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**STATE OF IOWA**

**Senate Journal**

**WEDNESDAY, MARCH 10, 2004**

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# JOURNAL OF THE SENATE

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FIFTY-NINTH CALENDAR DAY  
THIRTY-FIFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, March 10, 2004

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

Prayer was offered by the Reverend Amy Miracle, senior pastor of the Westminster Presbyterian Church in Des Moines, Iowa. She was the guest of Senator Holveck.

The Journal of Tuesday, March 9, 2004, was approved.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 117](#).

### [Senate Resolution 117](#)

On motion of Senator Dvorsky, [Senate Resolution 117](#), a resolution honoring Dr. Norm Nielsen, President of Kirkwood Community College, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved the adoption of [Senate Resolution 117](#), which motion prevailed by a voice vote.

## SPECIAL GUEST

Senator Dvorsky welcomed to the Senate chamber Dr. Norm Nielsen, President of Kirkwood Community College. Dr. Nielsen addressed the chamber with brief remarks.

The Senate rose and expressed its welcome.

## 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 9, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 2304](#), a bill for an act relating to the provision of workers' compensation benefits, to the release of information concerning such benefits, and to workers' compensation liability insurance.

Read first time and referred to committee on **Business and Labor Relations**.

[House File 2306](#), a bill for an act relating to fees charged for delayed redemption of electronic gift cards.

Read first time and **attached to companion** [Senate File 2231](#).

[House File 2341](#), a bill for an act allowing off-duty, out-of-state, and retired peace officers to carry weapons.

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

[House File 2343](#), a bill for an act providing for the establishment of a vaccination program for first responders, and providing an immediate effective date.

Read first time and **attached to similar** [Senate File 2146](#).

[House File 2366](#), a bill for an act relating to the use of blaze orange apparel by hunters and subjecting violators to a penalty.

Read first time and referred to committee on **Natural Resources and Environment**.

[House File 2392](#), a bill for an act relating to controlled burns of demolished buildings conducted by certain cities.

Read first time and referred to committee on **Natural Resources and Environment**.

[House File 2393](#), a bill for an act relating to the regulation of target shooting near buildings and feedlots and the regulation of public hunting near buildings and feedlots and providing an effective date.

Read first time and referred to committee on **Natural Resources and Environment**.

[House File 2394](#), a bill for an act relating to driver education by a teaching parent.

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

[House File 2396](#), a bill for an act relating to recovery of prejudgment interest in relation to an offer to confess judgment.

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

[House File 2398](#), a bill for an act relating to the establishment of a toll-free telephone service by the department of justice to assist persons interested in receiving consumer fraud information.

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

[House File 2401](#), a bill for an act relating to the comprehensive petroleum underground storage tank fund and providing an effective date.

Read first time and referred to committee on **Natural Resources and Environment**.

[House File 2418](#), a bill for an act relating to meeting dates by which the state board of regents must make final decisions on tuition increases for institutions of higher education under its control.

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

[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.

Read first time and referred to committee on **Business and Labor Relations**.

[House File 2451](#), a bill for an act relating to stormwater discharge permits issued by the department of natural resources.

Read first time and referred to committee on **Natural Resources and Environment**.

The Senate stood at ease at 8:55 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:17 a.m., President Lamberti presiding.

#### SPECIAL PRESENTATION TO SENATE PAGE

Senate Page Theresa Bittner was invited to the well of the Senate for a special presentation and thanked by Senators Iverson and Gronstal for her service to the Senate.

A Certificate of Excellence for serving with honor and distinction as a Senate Page during the 2004 Regular Session of the Eightieth General Assembly was presented to her.

The Senate rose and expressed its appreciation.

#### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Houser and Lundby, until they return, on request of Senator Iverson.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2253, 2266, and 2188.

**Senate File 2253**

On motion of Senator Zieman, **Senate File 2253**, a bill for an act relating to disclosure requirements for the transfer of ownership of a motor vehicle and providing penalties, was taken up for consideration.

