

PROOF

STATE OF IOWA

Senate Journal

MONDAY, FEBRUARY 3, 2003

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JOURNAL OF THE SENATE

TWENTY-SECOND CALENDAR DAY
THIRTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 3, 2003

The Senate met in regular session at 1:02 p.m., President Kramer presiding.

Prayer was offered by the Reverend Phil Barrett of the Presbytery of Des Moines, Iowa. He was the guest of Senator McKinley.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Adrienne and Isaac Boettger, grandchildren of Senator Nancy Boettger.

A moment of silence was observed by the Senate in memory of the seven members of the Columbia space shuttle.

The Journal of Thursday, January 30, 2003, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 1:18 p.m. until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:03 p.m., President Kramer presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Larson, for the day, on request of Senator Iverson; and Senators Beall and McCoy, until they return, on request of Senator Gronstal.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Joint Resolution 1](#).

[Senate Joint Resolution 1](#)

On motion of Senator Iverson, [Senate Joint Resolution 1](#), a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the resolution was read the last time.

[Senate Joint Resolution 1](#), a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation.

WHEREAS, the State of Iowa has the honor of being the home of the World Food Prize Foundation which annually presents an international award recognizing outstanding individual achievement in improving the quality, quantity, or availability of food in the world; and

WHEREAS, Iowa's unique State Capitol is an optimal location for this awards ceremony of the World Food Prize Foundation and previously served as the ceremony location; and

WHEREAS, wine is customarily served as an accompaniment to the food and entertainment provided at this type of awards ceremony and wine was served when the ceremony was previously held at the State Capitol; and

WHEREAS, under 401 IAC 3.4(8), which prohibits the consumption of alcoholic beverages on the capitol complex, it is not possible to serve wine at this type of awards ceremony in the State Capitol; NOW THEREFORE, BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Notwithstanding 401 IAC 3.4(8) and any contrary provisions of chapter 123, prohibiting the use and consumption of alcoholic beverages in public places, wine may be used and consumed within the state capitol at an awards ceremony, to be held on or around October 16, 2003, hosted and organized in whole or in part by the world food prize foundation if the person providing the food and wine at the awards ceremony possesses an appropriate valid liquor control license. For the purpose of this section and section 123.95, the state capitol is a private place.

On the question "Shall the resolution be adopted?" ([S.J.R. 1](#)), the vote was:

Yeas, 44:

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

Nays, 2:

Holveck	Kreiman
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Absent, 4:

Beall	Brunkhorst	Larson	McCoy
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The resolution, having received a constitutional majority, was declared to have been adopted by the Senate and the title was agreed to.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [House Concurrent Resolution 4](#).

[House Concurrent Resolution 4](#)

On motion of Senator Iverson, [House Concurrent Resolution 4](#), a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Eightieth General Assembly, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of [House Concurrent Resolution 4](#), which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [Senate Joint Resolution 1](#) and [House Concurrent Resolution 4](#) be **immediately messaged** to the House.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 3, 2003, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 66](#), a bill for an act requiring motor vehicle operators to take certain precautions when passing stationary utility maintenance or municipal maintenance vehicles and making a penalty applicable.

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

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:16 p.m. until 8:30 a.m. Tuesday, February 4, 2003.

APPENDIX**COMMUNICATIONS RECEIVED**

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

February 3, 2003

DEPARTMENT FOR THE BLIND

Report on Purchase of Products with Recycled Content, Pursuant to Iowa Code section 216B.3.

IOWA COUNTY ENGINEERS ASSOCIATION SERVICE BUREAU

Annual Report of Activities, pursuant to Iowa Code section 312.3.

IOWA JUDICIAL BRANCH

Enhanced Court Collections and Technology Fund Report — notification that the report in electronic form is available online.

LEGISLATIVE FISCAL BUREAU

Summary of FY 2004 Budget and Governor's Recommendations.

DEPARTMENT OF MANAGEMENT

Annual Report on Affirmative Action and Annual Governance Report on Diversity Programs — notification that the report in electronic form is available online.

