

PROOF

STATE OF IOWA

Senate Journal

MONDAY, APRIL 5, 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

EIGHTY-FIFTH CALENDAR DAY
FORTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 5, 2004

The Senate met in regular session at 10:05 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Jeff Sajdak, pastor of the Immanuel Christian Reformed Church in Orange City, Iowa. He was the guest of Senator Veenstra.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Pages Matt Kronlage and Maddison Sieck.

The Journal of Thursday, April 1, 2004, was approved.

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 April 1, 2004, **passed** the following bills in which the concurrence of the House was asked:

[Senate File 2101](#), a bill for an act relating to receiving a precursor substance or possessing a product to be used in the unlawful manufacture of a controlled substance.

[Senate File 2154](#), a bill for an act relating to parties to whom traffic citations are issued for failure to obey school bus warning devices.

[Senate File 2174](#), a bill for an act relating to the appointment of the ninth member of the state board of regents.

[Senate File 2193](#), a bill for an act relating to the civil commitment of sexually violent predators.

[Senate File 2249](#), a bill for an act regulating contest events involving animals, and providing a penalty and effective date.

[Senate File 2272](#), a bill for an act relating to detaining or the placement of criminal defendants who are mentally incompetent or dangerous.

ALSO: That the House has on April 1, 2004, **amended and passed** the following bills in which the concurrence of the House was asked:

[Senate File 2119](#), a bill for an act relating to collateral required to be pledged by banks to the treasurer of state in order to secure the deposit of public moneys. ([S-5255](#))

[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. ([S-5256](#))

ALSO: That the House has on April 1, 2004, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

[House File 2134](#), a bill for an act relating to the medical assistance and state supplementary assistance programs, providing an effective date, and providing for retroactive applicability.

[House File 2243](#), a bill for an act regarding user responsibility and liability with respect to liquefied petroleum gas systems.

[House File 2269](#), a bill for an act providing for the regulation of business entities, including businesses providing for cemetery and funeral merchandising and services, business promotions and contracts, and businesses providing continuing care or adult congregate living services, and providing penalties.

[House File 2281](#), a bill for an act relating to licensing of nonresident bait dealers and providing an effective date.

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

ALSO: That the House has on April 1, 2004, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, **and passed** the following bill in which the concurrence of the House was asked:

[House File 2186](#), a bill for an act increasing the damages payable upon conviction of certain unlawful activities involving antlered deer. ([S-5254](#))

ALSO: That the House has on April 1, 2004, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 2549](#), a bill for an act relating to expenditures from the waste tire management fund.

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

The Senate stood at ease at 10:15 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:41 a.m., Senator Putney presiding.

RECESS

On motion of Senator Boettger, the Senate recessed at 11:42 a.m. until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:00 p.m., President Lamberti presiding.

HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 30, 2004, **adopted** the following resolution in which the concurrence of the House was asked:

[Senate Concurrent Resolution 108](#), a concurrent resolution memorializing Stephen Garst of Coon Rapids, Iowa.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 138](#).

[Senate Resolution 138](#)

On motion of Senator Sievers, [Senate Resolution 138](#), a resolution honoring Dr. John T. Blong, Chancellor of Eastern Iowa Community College District, with report of committee recommending passage, was taken up for consideration.

Senator Sievers moved the adoption of [Senate Resolution 138](#), which motion prevailed by a voice vote.

SPECIAL GUEST

Senator Tinsman welcomed to the Senate chamber Dr. John T. Blong, Chancellor of Eastern Iowa Community College District. Dr. Blong addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Iverson, the Senate recessed at 2:10 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 2:16 p.m., President Lamberti presiding.

HOUSE AMENDMENT CONSIDERED

[Senate File 297](#)

Senator Rehberg called up for consideration [Senate File 297](#), a bill for an act relating to the regulation of snowmobiles and all-terrain vehicles, establishing fees, providing penalties, and providing applicability dates, amended by the House in House amendment [S-5217](#), filed March 3, 2004.

Senator Rehberg moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Rehberg moved that the bill, as amended by the House and concurred in by the Senate, 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. 297](#)), 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, as amended, was agreed to.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 2026](#).

[Senate File 2026](#)

On motion of Senator Hosch, [Senate File 2026](#), a bill for an act relating to the phaseout of the sales and use taxes on the sale and furnishing of gas, electricity, and fuel to residential customers, was taken up for consideration.

Senator Miller offered amendment [S-5130](#), filed by him on March 23, 2004, 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-5130](#) be adopted?" ([S.F. 2026](#)), the vote was:

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

Yeas, 28:

Angelo	Holveck	Lamberti	Seng
Beall	Horn	Lundby	Seymour
Black	Houser	McKinley	Shull
Boettger	Johnson	Miller	Stewart
Bolkcom	Kettering	Putney	Tinsman
Brunkhorst	Kibbie	Ragan	Veenstra
Hatch	Kreiman	Schuerer	Wieck

Nays, 21:

Behn	Dvorsky	McCoy	Ward
Connolly	Fraise	McKibben	Warnstadt
Courtney	Gaskill	Quirnbach	Zieman

Dearden	Gronstal	Redfern
Dotzler	Hosch	Rehberg
Drake	Iverson	Sievers

Absent, 1:

Larson

Amendment [S-5130](#) was adopted.

