

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, MARCH 23, 2004

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

SEVENTY-SECOND CALENDAR DAY
FORTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 23, 2004

The Senate met in regular session at 8:34 a.m., Senator Veenstra presiding.

Prayer was offered by the Reverend Roger White, pastor of the Gladbrook United Methodist Church in Gladbrook, Iowa. He was the guest of Senator Putney.

The Journal of Monday, March 22, 2004, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:52 a.m. until 3:00 p.m.

APPENDIX — 1**CERTIFICATES OF RECOGNITION**

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

Mr. and Mrs. Jelto Boelman, Belmont—For celebrating your 60th wedding anniversary. Senator Iverson (3/24/04).

Mr. and Mrs. David Boylan, Ames—For celebrating your 60th wedding anniversary. Senator Quirnbach (3/23/04).

Norma Buss, Ames—For celebrating your 80th birthday on March 23, 2004. Senator Quirnbach (3/23/04).

Mr. and Mrs. Stanley Davidson, Ames—For celebrating your 60th wedding anniversary. Senator Quirnbach (3/23/04).

Jacob Daniel Francois, Winthrop—For achieving the rank of Eagle Scout. Senator Rehberg (3/28/04).

Mr. and Mrs. Richard Herrstrom, Madrid—For celebrating your 50th wedding anniversary. Senator Quirnbach (3/23/04).

Leota Heyer, Waterloo—For celebrating your 90th birthday on March 23, 2004. Senator Dotzler (3/23/04).

Bernice Jones, Waterloo—For celebrating your 90th birthday on March 23, 2004. Senator Dotzler (3/23/04).

John Lamb, Waterloo—For celebrating your 90th birthday on March 23, 2004. Senator Dotzler (3/23/04).

Lola Leggett, Ames—For celebrating your 95th birthday on March 23, 2004. Senator Quirnbach (3/23/04).

David McElroy, Winthrop—For achieving the rank of Eagle Scout. Senator Rehberg (3/28/04).

James Peyton, Winthrop—For achieving the rank of Eagle Scout. Senator Rehberg (3/28/04).

Millie Smith, Ames—For celebrating your 90th birthday on March 23, 2004. Senator Quirnbach (3/23/04).

Blanche Wolf, Waterloo—For celebrating your 90th birthday on March 23, 2004. Senator Dotzler (3/23/04).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: March 22, 2004, 4:55 p.m.

Members Present: Shull, Chair; Boettger, Vice Chair; Horn, Ranking Member; Kibbie and Schuerer.

Members Absent: None.

Committee Business: Passed the committee appropriations bill.

Adjourned: 5:05 p.m.

AGRICULTURE

Convened: March 23, 2004, 1:05 p.m.

Members Present: Johnson, Chair; Hosch, Vice Chair; Fraise, Ranking Member; Angelo, Behn, Black, Courtney, Gaskill, Houser, Kibbie, Putney, Ragan, Seng, Veenstra, and Ziemann.

Members Absent: None.

Committee Business: Passed HF's 2315, 2475, 2476, 2479, 2486, 2515, and 2518 and approved Governor's appointees.

Adjourned: 1:45 p.m.

ECONOMIC GROWTH

Convened: March 23, 2004, 9:05 a.m.

Members Present: Rehberg, Chair; Shull, Vice Chair; Hatch, Ranking Member; Beall, Dotzler, Putney, Ragan, Seymour, Stewart, Veenstra, and Ward.

Members Absent: Boettger and McKinley (both excused).

Committee Business: Passed HF's 2383 and 2431 and approved Governor's appointees.

Adjourned: 9:25 a.m.

JUDICIARY

Convened: March 23, 2004, 10:05 a.m.

Members Present: Redfern, Chair; Kettering, Vice Chair; Kreiman, Ranking Member; Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward.

Members Absent: None.

Committee Business: Passed HF's 250, 2170, 2200 (as amended), 2208, 2396, 2397, 2398, and 2480. Approved Governor's appointees.

Adjourned: 11:00 a.m.

LOCAL GOVERNMENT

Convened: March 23, 2004, 2:10 p.m.

Members Present: Gaskill, Chair; Quirnbach, Ranking Member; Hatch, Hosch, Houser, Kettering, Rehberg, Seymour, and Stewart.