REPORT OF COMMITTEE MEETING**EDUCATION**

Convened: February 3, 2003, 3:10 p.m.

Members Present: Boettger, Chair; McKinley, Vice Chair; Connolly, Ranking Member; Beall, Behn, Brunkhorst, Dvorsky, Holveck, Hosch, Kreiman, Quirnbach, Redfern, and Rehberg.

Members Absent: Angelo and Larson (both excused).

Committee Business: Subcommittee assignment.

Adjourned: 3:20 p.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 6](#), by Warnstadt, a resolution urging the United States Congress to immediately enact legislation assisting states and local governments in improving their first responder networks.

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

INTRODUCTION OF BILLS

[Senate File 74](#), by Black, a bill for an act relating to gambling on excursion boats and at racetracks, by eliminating the ongoing reauthorization requirement of a referendum permitting gambling games and the cruise requirement for excursion gambling boats.

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

[Senate File 75](#), by Connolly, a bill for an act relating to training programs for adult volunteers who work with adolescent youths in after school mentoring programs, and making an appropriation.

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

[Senate File 76](#), by Zieman, a bill for an act relating to bond issuance elections and authorizing a political subdivision to impose an income surtax to partially fund the issuance of certain bonds.

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

[Senate File 77](#), by Rehberg, a bill for an act making appropriations from the general fund of the state for aviation.

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

Senate File 78, by Rehberg, a bill for an act making appropriations from the general fund of the state for snowmobile and all-terrain vehicle programs.

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

STUDY BILLS RECEIVED

SSB 1040 **State Government**

Transferring responsibility for establishing the state plumbing code from the Iowa department of public health to the state building code commissioner and providing an effective date.

SSB 1041 **Transportation**

Relating to enforcement of motor vehicle law provisions and making penalties applicable.

SSB 1042 **Commerce**

Providing for the licensing and regulation of mortgage originators, providing penalties, and providing an effective date.

SSB 1043 **Judiciary**

To prohibit unauthorized computer access to operational or support data of a rural water district and providing a penalty.

SSB 1044 **Judiciary**

Relating to using an emergency exit to facilitate a theft, and providing a penalty.

SSB 1045 Judiciary

Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

SSB 1046 Judiciary

Relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

SUBCOMMITTEE ASSIGNMENTS**Senate Concurrent Resolution 1**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate Concurrent Resolution 3

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate File 49

STATE GOVERNMENT: Schuerer, Chair; Johnson and Ragan

Senate File 55

TRANSPORTATION: Putney, Chair; Drake and Fraise

Senate File 56

STATE GOVERNMENT: Tinsman, Chair; Connolly and Sievers

Senate File 62

TRANSPORTATION: Houser, Chair; Drake and Fraise

Senate File 63

STATE GOVERNMENT: Drake, Chair; Kibbie and Tinsman

Senate File 64

STATE GOVERNMENT: Johnson, Chair; Connolly and Veenstra

[Senate File 67](#)

COMMERCE: Schuerer, Chair; Behn and Bolkcom

[Senate File 73](#)

ECONOMIC GROWTH: McKinley, Chair; Dotzler and Veenstra

[SSB 1040](#)

STATE GOVERNMENT: Shull, Chair; Dearden and Sievers

[SSB 1041](#)

TRANSPORTATION: Shull, Chair; Beall and Putney

[SSB 1042](#)

COMMERCE: Sievers, Chair; Bolkcom and Wieck

[SSB 1043](#)

JUDICIARY: Kettering, Chair; Fraise and Miller

[SSB 1044](#)

JUDICIARY: Kettering, Chair; McCoy and McKibben

[SSB 1045](#)

JUDICIARY: Kreiman, Chair; Kettering and Larson

[SSB 1046](#)

JUDICIARY: Quirnbach, Chair; Putney and Tinsman

EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on February 3, 2003, when the vote was taken on [Senate Joint Resolution 1](#). Had I been present, I would have voted "Yea."

DARYL BEALL