The Senate stood at ease at 3:07 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 3:48 p.m., President Lamberti presiding.

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. 2026](#)), 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, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 297** and **2026** be **immediately messaged** to the House.

INTRODUCTION OF RESOLUTIONS

[Senate Resolution 151](#), by Ragan and Tinsman, a resolution identifying suicide as a problem affecting the entire state and supporting the development of suicide prevention activities.

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

[Senate Resolution 152](#), by committee on Rules and Administration, a resolution honoring Senator Jack Holveck.

Read first time and **placed on calendar**.

[Senate Resolution 153](#), by committee on Rules and Administration, a resolution honoring Senator Kitty Rehberg.

Read first time and **placed on calendar**.

[Senate Resolution 154](#), by committee on Rules and Administration, a resolution honoring Senator Donald B. Redfern.

Read first time and **placed on calendar**.

[Senate Resolution 155](#), by committee on Rules and Administration, a resolution honoring Senator Richard F. Drake.

Read first time and **placed on calendar**.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 152](#), a resolution honoring Senator Jack Holveck.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Iverson, Lamberti, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nay, none. Absent, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senate Resolution 152

Senator Iverson asked and received unanimous consent to take up the following resolution:

1 **SENATE RESOLUTION 152**
2 By: Committee on Rules and Administration
3 A resolution honoring Senator Jack Holveck.
4 WHEREAS, Senator Jack Holveck is retiring from
5 legislative office after completing one term in office
6 as a State Senator and nine terms as a member of the
7 House of Representatives; and
8 WHEREAS, Senator Holveck's distinguished career as
9 a state legislator has included service as the ranking
10 member of the Judiciary Committee in the Seventy-ninth
11 General Assembly and ranking member of the
12 Administration and Regulation Appropriations
13 Subcommittee in the Eightieth General Assembly; and
14 WHEREAS, Senator Holveck has served on many other
15 standing committees throughout his 22 years of
16 legislative service and has been an influential and
17 devoted legislator in this state; and
18 WHEREAS, Senator Holveck as a lawyer-legislator has
19 been instrumental in championing the causes of
20 consumers, low-income Iowans, and others who have not
21 historically had a strong voice in public
22 policymaking; and
23 WHEREAS, Senator Holveck has served honorably and
24 has unselfishly given of his time and efforts to
25 further the interests of the State of Iowa and to
26 provide beneficial programs for the citizens of Iowa;
27 NOW THEREFORE,
28 BE IT RESOLVED BY THE SENATE, That the Senate pay
29 tribute to Senator Jack Holveck for his devoted
30 service to the Iowa General Assembly and the citizens

Page 2

1 of this state and wish him the very best in the years
2 ahead; and
3 BE IT FURTHER RESOLVED, That an official copy of
4 this Resolution be prepared and presented to Senator
5 Holveck.

The Senate rose and expressed its tribute to Senator Holveck.

Senator Iverson moved the adoption of [Senate Resolution 152](#), which motion prevailed by a voice vote.

Senator Holveck was presented an enrolled copy of [Senate Resolution 152](#).

Senator Holveck addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Iverson called up the following eligible appointees on the En Bloc Confirmation Calendar:

Carol Schuster, Accountancy Examining Board

Gilbert "Ron" Dardis, State of Iowa Adjutant General

Jamie Howard, Commission on the Status of African-Americans
Jerome Thomas, Commission on the Status of African-Americans

Brett Raasch, Board of Athletic Training Examiners

James Anastasi, Board of Behavioral Science Examiners

Rod Rebarcak, Board of Chiropractic Examiners

Ralph Rosenberg, Executive Director of the Iowa State Civil Rights Commission

Marc Lindeen, Commission on Community Action Agencies
Tammy Wetjen-Kesterson, Commission on Community Action Agencies

Paul Becker, Credit Union Review Board

Karen Potter-Maxwell, Commission on the Deaf

Ed Barnes, Iowa Drug Policy Advisory Council

David Bernstein, Economic Development Marketing Board

Lisa Carlson, Commission of Elder Affairs

Darshini Jayawardena, Iowa Empowerment Board

Betsy Roe, Iowa Ethics and Campaign Disclosure Board

Wanda Wyatt-Hardwick, Healthy and Well Kids in Iowa (HAWK-I) Board

Stephanie Savage, Iowa Higher Education Loan Authority

Sandra Glenn, Information Technology Council

Shanell Wagler, Iowa Empowerment Board Facilitator

Julie Westerheim, Landscape Architectural Examining Board

Angela Bonar, Iowa Law Enforcement Council

Martha Jane Bell, Loan and Credit Guarantee Advisory Board

Timothy Clausen, Iowa Lottery Authority Board of Directors

Mary Belieu, Board of Examiners for Massage Therapy

Russell Lee, Board of Medical Examiners

Mary Hughes, Mental Health and Developmental Disabilities Commission

Sally Stutsman, Mental Health Risk Pool Board

Terrance Lillis, Peace Officers' Retirement, Accident, and Disability System Trustee