Senator Warnstadt offered amendment **S-5050**, filed by Senators Warnstadt and Zieman on March 8, 2004, to page 4 of the bill, and moved its adoption.

Amendment **S-5050** was adopted by a voice vote.

Senator Zieman 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. 2253**), the vote was:

Yeas, 36:

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

Nays, 11:

Bolkcom	Dearden	Fraise	McCoy
Connolly	Dotzler	Hatch	Quirnbach
Courtney	Dvorsky	Holveck	

Absent, 3:

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

### Senate File 2266

On motion of Senator Kettering, [Senate File 2266](#), a bill for an act relating to landlord disclosure requirements regarding the environmental status of rental property, was taken up for consideration.

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. 2266](#)), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

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

### Senate File 2188

On motion of Senator Shull, [Senate File 2188](#), a bill for an act providing for the establishment of a commission on the status of Iowans of Asian and Pacific Islander heritage within the department of human rights, was taken up for consideration.

Senator Shull offered amendment [S-5042](#), filed by him on March 8, 2004, to page 4 of the bill, and moved its adoption.

Amendment [S-5042](#) was adopted by a voice vote.

Senator Shull 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. 2188](#)), 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
Connolly	Hosch	Miller	Tinsman
Courtney	Houser	Putney	Veenstra
Dearden	Iverson	Quirnbach	Ward
Dotzler	Johnson	Ragan	Warnstadt
Drake	Kettering	Redfern	Wieck
Dvorsky	Kibbie	Rehberg	Zieman

Nays, 1:

Brunkhorst

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 2188, 2253, and 2266** be **immediately messaged** to the House.



CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2173, 2208, and 2224.

**Senate File 2173**

On motion of Senator Schuerer, **Senate File 2173**, a bill for an act concerning private sector employee drug testing relating to authorized testing substances, confirmed positive test results, and testing procedures, and providing an effective date, was taken up for consideration.

Senator Schuerer offered amendment **S-5070**, filed by him from the floor to pages 1, 2, and 5 of the bill, and moved its adoption.

Amendment **S-5070** was adopted by a voice vote.

Senator Schuerer 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. 2173**), the vote was:

Yeas, 47:

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

Nays, 2:

Dotzler	Lundby
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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 2208**

On motion of Senator Johnson, **Senate File 2208**, a bill for an act relating to the powers and duties of the department of agriculture and land stewardship, and making penalties applicable, was taken up for consideration.

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?" (**S.F. 2208**), 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 2224**

On motion of Senator Kibbie, **Senate File 2224**, a bill for an act relating to grain regulation, was taken up for consideration.

Senator Kibbie 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. 2224](#)), 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 2173, 2208, and 2224** be **immediately messaged** to the House.

#### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2175, 2261, and 2149.

[Senate File 2175](#)

On motion of Senator McKibben, [Senate File 2175](#), a bill for an act relating to the provision of workers' compensation benefits, to the release of information concerning such benefits, and to workers' compensation liability insurance, was taken up for consideration.

Senator McKibben offered amendment [S-5033](#), filed by him on March 1, 2004, to page 1 of the bill, and moved its adoption.

Amendment [S-5033](#) was adopted by a voice vote.

Senator McKibben withdrew amendment [S-5032](#), filed by him on February 26, 2004, to page 1 of the bill.

Senator McKibben 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. 2175](#)), 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 2261](#)

On motion of Senator Kettering, [Senate File 2261](#), a bill for an act providing penalties for specified liquor control violations involving a retail liquor control license, wine permit, or beer permit, was taken up for consideration.

Senator Kettering offered amendment [S-5068](#), filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment [S-5068](#) 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. 2261](#)), 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 2149**

On motion of Senator Zieman, **Senate File 2149**, a bill for an act relating to games of chance by authorizing certain bingo games and prizes for bingo and raffle, was taken up for consideration.

Senator McKibben took the chair at 11:20 a.m.

Senator Fraise offered amendment **S-5062**, filed by Senators Zieman and Fraise on March 9, 2004, to page 2 and to the title page of the bill, and moved its adoption.

