

PROOF

STATE OF IOWA

Senate Journal

FRIDAY, MAY 6, 2005

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JOURNAL OF THE SENATE

ONE HUNDRED SEVENTEENTH CALENDAR DAY
SEVENTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, May 6, 2005

The Senate met in regular session at 8:39 a.m., President Lamberti presiding.

Prayer was offered by Senate Page Ellen Harris. She performed "On Eagle's Wings."

The Journal of Thursday, May 5, 2005, was approved.

The Senate stood at ease at 8:42 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:04 a.m., President Lamberti presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Boettger and Zieman, until they arrive, on request of Senator Iverson.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 816](#).

[House File 816](#)

On motion of Senator Horn, [House File 816](#), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the

blind, the department of cultural affairs, the department of education, and the state board of regents and providing an effective date, with report of committee without recommendation, was taken up for consideration.

Senator Angelo offered amendment [S-3292](#), filed by Senators Angelo, Horn, and Dvorsky from the floor striking and replacing everything after the enacting clause and to the title page of the bill.

Senator Quirnbach offered amendment [S-3295](#), filed by Senator Quirnbach, et al., from the floor to page 13 of amendment [S-3292](#), and moved its adoption.

Amendment [S-3295](#) lost by a voice vote.

Senator Connolly offered amendment [S-3296](#), filed by him from the floor to pages 25 and 26 of amendment [S-3292](#), and moved its adoption.

Amendment [S-3296](#) lost by a voice vote.

Senator Putney offered amendment [S-3294](#), filed by him from the floor to pages 29 and 37 of amendment [S-3292](#), and moved its adoption.

Amendment [S-3294](#) lost by a voice vote.

Senator Rielly offered amendment [S-3302](#), filed by Senators Rielly, Stewart, and Shull from the floor to pages 35 and 36 of amendment [S-3292](#), and moved its adoption.

A nonrecord roll call was requested.

The ayes were 24, nays 24.

Amendment [S-3302](#) lost.

Senator Dvorsky offered amendment [S-3303](#), filed by Senators Dvorsky and Angelo from the floor to page 36 of amendment [S-3292](#), and moved its adoption.

Amendment [S-3303](#) was adopted by a voice vote.

Senator Quirnbach offered amendment [S-3307](#), filed by him from the floor to page 2 of amendment [S-3292](#), and moved its adoption.

Amendment [S-3307](#) was adopted by a voice vote.

Senator Angelo moved the adoption of amendment [S-3292](#), as amended, which motion prevailed by a voice vote.

With the adoption of amendment [S-3292](#), as amended, the Chair ruled the following amendments out of order:

[S-3268](#), filed by Senator Quirnbach, et al., on May 5, 2005, to page 15 of the bill;

[S-3255](#), filed by Senators Wood and Quirnbach on May 4, 2005, to pages 17, 18, and 23 of the bill; and

[S-3257](#), filed by Senator Putney on May 5, 2005, to pages 31 and 33 of the bill.

Senator Horn 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. 816](#)), the vote was:

Yeas, 48:

Angelo	Fraise	Kreiman	Rielly
Beall	Gaskill	Lamberti	Schoenjahn
Behn	Gronstal	Larson	Seng
Black	Hahn	Lundby	Seymour
Bolkcom	Hancock	McCoy	Shull
Brunkhorst	Hatch	McKibben	Stewart
Connolly	Horn	McKinley	Tinsman
Courtney	Houser	Miller	Ward
Danielson	Iverson	Mulder	Warnstadt
Dearden	Johnson	Putney	Wieck
Dotzler	Kettering	Quirnbach	Wood
Dvorsky	Kibbie	Ragan	Zaun

Nays, none.

Absent, 2:

Boettger	Zieman
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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.

INTRODUCTION OF RESOLUTION

[Senate Resolution 59](#), by Black, a resolution supporting a proposal to invite the Republic of China (Taiwan) to participate in the upcoming meeting of the World Health Assembly as an observer.

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

RECESS

On motion of Senator Gronstal, the Senate recessed at 12:15 p.m. until the completion of a meeting of the committee on Rules and Administration.

APPENDIX — 1**REPORT OF COMMITTEE MEETING****RULES AND ADMINISTRATION**

Convened: May 6, 2005, 12:15 p.m.

Members Present: Gronstal and Iverson, Co-chairs; Angelo, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan.

Members Absent: Boettger (excused).