Members Absent: Miller, Vice Chair; Angelo, Kreiman, and McCoy (all excused).

Committee Business: Passed [HF 2381](#) and approved Governor's appointees.

Adjourned: 2:20 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: March 23, 2004, 9:10 a.m.

Members Present: Houser, Chair; Johnson, Vice Chair; Seng, Ranking Member; Black, Bolkom, Brunkhorst, Dearden, Drake, Holveck, Kettering, Kibbie, Lundby, Miller, Redfern, and Ziemann.

Members Absent: None.

Committee Business: Passed HF's 2357, 2366, 2392, 2393 (as amended), and 2401.

Adjourned: 9:35 a.m.

WAYS AND MEANS

Convened: March 23, 2004, 11:10 a.m.

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

Members Absent: None.

Committee Business: Approved SSBs 3137 and 3167.

Adjourned: 12:25 p.m.

INTRODUCTION OF RESOLUTIONS

[Senate Resolution 134](#), by Wieck, a resolution honoring the Morningside College Women's Basketball Team on their national championship.

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

[Senate Resolution 135](#), by Dvorsky, a resolution honoring University of Iowa football player Nate Kaeding from Coralville, Iowa.

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

[Senate Resolution 136](#), by Rehberg, a resolution honoring the Dunkerton High School Boys' Basketball Team on their 2004 state championship.

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

INTRODUCTION OF BILLS

[Senate File 2295](#), by committee on Ways and Means, a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including an applicability date provision.

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

[Senate File 2296](#), by committee on Ways and Means, a bill for an act relating to the policy administration of the tax and related laws by the department of revenue, including administration of and substantive changes to the state individual income, corporate income, sales, use, property, inheritance, motor fuel, special fuel, cigarette, and tobacco taxes and including penalties.

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

STUDY BILL RECEIVED

SSB 3170 Ways and Means

Proposing an amendment to the Constitution of the State of Iowa to require approval by vote of the people before certain tax or fee increases take effect.

SUBCOMMITTEE ASSIGNMENTS

House File 22

JUDICIARY: Tinsman, Chair; Boettger and Horn

House File 2381

LOCAL GOVERNMENT: Seymour, Chair; Hosch and McCoy

House File 2441

HUMAN RESOURCES: Holveck, Chair; Hosch and Tinsman

House File 2471

LOCAL GOVERNMENT: Miller, Chair; Houser and Stewart

House File 2527

HUMAN RESOURCES: Hatch, Chair; Behn and Seymour

House File 2532

STATE GOVERNMENT: Sievers, Chair; Connolly and Zieman

SSB 3170

WAYS AND MEANS: McKibben, Chair; Hosch and Stewart

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: **HOUSE FILE 2315**, a bill for an act relating to agricultural conservation practices.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2475](#), a bill for an act relating to persons doing business as swine dealers and persons engaged in the business of buying or selling feeder pigs and providing an effective date.

Recommendation: DO PASS.

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.

ALSO:

Bill Title: [HOUSE FILE 2479](#), a bill for an act relating to the regulation and zoning of commercial canine operations.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Johnson, Hosch, Fraise, Angelo, Behn, Courtney, Gaskill, Houser, Kibbie, Putney, Ragan, Seng, and Zieman. Nays, none. Absent, 2: Black and Veenstra.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2486](#), a bill for an act providing for animal agriculture, including by providing for offenses involving animals and crops and related property, and providing penalties.

Recommendation: DO PASS.

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.

ALSO:

Bill Title: [HOUSE FILE 2515](#), a bill for an act relating to the keeping of farm deer.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2518](#), a bill for an act relating to the duties of the soil and water conservation division of the department of agriculture and land stewardship.

Recommendation: DO PASS.

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.

COMMERCE

Bill Title: [HOUSE FILE 2484](#), a bill for an act relating to the regulation of financial institutions including banks, credit unions, and real property loan lenders.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Behn, Wieck, Warnstadt, Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, McCoy, Putney, Schuerer, Sievers, and Stewart. Nays, none. Absent, 2: Beall and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ECONOMIC GROWTH

Bill Title: [HOUSE FILE 2383](#), a bill for an act relating to rural improvement zones.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Rehberg, Shull, Hatch, Beall, Dotzler, Putney, Ragan, Seymour, Stewart, Veenstra, and Ward. Nays, none. Absent, 2: Boettger and McKinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2431](#), a bill for an act relating to educational institutions under the university-based research utilization program.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Rehberg, Shull, Hatch, Beall, Dotzler, Putney, Ragan, Seymour, Stewart, Veenstra, and Ward. Nays, none. Absent, 2: Boettger and McKinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Bill Title: [HOUSE FILE 2460](#), a bill for an act relating to school district enrollment of students listed on the sex offender registry.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-5121](#).

