Randall Hinkel, Madrid—For the outstanding accomplishment of 200 wins as a high school football coach. Senator Quirnbach (4/13/04).

Travis Hoven, Albia—For receiving the FFA Star in Ag Production Award. Senator McKinley (4/12/04).



Codie Kellen—For achieving the rank of Eagle Scout, Boy Scout Troop 188. Senator Veenstra (5/16/04).

Adam Lucht, Muscatine—For achieving the rank of Eagle Scout. Senator Drake (4/12/04).

Rogers School—For your 125th anniversary as the oldest school in Marshalltown. Senator McKibben (4/13/04).

Joseph Stonesifer—For achieving the rank of Eagle Scout, Boy Scout Troop 188. Senator Veenstra (5/16/04).

Sgt. Michelle Vore, Vining—For your quick action in saving the life of SFC Samuel Martens during the Iraqi operations. Senator Putney (7/7/03).

Mr. and Mrs. Carroll Wegner, Gladbrook—For celebrating your 50th wedding anniversary. Senator Putney (4/10/04).

## REPORT OF COMMITTEE MEETING

### GOVERNMENT OVERSIGHT

**Convened:** April 12, 2004, 9:50 a.m.

**Members Present:** Lundby, Chair; Brunkhorst, Vice Chair; Courtney, Ranking Member; Dvorsky and Wieck.

**Members Absent:** None.

**Committee Business:** Passed [HF 2514](#).

**Adjourned:** 9:55 a.m.

## INTRODUCTION OF RESOLUTIONS

[Senate Resolution 165](#), by Houser, a resolution recognizing the retirement of Dr. William Campbell and his many accomplishments on behalf of Iowans with disabilities.

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

[Senate Resolution 166](#), by Redfern, a resolution honoring the founding and growth of the American Mock Trial Association.

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

## SUBCOMMITTEE ASSIGNMENT

[Senate Resolution 164](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

## FINAL COMMITTEE REPORT OF BILL ACTION

## GOVERNMENT OVERSIGHT

**Bill Title:** [HOUSE FILE 2514](#), a bill for an act relating to a pilot project for dementia-specific care alternatives.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 5: Lundby, Brunkhorst, Courtney, Dvorsky, and Wieck. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 9, 2004, the Governor approved and transmitted to the Secretary of State the following bill:

[S.F. 2249](#) – Regulating contest events involving animals, and providing a penalty and effective date.

ALSO:

A communication was received announcing that on April 12, 2004, the Governor approved and transmitted to the Secretary of State the following bills:

[S.F. 2101](#) – Relating to receiving a precursor substance or possessing a product to be used in the unlawful manufacture of a controlled substance.

[S.F. 2149](#) – Relating to games of chance by authorizing certain bingo games and prizes for bingo and raffles and providing an effective date.

[S.F. 2177](#) – Relating to the possession and self-administration of asthma or other airway constricting disease medication by public and accredited nonpublic school students.

[S.F. 2193](#) – Relating to the civil commitment of sexually violent predators.

[S.F. 2234](#) – Relating to child custody and visitation provisions.

## AFTERNOON SESSION

The Senate reconvened at 4:40 p.m., President Pro Tempore Angelo presiding.

## QUORUM CALL

Senator Johnson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent, and a quorum present.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Miller, for the day, on request of Senator Gaskill.

CONFIRMATION OF GOVERNOR'S APPOINTMENT  
(Individual Confirmation Calendar)

Senator Iverson called up the appointment of Thomas Becker, as State Public Defender, placed on the Individual Confirmation Calendar on March 29, 2004, and found on page 710 of the Senate Journal.

Senator Ward moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 41:

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

Nays, 6:

Brunkhorst	Schuerer	Sievers
Lundby	Seng	Tinsman

Absent, 3:

Bolkcom	Larson	Miller
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

The Senate stood at ease at 5:09 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 6:02 p.m., President Lamberti presiding.

