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**STATE OF IOWA**

**Senate Journal**

**WEDNESDAY, MARCH 24, 2004**

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## JOURNAL OF THE SENATE

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SEVENTY-THIRD CALENDAR DAY  
FORTY-THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, March 24, 2004

The Senate met in regular session at 8:35 a.m., President Lamberti presiding.

Prayer was offered by the Rabbi David Kaufman of the Temple B'Nai Jeshurun in Des Moines, Iowa. He was the guest of Senators McCoy and Quirmbach.

The Journal of Tuesday, March 23, 2004, was approved.

UNFINISHED BUSINESS  
(Deferred March 23, 2004)

### [Senate File 2268](#)

The Senate resumed consideration of [Senate File 2268](#), a bill for an act relating to the request for regulatory analysis, deferred March 23, 2004.

Senator Veenstra took the chair at 8:47 a.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.

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

On the question "Shall the bill pass?" ([S.F. 2268](#)), the vote was:

Yeas, 27:

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

Nays, 21:

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

Absent, 2:

Brunkhorst	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.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Brunkhorst, until he arrives, on request of Senator Shull.

#### MOTION TO RECONSIDER LOST

#### [Senate File 2268](#)

Senator Johnson called up the following motion to reconsider filed by him from the floor and requested a “No” vote:

MR. PRESIDENT: I move to reconsider the vote by which [S.F. 2268](#) passed the Senate on March 24, 2004.

On the question “Shall the motion to reconsider be adopted?” ([S.F. 2268](#)), the vote was:

Yeas, 21:

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

Nays, 27:

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

Absent, 2:

Brunkhorst	Larson
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The motion lost.

The following motion to reconsider, filed by Senator Hatch from the floor, was out of order.

MR. PRESIDENT: I move to reconsider the vote by which [S.F. 2268](#) passed the Senate on March 24, 2004.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [Senate File 2268](#) be **immediately messaged** to the House.

#### RECESS

On motion of Senator Iverson, the Senate recessed at 9:30 a.m. until 5:00 p.m.

#### EVENING SESSION

The Senate reconvened at 5:47 p.m., President Lamberti presiding.

## 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 24, 2004, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 2187](#), a bill for an act relating to municipal utilities that provide local exchange services, including the confidentiality and audits of certain accounting records, the allocation of the cost of use of city resources, and exemption from sales and use taxes.

ALSO: That the House has on March 24, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 2231](#), a bill for an act relating to the release of sex offender registry records, and providing an effective date.

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

[House File 2344](#), a bill for an act relating to child development home provider qualifications and providing an effective date.

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

[House File 2465](#), a bill for an act establishing requirements for persons contracting with the state.

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

[House File 2514](#), a bill for an act relating to a pilot project for dementia-specific care alternatives.

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

[House File 2520](#), a bill for an act relating to purchasing preferences for Iowa-based products and services.

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

The Senate stood at ease at 5:48 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:59 p.m., President Lamberti presiding.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2273, 2259, and 2106.

**Senate File 2273**

On motion of Senator Brunkhorst, **Senate File 2273**, a bill for an act relating to disposition of an award of damages in a condemnation proceeding pending appeal of the award to district court, was taken up for consideration.

Senator Rehberg withdrew amendment **S-5118**, filed by her on March 17, 2004, to page 1 and to the title page of the bill.

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. 2273**), 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 2259

On motion of Senator Veenstra, [Senate File 2259](#), a bill for an act relating to the establishment of a faith-based and community-based organizations network, was taken up for consideration.

Senator Veenstra offered amendment [S-5125](#), filed by him on March 23, 2004, to page 1 of the bill.

Senator Veenstra asked and received unanimous consent that action on amendment [S-5125](#) be deferred.

Senator Kreiman offered amendment [S-5140](#), filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment [S-5140](#) lost by a voice vote.

Senator Tinsman offered amendment [S-5078](#), filed by her on March 10, 2004, to page 1 of the bill, and moved its adoption.

Amendment [S-5078](#) was adopted by a voice vote.

The Senate resumed consideration of amendment [S-5125](#), previously deferred.

Senator Veenstra moved the adoption of amendment [S-5125](#), which motion prevailed by a voice vote.