Final Vote: Ayes, 14: Boettger, McKinley, Connolly, Angelo, Behn, Brunkhorst, Dvorsky, Holveck, Hosch, Kreiman, Quirnbach, Redfern, Rehberg, and Ward. Nays, none. Absent, 1: Beall.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: [HOUSE FILE 250](#), a bill for an act relating to the criminal penalties for an assault on members of certain occupations.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Gaskill, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, 2: Fraise and Holveck. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2170](#), a bill for an act relating to product liability actions.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *[HOUSE FILE 2200](#), a bill for an act relating to fire safety issues, including the promulgation of administrative rules by the state fire marshal and arson and simulated explosive related criminal offenses, and providing for a penalty.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-5128](#).

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

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 Judiciary Committee on [House File 2200](#), and they were attached to the committee report.

ALSO:

Bill Title: [HOUSE FILE 2208](#), a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2396](#), a bill for an act relating to recovery of prejudgment interest in relation to an offer to confess judgment.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Redfern, Kettering, Boettger, Brunkhorst, Gaskill, Horn, McCoy, McKibben, Miller, Tinsman, and Ward. Nays, 4: Kreiman, Fraise, Holveck, and Quirnbach. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2397](#), a bill for an act relating to the act or property of a public utility with respect to the definition of nuisance.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, 1: Holveck. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [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.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2480](#), a bill for an act prohibiting the award of pets, or advertisement thereof, in certain circumstances, and providing a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: [HOUSE FILE 2357](#), a bill for an act relating to the prevention and control of certain aquatic invasive plant and animal species and providing penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Houser, Johnson, Seng, Black, Bolkcom, Brunkhorst, Dearden, Kettering, Kibbie, Lundby, Miller, Redfern, and Zieman. Nays, none. Absent, 2: Drake and Holveck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2366](#), a bill for an act relating to the use of blaze orange apparel by hunters and subjecting violators to a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Houser, Johnson, Seng, Black, Bolkcom, Brunkhorst, Dearden, Holveck, Kettering, Kibbie, Lundby, Miller, Redfern, and Zieman. Nays, none. Absent, 1: Drake.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2392](#), a bill for an act relating to controlled burns of demolished buildings conducted by certain cities.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Houser, Johnson, Seng, Black, Brunkhorst, Dearden, Drake, Kettering, Kibbie, Miller, Redfern, and Zieman. Nays, 2: Bolkcom and Holveck. Absent, 1: Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [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.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-5124](#).

Final Vote: Ayes, 14: Houser, Johnson, Seng, Black, Bolkcom, Brunkhorst, Dearden, Holveck, Kettering, Kibbie, Lundby, Miller, Redfern, and Zieman. Nays, none. Absent, 1: Drake.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2401](#), a bill for an act relating to the comprehensive petroleum underground storage tank fund and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Houser, Johnson, Seng, Black, Bolkcom, Brunkhorst, Dearden, Kettering, Kibbie, Lundby, Miller, Redfern, and Zieman. Nays, none. Absent, 2: Drake and Holveck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: [*SENATE FILE 2295 \(SSB 3137\)](#), a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including an applicability date provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: McKibben, Shull, Angelo, Hosch, McCoy, McKinley, Miller, Putney, Rehberg, Sievers, and Wieck. Nays, 5: Bolkcom, Connolly, Dotzler, Quirmbach, and Stewart. Present, 1: Seng. Absent, none.

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 [Senate File 2295](#), and they were attached to the committee report.