Amendment **S-5062** was adopted by a voice vote.

Senator Zieman 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. 2149**), the vote was:

Yeas, 45:

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

Nays, 4:

Holveck	Kreiman	Tinsman	Veenstra
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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 Files 2149, 2175, and 2261** 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 2183](#).

[Senate File 2183](#)

On motion of Senator Schuerer, [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, was taken up for consideration.

Senator Schuerer offered amendment [S-5056](#), filed by him on March 9, 2004, to page 5 of the bill, and moved its adoption.

Amendment [S-5056](#) was adopted by a voice vote.

Senator Holveck asked and received unanimous consent that action on [Senate File 2183](#) be **deferred**.

## RECESS

On motion of Senator Veenstra, the Senate recessed at 12:33 p.m. until 4:00 p.m.

**APPENDIX — 1****CERTIFICATES OF RECOGNITION**

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

Jordan McLaughlin, Belmond—For winning the 189-Pound First Place State Title in wrestling and earning a 39–0 season record. Senator Iverson (3/10/04).

Kelly Pierce, Waukee—For winning First Place among eighth and ninth graders in the Women in Science and Engineering Essay Competition. Senator Behn (3/11/04).

Mae Ryan, Greenfield—For celebrating your 100th birthday on March 13, 2004. Senator Angelo (3/13/04).

Kathryn Skilton, Nashua—For winning First Place among eighth and ninth graders in the Write Women Back Into History Essay Competition. Senator Behn (3/11/04).

**REPORTS OF COMMITTEE MEETINGS****HUMAN RESOURCES**

**Convened:** March 10, 2004, 2:10 p.m.

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

**Members Absent:** Horn and Schuerer (both excused).

**Committee Business:** Presentation on faith-based initiatives.

**Adjourned:** 3:00 p.m.

**WAYS AND MEANS**

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

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

**Members Absent:** Angelo, McCoy, and Putney (all excused).

**Committee Business:** Passed SFs 2180, 2238, and 2252, and [HF 2367](#). Approved [SSB 3162](#).

**Adjourned:** 1:25 p.m.



## INTRODUCTION OF RESOLUTION

[Senate Resolution 129](#), by Iverson, 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.

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

## INTRODUCTION OF BILLS

[Senate File 2284](#), by committee on Ways and Means, a bill for an act relating to the establishment of a regional transit district within the unincorporated areas of certain counties and within certain cities, requiring creation of a regional transit district commission, authorizing the voluntary imposition of a regional transit property tax levy, and providing for the issuance of general obligation bonds and revenue bonds.

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

[Senate File 2285](#), by committee on Ways and Means, a bill for an act relating to the deposit and use of electronic transaction fees and providing an immediate effective date.

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

[Senate File 2286](#), by committee on Ways and Means, a bill for an act updating the Iowa Code references to the Internal Revenue Code, decoupling with the Internal Revenue Code for a certain bonus depreciation provision, and providing retroactive applicability dates and an effective date.

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

## STUDY BILLS RECEIVED

**SSB 3163 Government Oversight**

Providing for the appointment of the secretary of agriculture.

**SSB 3164 Ways and Means**

Relating to tax incentives for the purchase of certain methods of health coverage and including applicability date provisions.

## SUBCOMMITTEE ASSIGNMENTS

**Senate Resolution 127**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

**Senate Resolution 128**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

**Senate File 2194**

APPROPRIATIONS: Zieman, Chair; Angelo and Seng

**Senate File 2219**

GOVERNMENT OVERSIGHT: Dvorsky, Chair; Brunkhorst and Wieck

**Senate File 2220**

GOVERNMENT OVERSIGHT: Lundby, Chair; Courtney and Wieck

**Senate File 2250**

APPROPRIATIONS: Warnstadt, Chair; Angelo and Lamberti

**House Joint Resolution 2005**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

**House Concurrent Resolution 112**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

**House File 250**

(Reassignment)