Senator Veenstra 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. 2259](#)), the vote was:

Yeas, 29:

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

Nays, 20:

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

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 2106](#)

On motion of Senator Miller, [Senate File 2106](#), a bill for an act relating to the jurisdictional limit in small claims court, related fees, and providing effective dates, 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. 2106](#)), the vote was:



Yeas, 42:

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

Nays, 7:

Beall	Gronstal	Kreiman	Stewart
Boettger	Holveck	Ragan	

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 2106, 2259, and 2273** 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 2254](#).

#### [Senate File 2254](#)

On motion of Senator Boettger, [Senate File 2254](#), a bill for an act relating to crimes against an unborn child, providing for a repeal, and providing penalties, was taken up for consideration.

Senator Boettger offered amendment [S-5129](#), filed by her on March 23, 2004, striking and replacing everything after the enacting clause and to the title page of the bill.

Senator Hatch withdrew amendment [S-5142](#), filed by him from the floor to page 1 of amendment [S-5129](#).

Senator President Pro Tempore Angelo took the chair at 8:18 p.m.

Senator Kreiman offered amendment [S-5144](#), filed by him from the floor to page 1 and to the title provisions of amendment [S-5129](#), and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5144](#) to amendment [S-5129](#) be adopted?” ([S.F. 2254](#)), the vote was:

Yeas, 18:

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

Nays, 31:

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

Absent, 1:

Larson

Amendment [S-5144](#) lost.

Senator Boettger moved the adoption of amendment [S-5129](#), which motion prevailed by a voice vote.

Senator Boettger 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. 2254](#)), the vote was:

Yeas, 30:

Angelo	Gaskill	McKibben	Shull
Behn	Hosch	McKinley	Sievers
Black	Houser	Miller	Veenstra
Boettger	Iverson	Putney	Ward
Brunkhorst	Johnson	Rehberg	Wieck
Connolly	Kettering	Schuerer	Zieman
Drake	Kibbie	Seng	
Fraise	Lamberti	Seymour	

Nays, 19:

Beall	Dvorsky	Kreiman	Redfern
Bolkcom	Gronstal	Lundby	Stewart
Courtney	Hatch	McCoy	Tinsman
Dearden	Holveck	Quirnbach	Warnstadt
Dotzler	Horn	Ragan	

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 Iverson asked and received unanimous consent that [Senate File 2254](#) be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:35 p.m. until 8:30 a.m., Thursday, March 25, 2004.

**APPENDIX****GOVERNOR'S APPOINTEES PLACED ON  
EN BLOC CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

**BUSINESS AND LABOR RELATIONS**

M. Sue Warner – Public Employment Relations Board

Jean Logan – Iowa Workforce Development Board

**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

### COMMUNICATIONS RECEIVED

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

March 24, 2004

#### IOWA ALCOHOLIC BEVERAGES DIVISION

FY 2003 Annual Report—notification that the report in electronic form is available online.

#### DEPARTMENT OF ECONOMIC DEVELOPMENT

FY 2003 Community Economic Betterment Account Annual Report—notification that the report in electronic form is available online.

### REPORTS OF COMMITTEE MEETINGS

#### BUSINESS AND LABOR RELATIONS

**Convened:** March 24, 2004, 10:00 a.m.

**Members Present:** Schuerer, Chair; Lundby, Vice Chair; Dearden, Ranking Member; Courtney, Dotzler, Horn, Johnson, Kettering, McKibben, Seymour, and Wieck.

**Members Absent:** None.

**Committee Business:** Passed [HF 2447](#) and approved the Governor's appointees.

**Adjourned:** 10:15 a.m.

#### EDUCATION

**Convened:** March 24, 2004, 10:10 a.m.

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

**Members Absent:** None.

**Committee Business:** Passed [HF 2419](#) and approved the Governor's appointees.

**Recessed:** 10:20 a.m.

**Reconvened:** 10:25 a.m.

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

#### HUMAN RESOURCES

**Convened:** March 24, 2004, 2:30 p.m.

**Members Present:** Veenstra, Chair; Seymour, Vice Chair; Ragan, Ranking Member; Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman.