ALSO:

Bill Title: [SENATE FILE 2296 \(SSB 3167\)](#), a bill for an act relating to the policy administration of the tax and related laws by the department of revenue, including administration of and substantive changes to the state individual income, corporate income, sales, use, property, inheritance, motor fuel, special fuel, cigarette, and tobacco taxes and including penalties.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

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:

AGRICULTURE

Cheryl Adam – Agricultural Development Authority
Evelyn Rank – Agricultural Development Authority
Jayme Ungs – Agricultural Development Authority

Edwin Hershberger – Iowa Grain Indemnity Fund Board
Thomas Kaldenberg – Iowa Grain Indemnity Fund Board

Jody Kerns – State Soil Conservation Committee

COMMERCE

Paul Becker – Credit Union Review Board

Pamela Duffy – Iowa Telecommunications and Technology Commission

ECONOMIC GROWTH

Burt Chojnowski – Iowa Capital Investment Board

Martha Jane Bell – Loan and Credit Guarantee Advisory Board

Robert Snodgrass – Loan and Credit Guarantee Advisory Board

LOCAL GOVERNMENT

Dennis Plautz – City Development Board

Judy Clark – Mental Health Risk Pool Board

Sally Stutsman – Mental Health Risk Pool Board

WAYS AND MEANS

Michael Tramontina – Executive Director of the Iowa Finance Authority

Jonathon Muller – Iowa Railway Finance Authority

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., Senator Putney presiding.

The Senate stood at ease at 4:01 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:10 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 23, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 2362](#), a bill for an act relating to the duties of the birth defects institute by providing for a work group to study stillbirths and renaming the institute.

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

[House File 2489](#), a bill for an act relating to the regulation of various industries by the insurance division, including modifications related to the interstate insurance product regulation compact; investigations and penalties; procedures and contempt orders; insurance company investments; insurance producer licensing; individual health insurance programs; coverage obligations of the Iowa comprehensive health insurance association; coverage of federal Trade Adjustment Act recipients; penalties and discipline applicable to holders of establishment and sales permits for cemetery and funeral merchandise and services; and providing and applying penalties.

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

[House File 2521](#), a bill for an act providing for a health insurance study by the commissioner of insurance and a medical malpractice insurance solution task force and study and by providing an effective date.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2138 and 2044.

[Senate File 2138](#)

On motion of Senator Putney, [Senate File 2138](#), a bill for an act providing for an Iowa animal identification development council, and providing an effective date, was taken up for consideration.

Senator Putney 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. 2138](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Larson Redfern

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

Senate File 2044

On motion of Senator Hosch, Senate File 2044, a bill for an act concerning eligibility requirements for payment of a volunteer emergency services provider death benefit resulting from a heart attack or stroke, with report of committee recommending passage, was taken up for consideration.

Senator Tinsman offered amendment S-5074, filed by her on March 10, 2004, to page 1 of the bill, and moved its adoption.

Amendment S-5074 was adopted by a voice vote.

Senator Hosch 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. 2044), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Larson Redfern

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 2044** and **2138** 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 2264, 2179, and 2213.

Senate File 2264

On motion of Senator McKibben, Senate File 2264, a bill for an act relating to the waiver of physical requirements for peace officers and civil service employees, was taken up for consideration.

Senator McKibben offered amendment S-5116, filed by him on March 17, 2004, to page 1 of the bill, and moved its adoption.

Amendment S-5116 was adopted by a voice vote.

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. 2264), the vote was:

Yeas, 48:

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

Dotzler	Johnson	Ragan	Wieck
Drake	Kettering	Rehberg	Zieman

Nays, none.

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.

[Senate File 2179](#)

On motion of Senator Zieman, [Senate File 2179](#), a bill for an act relating to ethics laws and the Iowa ethics and campaign disclosure board, was taken up for consideration.

Senator Zieman offered amendment [S-5069](#), filed by him on March 10, 2004, to page 5 of the bill, and moved its adoption.

Amendment [S-5069](#) 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. 2179](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Larson Redfern

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

Senator Putney took the chair at 5:39 p.m.

Senate File 2213

On motion of Senator Brunkhorst, **Senate File 2213**, a bill for an act regarding the revocation of fishing and hunting licenses by the department of natural resources for nonpayment of the license fee, was taken up for consideration.

Senator Warnstadt offered amendment **S-5054**, filed by him on March 9, 2004, to page 1 of the bill.

Senator Warnstadt withdrew amendment **S-5054**.

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. 2213**), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Larson Redfern

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

IMMEDIATELY MESSAGED

Senator Schuerer asked and received unanimous consent that **Senate Files 2179, 2213, and 2264** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Schuerer asked and received unanimous consent to take up for consideration [Senate File 2225](#).