JUDICIARY: Ward, Chair; Boettger and Fraise

[House File 2201](#)

STATE GOVERNMENT: Ward, Chair; Connolly and Shull

[House File 2243](#)

COMMERCE: Sievers, Chair; Beall and Schuerer

[House File 2319](#)

STATE GOVERNMENT: Sievers, Chair; Kibbie and Tinsman

[House File 2373](#)

COMMERCE: Putney, Chair; Beall and Wieck

[House File 2402](#)

STATE GOVERNMENT: Schuerer, Chair; Black and Zieman

[SSB 3163](#)

GOVERNMENT OVERSIGHT: Lundby, Chair; Courtney and Wieck

[SSB 3164](#)

WAYS AND MEANS: Wieck, Chair; Miller and Seng

## FINAL COMMITTEE REPORTS OF BILL ACTION

### WAYS AND MEANS

**Bill Title:** [SENATE FILE 2284](#) (formerly [SF 2252](#)), a bill for an act relating to the establishment of a regional transit district within the unincorporated areas of certain counties and within certain cities, requiring creation of a regional transit district commission, authorizing the voluntary imposition of a regional transit property tax levy, and providing for the issuance of general obligation bonds and revenue bonds.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: McKibben, Shull, Bolkcom, Connolly, Dotzler, Hosch, McKinley, Miller, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 3: Angelo, McCoy, and Putney.

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

**ALSO:**

**Bill Title:** [SENATE FILE 2285](#) (formerly [SF 2238](#)), a bill for an act relating to the deposit and use of electronic transaction fees and providing an immediate effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: McKibben, Shull, Bolkom, Connolly, Dotzler, Hosch, McKinley, Miller, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 3: Angelo, McCoy, and Putney.

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

**ALSO:**

**Bill Title:** [SENATE FILE 2286 \(SSB 3162\)](#), a bill for an act updating the Iowa Code references to the Internal Revenue Code, decoupling with the Internal Revenue Code for a certain bonus depreciation provision, and providing retroactive applicability dates and an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: McKibben, Shull, Bolkom, Connolly, Dotzler, Hosch, McKinley, Miller, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 3: Angelo, McCoy, and Putney.

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

**ALSO:**

**Bill Title:** [HOUSE FILE 2367](#), a bill for an act relating to various issues under the purview of the department of corrections including the creation of an inmate labor fund.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: McKibben, Shull, Bolkom, Connolly, Dotzler, Hosch, McKinley, Miller, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 3: Angelo, McCoy, and Putney.

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

## AFTERNOON SESSION

The Senate reconvened at 4:06 p.m., President Lamberti presiding.

The Senate stood at ease at 4:07 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:02 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 10, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 2390](#), a bill for an act making technical changes to programs under the purview of the department of human services, providing an effective date, and providing for retroactive applicability.

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

[House File 2404](#), a bill for an act relating to certain alternative forms of county and city government by providing for county redistricting and representation, charter commission administration, application of various statutory requirements, the manner in which a charter may be proposed and adopted, amendment of a charter, the organization of the governing body, and inclusions in a charter, making technical changes relating to the administration and authority of a city-county consolidated government and a community commonwealth, making changes related to multicounty consolidation, and including effective and retroactive applicability date provisions.

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

[House File 2431](#), a bill for an act relating to educational institutions under the university-based research utilization program.

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

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

Read first time and **passed on file**.

[House File 2459](#), a bill for an act relating to residency qualifications for purposes of postsecondary tuition and fees paid at public institutions of higher education in this state.

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

[House File 2460](#), a bill for an act relating to school district enrollment of students listed on the sex offender registry.

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

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

#### BUSINESS PENDING

#### [Senate File 2183](#)

The Senate resumed consideration of [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, previously deferred.

Senator Schuerer offered amendment [S-5081](#), filed by him from the floor to pages 3 and 4 of the bill, and asked and received unanimous consent that action on amendment [S-5081](#) be deferred.