**Members Absent:** None.

**Committee Business:** Passed HF's 2328, 2362, 2378, 2390, 2441, and 2527 and approved the Governor's appointees.

**Adjourned:** 3:30 p.m.

#### INTRODUCTION OF RESOLUTIONS

[Senate Concurrent Resolution 115](#), by Lundby, a concurrent resolution recognizing the 35th anniversary of Iowa Public Television.

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

[Senate Resolution 138](#), by Sievers, Seng, Stewart, Drake, and Tinsman, a resolution honoring Dr. John T. Blong, Chancellor of Eastern Iowa Community College District.

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

[Senate Resolution 139](#), by Boettger and Ragan, a resolution to recognize May 2004 as Hepatitis C Awareness and Education Month and to urge greater public awareness and education regarding hepatitis C.

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

#### SUBCOMMITTEE ASSIGNMENTS

##### [Senate Concurrent Resolution 115](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

##### [Senate Resolution 134](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

##### [Senate Resolution 135](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

##### [Senate Resolution 136](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

##### [Senate Resolution 137](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

##### [House File 2362](#)

HUMAN RESOURCES: Hosch, Chair; Ragan and Veenstra

##### [House File 2473](#)

HUMAN RESOURCES: Tinsman, Chair; Boettger and Horn

##### [House File 2489](#)

COMMERCE: Wieck, Chair; Kettering and McCoy

[House File 2521](#)

COMMERCE: Wieck, Chair; Beall and Kettering

[House File 2528](#)

JUDICIARY: Boettger, Chair; Horn and Miller

FINAL COMMITTEE REPORTS OF BILL ACTION

**AGRICULTURE**

**Bill Title:** [HOUSE FILE 2476](#), a bill for act regulating transmissible viruses afflicting poultry and providing penalties.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-5138](#).

**Final Vote:** Ayes, 14: Johnson, Hosch, Fraise, Angelo, Behn, Courtney, Gaskill, Houser, Kibbie, Putney, Ragan, Seng, Veenstra, and Zieman. Nays, none. Absent, 1: Black.

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

**APPROPRIATIONS**

**Bill Title:** [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 appropriations to the environment first fund and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 25: Angelo, Lamberti, Dvorsky, Behn, Black, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Zieman. Nays, none. Absent, none.

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

**BUSINESS AND LABOR RELATIONS**

**Bill Title:** [HOUSE FILE 2447](#), a bill for an act relating to industry standards for boilers, directing the labor commissioner to adopt emergency rules when the industry standards are supplemented, providing for appeals of the commissioner's orders, and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Schuerer, Lundby, Dearden, Horn, Johnson, Kettering, McKibben, Seymour, and Wieck. Nays, 2: Courtney and Dotzler. Absent, none.

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



**EDUCATION**

**Bill Title:** [HOUSE FILE 2419](#), a bill for an act relating to the number of signatures required on nomination petitions for school board elections.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Boettger, McKinley, Connolly, Angelo, Beall, Behn, Brunkhorst, Dvorsky, Holveck, Hosch, Kreiman, Quirnbach, Redfern, Rehberg, and Ward. Nays, none. Absent, none.

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

**AMENDMENTS FILED**

<a href="#">S-5138</a>	<a href="#">H.F. 2476</a>	Agriculture
<a href="#">S-5139</a>	<a href="#">S.F. 2207</a>	John Putney
		Amanda Ragan
		Bryan J. Sievers
		Keith A. Kreiman
		Mark Zieman
		Michael E. Gronstal
<a href="#">S-5140</a>	<a href="#">S.F. 2259</a>	Keith A. Kreiman
<a href="#">S-5141</a>	<a href="#">S.F. 2236</a>	David Johnson
<a href="#">S-5142</a>	<a href="#">S.F. 2254</a>	Jack Hatch
<a href="#">S-5143</a>	<a href="#">H.F. 2434</a>	Ron Wieck
		John Putney
		Daryl Beall
<a href="#">S-5144</a>	<a href="#">S.F. 2254</a>	Keith A. Kreiman
<a href="#">S-5145</a>	<a href="#">H.F. 2440</a>	Maggie Tinsman