#### RECESS

On motion of Senator Iverson, the Senate recessed at 6:03 p.m. until the completion of a meeting of the committee on Rules and Administration.

#### EVENING SESSION

The Senate reconvened at 6:06 p.m., President Lamberti presiding.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lundby, until she returns, on request of Senator Veenstra.

#### CONFIRMATION OF GOVERNOR'S APPOINTMENT

In accordance with Senate Rule 59, Senator Iverson called up the following eligible appointee on the En Bloc Confirmation Calendar:

Judy Weller, State Board of Examiners for Nursing Home Administrators

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

Bolkcom	Larson	Lundby	Miller
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

#### SENATE INSISTS

#### [House File 2434](#)

Senator Putney called up for consideration [House File 2434](#), a bill for an act to update and modify the enhanced 911 emergency telephone communications system, amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on [House File 2434](#) on the part of the Senate: Senators Putney, Chair; Shull, Wieck, Beall, and Fraise.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [House File 2434](#) be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS  
(Individual Confirmation Calendar)

Senator Iverson called up the appointment of Toby Shine, as a member of the Grow Iowa Values Board, placed on the Individual Confirmation Calendar on March 30, 2004, and found on page 797 of the Senate Journal.

Senator Ward moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Bolkcom	Larson	Miller
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of Harvey Siegelman, as a member of the Grow Iowa Values Review Commission, placed on the Individual Confirmation Calendar on March 9, 2004, and found on page 461 of the Senate Journal.

Senator Rehberg moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 40:

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

Nays, 7:

Angelo	Houser	McKinley	Schuerer
Behn	Johnson	Rehberg	

Absent, 3:

Bolkcom	Larson	Miller
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of Frederick (Ted) Stilwill, as Director of the Department of Education, placed on the Individual Confirmation Calendar on March 29, 2004, and found on page 710 of the Senate Journal.

Senator Boettger moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 40:

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

Nays, 7:

Angelo	Lamberti	McKinley	Schuerer
Johnson	Lundby	Rehberg	

Absent, 3:

Bolkcom	Larson	Miller
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

#### DEFERRAL OF APPOINTEE (Individual Confirmation Calendar)

Senator Iverson called up the appointment of Jonathan Wilson, as a member of the State Board of Education, placed on the Individual Confirmation Calendar on March 29, 2004, and found on page 710 of the Senate Journal.

Senator Iverson asked and received unanimous consent that action on the appointment of Jonathan Wilson be deferred.

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 7:20 p.m. until 8:30 a.m., Tuesday, April 13, 2004.



**APPENDIX — 2****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 12th day of April, 2004:

Senate Files 371, 2044, 2213, 2266, 2284, and 2296.

MICHAEL E. MARSHALL  
Secretary of the Senate

**REPORTS OF COMMITTEE MEETINGS****RULES AND ADMINISTRATION**

**Convened:** April 12, 2004, 6:00 p.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 159, 162, 163, and 164, and HCRs 108 and 123.

**Adjourned:** 6:05 p.m.

**WAYS AND MEANS**

**Convened:** April 12, 2004, 2:45 p.m.

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

**Members Absent:** Bolkom, Ranking Member (excused).

**Committee Business:** Passed HF's 2302, 2560, 2561, 2562, 2567, and 2569.

**Recessed:** 4:35 p.m.

**Reconvened:** 7:30 p.m.

**Adjourned:** 8:20 p.m.

## INTRODUCTION OF RESOLUTION

[Senate Resolution 167](#), by Angelo, a resolution honoring the town of Afton on its sesquicentennial anniversary year.

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

## FINAL COMMITTEE REPORTS OF BILL ACTION

## RULES AND ADMINISTRATION

**Bill Title:** [SENATE RESOLUTION 159](#), a resolution honoring the town of Shellsburg and its surrounding community on the town's sesquicentennial anniversary.

**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 162](#), a resolution recognizing the achievements of the Urbandale Junior League All Star Team in winning the Central Regional Championship of the 2003 Junior League Baseball World Series.