[Senate File 2225](#)

On motion of Senator Johnson, [Senate File 2225](#), a bill for an act providing for negotiated rulemaking, with report of committee recommending passage, was taken up for consideration.

Senator McKibben took the chair at 5:53 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?" ([S.F. 2225](#)), the vote was:

Yeas, 29:

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

Nays, 20:

Beall	Dearden	Hatch	Quirnbach
Black	Dotzler	Holveck	Ragan
Bolkcom	Dvorsky	Horn	Seng
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.

UNFINISHED BUSINESS
(Deferred March 8, 2004)

[Senate File 2032](#)

The Senate resumed consideration of **[Senate File 2032](#)**, a bill for an act relating to bicycles on primary highways and providing a penalty, and amendment **[S-5021](#)**, deferred March 8, 2004.

Senator Bolkcom withdrew amendment **[S-5021](#)**, filed by him on February 23, 2004, to page 1 and to the title page of the bill.

Senator Bolkcom withdrew amendment **[S-5026](#)**, filed by him on February 23, 2004, to page 1 and to the title page of the bill.

Senator Dotzler withdrew amendment **[S-5049](#)**, filed by him on March 8, 2004, to page 1 of the bill.

Senator Dotzler withdrew amendment **[S-5065](#)**, filed by him on March 9, 2004, to page 1 of the bill.

Senator Bolkcom withdrew amendment **[S-5018](#)**, filed by him on February 23, 2004, to page 1 of the bill.

Senator Bolkcom withdrew amendment **[S-5020](#)**, filed by him on February 23, 2004, to page 1 of the bill.

Senator Bolkcom withdrew amendment **[S-5016](#)**, filed by him on February 23, 2004, to page 1 of the bill.

Senator Bolkcom withdrew amendment [S-5017](#), filed by him on February 23, 2004, to page 1 and to the title page of the bill.

Senator Bolkcom withdrew amendment [S-5019](#), filed by him on February 23, 2004, to page 1 and to the title page of the bill.

Senator Bolkcom withdrew amendment [S-5022](#), filed by him on February 23, 2004, to page 1 and to the title page of the bill.

Senator Bolkcom withdrew amendment [S-5023](#), filed by him on February 23, 2004, to page 1 of the bill.

Senator Bolkcom withdrew amendment [S-5027](#), filed by him on February 23, 2004, to page 1 and to the title page of the bill.

Senator Bolkcom withdrew amendment [S-5029](#), filed by him on February 23, 2004, to page 1 and to the title page of the bill.

Senator Bolkcom withdrew amendment [S-5024](#), filed by him on February 23, 2004, to page 1 of the bill.

Senator Bolkcom withdrew amendment [S-5025](#), filed by him on February 23, 2004, to page 1 and to the title page of the bill.

Senator Bolkcom withdrew amendment [S-5028](#), filed by him on February 23, 2004, to page 1 and to the title page of the bill.

WITHDRAWN

Senator Putney asked and received unanimous consent that [Senate File 2032](#) be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILL (Regular Calendar)

Senator Schuerer asked and received unanimous consent to take up for consideration [Senate File 2255](#).

[Senate File 2255](#)

On motion of Senator Boettger, [Senate File 2255](#), a bill for an act relating to the development of an Iowa studies professional development plan and the appointment of an Iowa studies committee by the university of northern Iowa, and directing the department of education to evaluate and report on the plan, was taken up for consideration.

Senator Boettger offered amendment [S-5126](#), filed by her from the floor to pages 1–3 of the bill, and moved its adoption.

Amendment [S-5126](#) was adopted by a voice vote.

With the adoption of amendment [S-5126](#), the Chair ruled amendment [S-5111](#), filed by Senator Boettger on March 17, 2004, to page 2 of the bill, out of order.

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. 2255](#)), the vote was:

Yeas, 48:

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

Nays, 1:

Kreiman

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 Veenstra asked and received unanimous consent that **Senate Files 2225** and **2255** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration Senate Files 2279 and 2282.

[Senate File 2279](#)

On motion of Senator Zieman, [Senate File 2279](#), a bill for an act relating to petition requirements for establishing a satellite absentee voting station, was taken up for consideration.