Committee Business: Passed [SR 59](#).

Adjourned: 12:20 p.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 60](#), by Seng, Tinsman, and Wood, a resolution urging the President of the United States and the United States Congress to take action to keep the Rock Island Arsenal open.

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

SUBCOMMITTEE ASSIGNMENTS[Senate Resolution 58](#)

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

[Senate Resolution 59](#)

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

[Senate Resolution 60](#)

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Students from Aquin Elementary School in Cascade, Iowa, accompanied by their teacher Susan Maternach. Senators Connolly and Hancock.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 59](#), a resolution supporting a proposal to invite the Republic of China (Taiwan) to participate in the upcoming meeting of the World Health Assembly as an observer.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Iverson, Angelo, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, 1: Boettger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RECONVENED

The Senate reconvened at 12:21 p.m., President Lamberti presiding.

The Senate stood at ease at 12:22 p.m. until the fall of the gavel.

The Senate resumed session at 1:07 p.m., President Lamberti presiding.

QUORUM CALL

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

The vote revealed 40 present, 10 absent, and a quorum present.

The Senate stood at ease at 1:45 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:40 p.m., President Lamberti presiding.

MOTIONS TO RECONSIDER WITHDRAWN

[House File 816](#)

Senator Gronstal withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which [House File 816](#) passed the Senate on May 6, 2005.

[House File 841](#)

Senators Dvorsky and Gronstal withdrew their motions to reconsider [House File 841](#), a bill for an act relating to health care reform, including provisions relating to the medical assistance program, providing appropriations, providing effective dates, and providing for retroactive applicability, filed by them on May 4, 2005, found on page 1137 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 816 and 841** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Resolution 59](#).

[Senate Resolution 59](#)

On motion of Senator Black, [Senate Resolution 59](#), a resolution supporting a proposal to invite the Republic of China (Taiwan) to participate in the upcoming meeting of the World Health Assembly as an observer, with report of committee recommending passage, was taken up for consideration.

Senator Black moved the adoption of [Senate Resolution 59](#), which motion prevailed by a voice vote.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 882](#).

[House File 882](#)

On motion of Senator Dvorsky, [House File 882](#), a bill for an act making, reducing, and transferring appropriations, providing for fees, and providing for properly related matters and including effective and retroactive applicability date provisions, with report of committee without recommendation, was taken up for consideration.

Senator Hatch offered amendment [S-3315](#), filed by him from the floor to page 2 of the bill.

Senator Hatch asked and received unanimous consent that action on amendment [S-3315](#) be deferred.

Senator Dvorsky offered amendment [S-3306](#), filed by Senators Angelo and Dvorsky from the floor to pages 4-7, 9-15, 18, 20, 21, 23-28, 35-37, and 48 and to the title page of the bill.

Senator Dvorsky offered amendment [S-3316](#), filed by Senators Dvorsky and Angelo from the floor to page 1 of amendment [S-3306](#), and moved its adoption.

Amendment [S-3316](#) was adopted by a voice vote.

Senator Quirnbach offered amendment [S-3314](#), filed by Senators Quirnbach and Tinsman from the floor to page 16 of amendment [S-3306](#), and moved its adoption.

A nonrecord roll call was requested.

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

The ayes were 23, nays 25.

Amendment [S-3314](#) lost.

Senator Houser offered amendment [S-3312](#), filed by Senator Houser, et al., from the floor to pages 26-28 of amendment [S-3306](#), and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-3312](#) to amendment [S-3306](#) be adopted?" ([H.F. 882](#)), the vote was:

Yeas, 17:

Courtney	Houser	McKinley	Shull
Fraise	Johnson	Mulder	Stewart
Gaskill	Kibbie	Putney	
Hahn	Kreiman	Seng	
Hatch	Lundby	Seymour	

Nays, 31:

Angelo	Dearden	Lamberti	Schoenjahn
Beall	Dotzler	Larson	Tinsman

Behn	Dvorsky	McCoy	Ward
Black	Gronstal	McKibben	Warnstadt
Bolkcom	Hancock	Miller	Wieck
Brunkhorst	Horn	Quirnbach	Wood
Connolly	Iverson	Ragan	Zaun
Danielson	Kettering	Rielly	

Absent, 2:

Boettger Zieman

Amendment [S-3312](#) lost.

Senator Dvorsky moved the adoption of amendment [S-3306](#), as amended, which motion prevailed by a voice vote.