**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 163](#), a resolution honoring the Sioux City West High School Dance Squad for its outstanding performance at the Marching Auxiliaries National Dance/Drill Team Competition.

**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 164](#), a resolution requesting the commissioner of insurance to submit an annual report to the legislative council containing administrative and financial information relating to medical malpractice claims.

**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 CONCURRENT RESOLUTION 108](#), a concurrent resolution recognizing the seventy-fifth anniversary of the Iowa Medical Society Alliance.

**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 CONCURRENT RESOLUTION 123](#), a concurrent resolution honoring N. William Hines on his retirement as Dean of the University of Iowa College of Law.

**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:** \*[HOUSE FILE 2302](#), a bill for an act relating to gambling, concerning the operation, licensure, regulation, fee assessment, and taxation of racetracks and excursion gambling boats, imposing a moratorium for issuance of licenses for certain gambling games and pari-mutuel wagering, including pari-mutuel wagering, horse purses and gambling games at racetracks and on gambling boats, racing and gaming commission employees, gambling treatment fund and county endowment fund appropriations, gambling by minors and others, and providing penalties and including effective and retroactive applicability date provisions.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-5312](#).

**Final Vote:** Ayes, 13: McKibben, Shull, Angelo, Connolly, Dotzler, Hosch, McKinley, Putney, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, 2: McCoy and Quirmbach. Absent, 2: Bolkcom and Miller.

**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 [House File 2302](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** [HOUSE FILE 2560](#), a bill for an act relating to fire protection service by requiring certain counties to negotiate emergency services agreements for townships, relating to dissolution of benefited fire districts, and including effective and applicability date provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 16: McKibben, Shull, Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirmbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 1: Bolkcom.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [HOUSE FILE 2561](#), a bill for an act creating a job corps center new jobs tax credit and providing effective and retroactive applicability dates.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 16: McKibben, Shull, Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirmbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 1: Bolkcom.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** \*[HOUSE FILE 2562](#), a bill for an act relating to electrical and mechanical amusement devices that are required to be registered with the department of inspections and appeals, establishing fees, making an appropriation, making penalties applicable, and including an effective and retroactive applicability provision.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-5309](#).

**Final Vote:** Ayes, 15: McKibben, Shull, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirmbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, 1: Angelo. Absent, 1: Bolkcom.

**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 [House File 2562](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** [HOUSE FILE 2567](#), a bill for an act regulating the transportation of animal carcasses, providing for fees and penalties, and providing for an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 16: McKibben, Shull, Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 1: Bolkcom.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [HOUSE FILE 2569](#), a bill for an act establishing a county enforcement surcharge for citations issued by the county sheriff.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 16: McKibben, Shull, Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 1: Bolkcom.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### AMENDMENTS FILED

<a href="#">S-5302</a>	<a href="#">H.F. 2440</a>	Michael E. Gronstal
<a href="#">S-5303</a>	<a href="#">H.F. 2440</a>	Michael E. Gronstal
<a href="#">S-5304</a>	<a href="#">H.F. 2231</a>	Keith A. Kreiman
<a href="#">S-5305</a>	<a href="#">H.F. 2440</a>	Keith A. Kreiman
<a href="#">S-5306</a>	<a href="#">H.F. 2440</a>	Keith A. Kreiman
<a href="#">S-5307</a>	<a href="#">S.F. 2305</a>	Gene Fraise
<a href="#">S-5308</a>	<a href="#">S.R. 164</a>	Steve Warnstadt
<a href="#">S-5309</a>	<a href="#">H.F. 2562</a>	Ways and Means
<a href="#">S-5310</a>	<a href="#">S.F. 2282</a>	Steve Warnstadt
<a href="#">S-5311</a>	<a href="#">H.F. 2231</a>	Keith A. Kreiman
<a href="#">S-5312</a>	<a href="#">H.F. 2302</a>	Ways and Means