Senator Bolkom offered amendment [S-5127](#), filed by him from the floor to page 1 of the bill.

Senator Zieman raised the point of order that amendment [S-5127](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-5127](#) out of order.

Senator Zieman offered amendment [S-5075](#), filed by him on March 10, 2004, to page 1 of the bill, and moved its adoption.

Amendment [S-5075](#) 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. 2279](#)), the vote was:

Yeas, 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

Nays, 21:

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

[Senate File 2282](#)

On motion of Senator Houser, [Senate File 2282](#), a bill for an act requiring a study of the archaeological and paleontological significance of the loess hills and of the feasibility of creating a state native prairie preserve in the loess hills, and providing a contingent effective date, was taken up for consideration.

Senator Houser 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. 2282](#)), 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.

President Lamberti took the chair at 6:31 p.m.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration [Senate File 2285](#).

[Senate File 2285](#)

On motion of Senator Shull, [Senate File 2285](#), a bill for an act relating to the deposit and use of electronic transaction fees and providing an immediate effective date, was taken up for consideration.

Senator Shull deferred remarks to Senator Sievers.

Senator Dvorsky asked and received unanimous consent that action on [Senate File 2285](#) be **deferred**.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2279 and 2282** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Joint Resolution 2002](#).

[Senate Joint Resolution 2002](#)

On motion of Senator Veenstra, [Senate Joint Resolution 2002](#), a joint resolution proposing an amendment to the Constitution of the State of Iowa regarding marriage in the State of Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Kreiman offered amendment [S-5135](#), filed by him from the floor to page 1 of the resolution, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5135](#) be adopted?” ([S.J.R. 2002](#)), 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, 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, 1:

Larson

Amendment [S-5135](#) lost.

Senator Veenstra withdrew amendment [S-5122](#), filed by him from the floor to page 1 of the resolution.

Senator Kreiman withdrew amendment [S-5134](#), filed by him from the floor to page 1 of the resolution.

Senator Veenstra 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 2002](#), a joint resolution proposing an amendment to the Constitution of the State of Iowa regarding marriage in the State of Iowa.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

Article I of the Constitution of the State of Iowa is amended by adding the following new section:

MARRIAGE. SEC. 26. Only marriage between a man and a woman shall be valid or recognized in the State of Iowa.

Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment to the Constitution of the State of Iowa is referred to the General Assembly to be chosen at the next general election for members of the General Assembly and the Secretary of State is directed to cause the same to be published for three consecutive months previous to the date of that election as provided by law.

On the question "Shall the resolution be adopted?" ([S.J.R. 2002](#)), the vote was:

Yeas, 24:

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

Nays, 25:

Beall	Dvorsky	Kreiman	Shull
Black	Fraise	Lundby	Stewart

Bolkcom	Gronstal	McCoy	Tinsman
Connolly	Hatch	Quirnbach	Warnstadt
Courtney	Holveck	Ragan	
Dearden	Horn	Redfern	
Dotzler	Kibbie	Seng	

Absent, 1:

Larson

The resolution, not having received a constitutional majority, was declared to have failed to pass the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Holveck, until he returns, on request of Senator Gronstal.

UNFINISHED BUSINESS (Deferred March 17, 2004)

[Senate File 2233](#)

The Senate resumed consideration of [Senate File 2233](#), a bill for an act eliminating a provision allowing a criminal offender to make a donation in lieu of performing community service, deferred March 17, 2004.

President Pro Tempore Angelo took the chair at 7:56 p.m.

Senator McCoy offered amendment [S-5133](#), 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-5133](#) be adopted?" ([S.F. 2233](#)), the vote was:

Yeas, 21:

Beall	Dotzler	Horn	Seng
Black	Dvorsky	Kibbie	Stewart
Bolkcom	Fraise	Kreiman	Warnstadt
Connolly	Gronstal	McCoy	

Courtney Dearden	Hatch Holveck	Quirnbach Ragan
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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, 1:

Larson

Amendment [S-5133](#) lost.

Senator Redfern 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. 2233](#)), the vote was:

Yeas, 46:

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

Nays, 2:

Kettering	Kreiman
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Absent, 2:

Holveck	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 2269](#).