With the adoption of amendment [S-3306](#), as amended, the Chair ruled amendment [S-3235](#), filed by Senator Quirnbach, et al., on May 3, 2005, to page 18 of the bill, out of order.

Senator Gronstal offered amendment [S-3271](#), filed by Senators Gronstal and Lamberti on May 5, 2005, to page 5 of the bill, and moved its adoption.

Amendment [S-3271](#) was adopted by a voice vote.

Senator Wieck offered amendment [S-3293](#), filed by Senator Wieck, et al., from the floor to page 13 of the bill, and moved its adoption.

Amendment [S-3293](#) was adopted by a voice vote.

Senator Angelo offered amendment [S-3249](#), filed by him on May 4, 2005, to page 18 of the bill, and moved its adoption.

Amendment [S-3249](#) lost by a voice vote.

Senator Warnstadt offered amendment [S-3265](#), filed by him on May 4, 2005, to page 18 of the bill.

Senator Warnstadt withdrew amendment [S-3265](#).

Senator Putney offered amendment [S-3270](#), filed by him on May 5, 2005, to page 18 of the bill, and moved its adoption.

Amendment [S-3270](#) lost by a voice vote.

Senator Bolkcom withdrew amendment [S-3297](#), filed by him from the floor to pages 18 and 24 of the bill.

Senator Bolkcom withdrew amendment [S-3308](#), filed by him from the floor to pages 18 and 24 of the bill.

Senator Mulder withdrew amendment [S-3266](#), filed by him on May 5, 2005, to pages 19 and 24 and to the title page of the bill.

Senator Mulder offered amendment [S-3269](#), filed by him on May 5, 2005, to pages 19 and 24 of the bill.

Senator Mulder withdrew amendment [S-3269](#).

Senator Johnson offered amendment [S-3291](#), filed by Senators Johnson and Mulder from the floor to pages 19 and 24 of the bill.

Senator Johnson asked and received unanimous consent to withdraw amendment [S-3291](#).

Senator Mulder withdrew amendment [S-3305](#), filed by him from the floor to pages 19 and 24 and to the title page of the bill.

Senator Warnstadt offered amendment [S-3299](#), filed by him from the floor to pages 21 and 24 of the bill, and moved its adoption.

Amendment [S-3299](#) lost by a voice vote.

Senator Rielly offered amendment [S-3310](#), filed by him from the floor to pages 21 and 24 of the bill.

Senator Rielly withdrew amendment [S-3310](#).

Senator Miller offered amendment [S-3272](#), filed by him on May 5, 2005, to page 24 of the bill.

Senator Fraise offered amendment [S-3313](#), filed by him from the floor to page 1 of amendment [S-3272](#).

Senator Fraise withdrew amendment [S-3313](#).

Senator Miller moved the adoption of amendment [S-3272](#), which motion prevailed by a voice vote.

Senator Courtney offered amendment [S-3290](#), filed by Senators Courtney and Lundby from the floor to page 33 of the bill.

Senator Courtney asked and received unanimous consent to withdraw amendment [S-3290](#).

Senator Brunkhorst offered amendment [S-3304](#), filed by Senators Brunkhorst and Kreiman from the floor to page 48 of the bill, and moved its adoption.

Amendment [S-3304](#) was adopted by a voice vote.

Senator Stewart offered amendment [S-3274](#), filed by him on May 5, 2005, to page 48 of the bill, and moved its adoption.

Amendment [S-3274](#) lost by a voice vote.

Senator Connolly offered amendment [S-3275](#), filed by Senators Connolly and Kibbie on May 5, 2005, to page 48 of the bill.

Senator Connolly asked and received unanimous consent to withdraw amendment [S-3275](#).

Senator Kibbie offered amendment [S-3282](#), filed by Senators Kibbie and Houser on May 5, 2005, to page 48 and to the title page of the bill, and moved its adoption.

Amendment [S-3282](#) was adopted by a voice vote.

Senator Courtney offered amendment [S-3298](#), filed by Senators Courtney and Fraise from the floor to page 48 of the bill.

Senator Courtney asked and received unanimous consent to withdraw amendment [S-3298](#).

Senator Stewart withdrew amendment [S-3300](#), filed by him from the floor to page 48 of the bill.

Senator McCoy offered amendment [S-3301](#), filed by him from the floor to page 48 and to the title page of the bill, and moved its adoption.