Senator Quirnbach offered amendment [S-5083](#), filed by him from the floor to pages 3–5 of the bill, and moved its adoption.

Amendment [S-5083](#) lost by a voice vote.

The Senate resumed consideration of amendment [S-5081](#), previously deferred.

Senator Schuerer moved the adoption of amendment [S-5081](#), which motion prevailed by a voice vote.

President Pro Tempore Angelo took the chair at 5:11 p.m.

Senator Schuerer 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. 2183](#)), the vote was:

Yeas, 33:

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

Nays, 15:

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

Absent, 2:

Larson	Redfern
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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.

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 5:25 p.m. until 8:30 a.m., Thursday, March 11, 2004.

## APPENDIX — 2

### REPORT OF COMMITTEE MEETING

#### APPROPRIATIONS

**Convened:** March 10, 2004, 3:10 p.m.

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

**Members Absent:** Black (excused).

**Committee Business:** Passed [SF 2194](#) and approved SSBs 3053 and 3075.

**Adjourned:** 3:40 p.m.

### INTRODUCTION OF BILLS

[Senate File 2287](#), by committee on Appropriations, a bill for an act providing bonding authorization to the state board of regents for specific capital projects.

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

[Senate File 2288](#), by committee on Appropriations, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

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



## SUBCOMMITTEE ASSIGNMENT

Senate Resolution 129

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

## FINAL COMMITTEE REPORTS OF BILL ACTION

## APPROPRIATIONS

**Bill Title:** SENATE FILE 2194 (SSB 3110), a bill for an act providing for the appropriation of moneys to support the testing and monitoring of avian influenza.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 24: Angelo, Lamberti, Dvorsky, Behn, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Ziemann. Nays, none. Absent, 1: Black.

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

## ALSO:

**Bill Title:** SENATE FILE 2287 (SSB 3075), a bill for an act providing bonding authorization to the state board of regents for specific capital projects.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 24: Angelo, Lamberti, Dvorsky, Behn, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Ziemann. Nays, none. Absent, 1: Black.

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

## ALSO:

**Bill Title:** SENATE FILE 2288 (SSB 3053), a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 24: Angelo, Lamberti, Dvorsky, Behn, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Ziemann. Nays, none. Absent, 1: Black.

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

## AMENDMENTS FILED

<a href="#">S-5067</a>	<a href="#">S.F. 2100</a>	Herman C. Quirnbach
<a href="#">S-5068</a>	<a href="#">S.F. 2261</a>	Steve Kettering
<a href="#">S-5069</a>	<a href="#">S.F. 2179</a>	Mark Zieman
<a href="#">S-5070</a>	<a href="#">S.F. 2173</a>	Neal Schuerer
<a href="#">S-5071</a>	<a href="#">S.F. 2078</a>	Mark Zieman
<a href="#">S-5072</a>	<a href="#">S.F. 2232</a>	Steve Warnstadt
<a href="#">S-5073</a>	<a href="#">S.F. 2243</a>	Donald B. Redfern
<a href="#">S-5074</a>	<a href="#">S.F. 2044</a>	Maggie Tinsman
<a href="#">S-5075</a>	<a href="#">S.F. 2279</a>	Mark Zieman
<a href="#">S-5076</a>	<a href="#">S.F. 2283</a>	Mark Zieman
<a href="#">S-5077</a>	<a href="#">S.F. 2176</a>	Matt W. McCoy
<a href="#">S-5078</a>	<a href="#">S.F. 2259</a>	Maggie Tinsman
<a href="#">S-5079</a>	<a href="#">S.F. 2176</a>	Jack Holveck Keith A. Kreiman
<a href="#">S-5080</a>	<a href="#">S.F. 2247</a>	Mary Lundby
<a href="#">S-5081</a>	<a href="#">S.F. 2183</a>	Neal Schuerer
<a href="#">S-5082</a>	<a href="#">S.F. 2251</a>	Doug Shull
<a href="#">S-5083</a>	<a href="#">S.F. 2183</a>	Herman C. Quirnbach