[Senate File 2269](#)

On motion of Senator Zieman, [Senate File 2269](#), a bill for an act relating to elections and voter registration, including implementing requirements of federal law, adjusting language to reflect current practice, making changes related to absentee voting, providing penalties, and providing an effective date, was taken up for consideration.

Senator Kibbie offered amendment [S-5137](#), filed by Senator Kibbie, et al., from the floor striking and replacing everything after the enacting clause and to the title page of the bill.

Senator Kibbie asked and received unanimous consent that action on amendment [S-5137](#) be deferred.

Senator Quirnbach offered amendment [S-5132](#), filed by him from the floor to pages 3, 18, and to the title page of the bill.

Senator Quirnbach withdrew amendment [S-5132](#).

The Senate resumed consideration of amendment [S-5137](#), previously deferred.

Senator Kibbie moved the adoption of amendment [S-5137](#).

A record roll call was requested.

On the question "Shall amendment [S-5137](#) be adopted?" ([S.F. 2269](#)), 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, 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, 1:

Larson

Amendment [S-5137](#) lost.

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. 2269](#)), the vote was:

Yeas, 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

Nays, 21:

Beall	Dotzler	Horn	Seng
Black	Dvorsky	Kibbie	Stewart
Bolkcom	Fraise	Kreiman	Warnstadt
Connolly	Gronstal	McCoy	
Courtney	Hatch	Quirnbach	
Dearden	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 2233** and **2269** 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 2209](#).

[Senate File 2209](#)

On motion of Senator Veenstra, [Senate File 2209](#), a bill for an act relating to the content of immunizations, and making a penalty applicable, was taken up for consideration.

Senator Veenstra offered amendment [S-5123](#), filed by him from the floor to page 1 of the bill.

Senator Veenstra asked and received unanimous consent that action on amendment [S-5123](#) and [Senate File 2209](#) be **deferred**.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 2256](#).

[Senate File 2256](#)

On motion of Senator Wieck, [Senate File 2256](#), a bill for an act concerning the refund of unearned accident and health insurance premiums upon the death of the insured, was taken up for consideration.

Senator Brunkhorst offered amendment [S-5136](#), filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment [S-5136](#) was adopted by a voice vote.

Senator Wieck 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. 2256](#)), 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.

BUSINESS PENDING

[Senate File 2209](#)

The Senate resumed consideration of [Senate File 2209](#), a bill for an act relating to the content of immunizations, and making a penalty applicable, and amendment [S-5123](#), previously deferred.

Senator Veenstra moved the adoption of amendment [S-5123](#).

Amendment [S-5123](#) was adopted 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. 2209](#)), the vote was:

Yeas, 30:

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

Nays, 19:

Beall	Dearden	Hatch	Redfern
Black	Dotzler	Kibbie	Seng
Bolkcom	Dvorsky	McCoy	Stewart
Connolly	Fraise	Quirnbach	Warnstadt
Courtney	Gronstal	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 2209** and **2256** 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 2268](#).

[Senate File 2268](#)

On motion of Senator Johnson, [Senate File 2268](#), a bill for an act relating to the request for a regulatory analysis, with report of committee on State Government recommending passage, was taken up for consideration.

Senator Johnson asked and received unanimous consent that action on [Senate File 2268](#) be **deferred**.

BUSINESS PENDING

[Senate File 2285](#)

The Senate resumed consideration of [Senate File 2285](#), a bill for an act relating to the deposit and use of electronic transaction fees and providing an immediate effective date, previously deferred.

Senator Sievers 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. 2285](#)), 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 File 2285](#) be **immediately messaged** to the House.

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 23, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 2473](#), a bill for an act relating to mental health, mental retardation, and developmental disabilities services by revising involuntary hospitalization procedures involving the county single entry point process and patient advocates and authorizing counties to create a special program fund for these services.

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

[House File 2523](#), a bill for an act providing for the regulation of air quality, and making penalties applicable.

Read first time and **attached to similar** [Senate File 2267](#).

[House File 2528](#), a bill for an act relating to consideration of a juvenile court order by the district court in a custody proceeding.

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

[House File 2537](#), a bill for an act addressing redesign of the system for services and other support provided for persons with mental illness, mental retardation or other developmental disabilities, or brain injury.

Read first time and **attached to similar** [Senate File 2248](#).

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:16 p.m. until 8:30 a.m., Wednesday, March 24, 2004.