Amendment [S-3301](#) lost by a voice vote.

Senator Angelo offered amendment [S-3309](#), filed by Senator Angelo, et al., from the floor to page 48 of the bill, and moved its adoption.

Amendment [S-3309](#) was adopted by a voice vote.

Senator Courtney offered amendment [S-3311](#), filed by Senators Courtney and Fraise from the floor to page 48 and to the title page of the bill.

Senator Courtney asked and received unanimous consent to withdraw amendment [S-3311](#).

The Senate resumed consideration of amendment [S-3315](#), previously deferred.

Senator Hatch moved the adoption of amendment [S-3315](#).

Amendment [S-3315](#) lost by a voice vote.

Senator Dvorsky 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. 882](#)), the vote was:

Yeas, 39:

Angelo	Fraise	Kreiman	Seng
Beall	Gaskill	Lamberti	Seymour
Black	Gronstal	McCoy	Shull
Bolkcom	Hahn	McKibben	Stewart
Connolly	Hancock	Miller	Tinsman
Courtney	Hatch	Putney	Ward

Danielson	Horn	Quirnbach	Warnstadt
Dearden	Iverson	Ragan	Wieck
Dotzler	Johnson	Rielly	Wood
Dvorsky	Kibbie	Schoenjahn	

Nays, 9:

Behn	Kettering	McKinley
Brunkhorst	Larson	Mulder
Houser	Lundby	Zaun

Absent, 2:

Boettger	Zieman
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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.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:02 p.m. until 1:00 p.m., Monday, May 9, 2005.

APPENDIX — 2**MOTION TO RECONSIDER FILED**

MR. PRESIDENT: I move to reconsider the vote by which [House File 882](#) passed the Senate on May 6, 2005.

MICHAEL E. GRONSTAL

AMENDMENTS FILED

S-3290	H.F. 882	Thomas G. Courtney Mary Lundby
S-3291	H.F. 882	David Johnson Dave Mulder
S-3292	H.F. 816	Jeff Angelo Wally E. Horn Robert E. Dvorsky
S-3293	H.F. 882	Ron Wieck Steve Warnstadt Robert E. Dvorsky Jeff Angelo
S-3294	H.F. 816	John Putney
S-3295	H.F. 816	Herman C. Quirnbach Robert E. Dvorsky Joe Bolkcom Jack Hatch Jeff Danielson William A. Dotzler, Jr. Michael Connolly
S-3296	H.F. 816	
S-3297	H.F. 882	Joe Bolkcom
S-3298	H.F. 882	Thomas G. Courtney Gene Fraise
S-3299	H.F. 882	Steve Warnstadt
S-3300	H.F. 882	Roger Stewart
S-3301	H.F. 882	Matt McCoy
S-3302	H.F. 816	Tom Rielly Roger Stewart Doug Shull
S-3303	H.F. 816	Robert E. Dvorsky Jeff Angelo

<u>S-3304</u>	<u>H.F. 882</u>	Bob Brunkhorst Keith A. Kreiman
<u>S-3305</u>	<u>H.F. 882</u>	Dave Mulder
<u>S-3306</u>	<u>H.F. 882</u>	Jeff Angelo Robert E. Dvorsky
<u>S-3307</u>	<u>H.F. 816</u>	Herman C. Quirnbach
<u>S-3308</u>	<u>H.F. 882</u>	Joe Bolkcom
<u>S-3309</u>	<u>H.F. 882</u>	Jeff Angelo Robert E. Dvorsky Jeff Lamberti Steve Warnstadt Joe Bolkcom Charles W. Larson, Jr. Jeff Danielson Keith A. Kreiman
<u>S-3310</u>	<u>H.F. 882</u>	Tom Rielly
<u>S-3311</u>	<u>H.F. 882</u>	Thomas G. Courtney Gene Fraise
<u>S-3312</u>	<u>H.F. 882</u>	Hubert Houser John Putney David Johnson James F. Hahn James A. Seymour Joe M. Seng Roger Stewart
<u>S-3313</u>	<u>H.F. 882</u>	Gene Fraise
<u>S-3314</u>	<u>H.F. 882</u>	Herman C. Quirnbach Maggie Tinsman
<u>S-3315</u>	<u>H.F. 882</u>	Jack Hatch
<u>S-3316</u>	<u>H.F. 882</u>	Robert E. Dvorsky Jeff Angelo