APPENDIX — 2

REPORT OF COMMITTEE MEETINGS

STATE GOVERNMENT

Convened: March 23, 2004, 2:05 p.m.

Members Present: Zieman, Chair; Sievers, Vice Chair; Kibbie, Ranking Member; Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, Veenstra, and Ward.

Members Absent: None.

Committee Business: Passed [SF 2268](#) and HFs 2187, 2201, 2302, 2319, 2402, 2404, 2468, and 2493.

Recessed: 3:00 p.m.

Reconvened: 3:35 p.m.

Adjourned: 4:00 p.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 137](#), by Wieck and Warnstadt, a resolution honoring the Morningside College Women's Basketball Team on their national championship.

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

SUBCOMMITTEE ASSIGNMENT

[House File 2459](#)

EDUCATION: McKinley, Chair; Beall and Rehberg

FINAL COMMITTEE REPORTS OF BILL ACTION

LOCAL GOVERNMENT

Bill Title: [HOUSE FILE 2381](#), a bill for an act changing the budget certification deadline for county hospital budgets.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gaskill, Quirnbach, Hatch, Hosch, Houser, Kettering, Rehberg, Seymour, and Stewart. Nays, none. Absent, 4: Miller, Angelo, Kreiman, and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: [SENATE FILE 2268 \(SSB 3096\)](#), a bill for an act relating to the request for a regulatory analysis.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Zieman, Sievers, Drake, Johnson, Schuerer, Shull, Veenstra, and Ward. Nays, 7: Kibbie, Black, Connolly, Courtney, Dearden, Ragan, and Tinsman. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2187](#), a bill for an act providing for the elimination of an examination requirement as a prerequisite for being designated a registered dental assistant.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Zieman, Sievers, Kibbie, Black, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, Veenstra, and Ward. Nays, 1: Connolly. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2201](#), a bill for an act providing for exemptions from massage therapy licensure requirements.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, Veenstra, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

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: DO PASS.

Final Vote: Ayes, 10: Zieman, Sievers, Black, Drake, Johnson, Schuerer, Shull, Tinsman, Veenstra, and Ward. Nays, 5: Kibbie, Connolly, Courtney, Dearden, and Ragan. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2319](#), a bill for an act relating to the operation, reporting, and dissolution of committees, reporting requirements for special and other elections, the placement of attribution statements in political materials, and the size and placement of political signs.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, Veenstra, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2402](#), a bill for an act restricting executive branch authority to transfer appropriations between departments.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Zieman, Sievers, Drake, Johnson, Schuerer, Shull, Tinsman, Veenstra, and Ward. Nays, 6: Kibbie, Black, Connolly, Courtney, Dearden, and Ragan. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [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.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, Veenstra, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2468](#), a bill for an act to limit the period of effectiveness for an administrative rule adopted without a notice of intended action and opportunity for public participation.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Zieman, Sievers, Drake, Johnson, Schuerer, Shull, Tinsman, Veenstra, and Ward. Nays, 6: Kibbie, Black, Connolly, Courtney, Dearden, and Ragan. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2493](#), a bill for an act relating to regulation of sales at unused property markets and providing penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, Veenstra, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5121	H.F. 2460	Education
S-5122	S.J.R. 2002	Ken Veenstra
S-5123	S.F. 2209	Ken Veenstra
S-5124	H.F. 2393	Natural Resources and Environment
S-5125	S.F. 2259	Ken Veenstra
S-5126	S.F. 2255	Nancy J. Boettger
S-5127	S.F. 2279	Joe Bolkcom
S-5128	H.F. 2200	Judiciary
S-5129	S.F. 2254	Nancy J. Boettger
S-5130	S.F. 2026	David Miller
S-5131	S.F. 2260	Robert E. Dvorsky
S-5132	S.F. 2269	Herman C. Quirnbach
S-5133	S.F. 2233	Matt W. McCoy
S-5134	S.J.R. 2002	Keith A. Kreiman
S-5135	S.J.R. 2002	Keith A. Kreiman
S-5136	S.F. 2256	Bob Brunkhorst
S-5137	S.F. 2269	John P. Kibbie
		Dennis H. Black
		Mike Connolly
		Thomas G. Courtney
		Dick L. Dearden
		Amanda Ragan