Cheryl Stewart, Board of Physical and Occupational Therapy Examiners

Martin Unga, Board of Physical and Occupational Therapy Examiners

Thomas Slater, Prevention of Disabilities Policy Council

Donald Marple, Real Estate Commission

Dawn Connet, Small Business Advisory Council

David Carlyle, Commission on Tobacco Use Prevention and Control

Gregg Connell, Vision Iowa Board

Mike Edwards, Vision Iowa Board

Holly Mennen-Sagar, Commission on the Status of Women

Senator Iverson moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" 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 appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hatch, until he returns, on request of Senator Dvorsky.

HOUSE AMENDMENT CONSIDERED

[Senate File 2149](#)

Senator Zieman called up for consideration [Senate File 2149](#), a bill for an act relating to games of chance by authorizing certain bingo games and prizes for bingo and raffles and providing an effective date, amended by the House in House amendment [S-5214](#), filed March 30, 2004.

Senator Ziemann moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Ziemann moved that the bill, as amended by the House and concurred in by the Senate, 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, 47:

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

Nays, 1:

Holveck

Absent, 2:

Hatch Larson

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

HOUSE AMENDMENT CONSIDERED

[Senate File 2177](#)

Senator Ward called up for consideration [Senate File 2177](#), a bill for an act relating to the possession and self-administration of asthma or other airway constricting disease medication by public and

accredited nonpublic school students, amended by the House in House amendment [S-5218](#), filed March 30, 2004.

Senator Ward moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Ward moved that the bill, as amended by the House and concurred in by the Senate, 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. 2177](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Hatch	Larson
-------	--------

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

HOUSE AMENDMENT CONSIDERED

[Senate File 2234](#)

Senator Miller called up for consideration [Senate File 2234](#), a bill for an act relating to child custody and visitation provisions, amended by the House in House amendment [S-5235](#), filed March 31, 2004.

Senator Miller moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Miller moved that the bill, as amended by the House and concurred in by the Senate, 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. 2234](#)), 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 2149, 2177, and 2234** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [House File 2544](#) and [Senate File 2302](#).

[House File 2544](#)

On motion of Senator Stewart, [House File 2544](#), a bill for an act requiring identification numbers for all parcels of real estate, additional real estate transaction recordings, and making a fee applicable, with report of committee recommending passage, was taken up for consideration.

Senator Stewart offered amendment [S-5258](#), filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment [S-5258](#) was adopted by a voice vote.

Senator Stewart 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. 2544](#)), 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 2302](#)

On motion of Senator Wieck, [Senate File 2302](#), a bill for an act relating to tax credits for investments in certain qualifying businesses and community-based seed capital funds and providing for retroactive applicability, was taken up for consideration.

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. 2302](#)), the vote was:

Yeas, 47:

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

Nays, 2:

Dearden	Quirnbach
---------	-----------

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 2302](#) and [House File 2544](#) be **immediately messaged** to the House.

The Senate stood at ease at 5:35 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:38 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 April 5, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 2547](#), a bill for an act providing for the disposition and sale of certain state-owned motor vehicles and making an appropriation.

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

[House File 2554](#), a bill for an act relating to the establishment of a prescription drug assistance program by the commissioner of insurance, and providing for a contingent appropriation.

Read first time and **attached to similar** [Senate File 2229](#).

[House File 2555](#), a bill for an act providing for specified changes regarding programs under the purview of the department of public health, providing a penalty, and making an appropriation.

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

[House File 2557](#), a bill for an act providing for the regulation of securities, providing for fees and penalties, and providing an effective date.

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

[House File 2559](#), a bill for an act relating to the duties of the college student aid commission and the approval and registration of postsecondary schools by the commission, the department of education, and the secretary of state, and the establishment and collection of fees and chargeable expenses by the state board of education and the secretary of state.

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

[House File 2562](#), a bill for an act relating to electrical and mechanical amusement devices that are required to be registered with the department of inspections and appeals, establishing fees, making an appropriation, making penalties applicable, and including an effective and retroactive applicability provision.

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

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 154](#), a resolution honoring Senator Donald B. Redfern.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Iverson, Lamberti, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nay, none. Absent, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION (Regular Calendar)

[Senate Resolution 154](#)

Senator Iverson asked and received unanimous consent to take up the following resolution:

1 [SENATE RESOLUTION 154](#)
2 By: Committee on Rules and Administration
3 A resolution honoring Senator Donald B. Redfern.
4 WHEREAS, Senator Donald B. Redfern is retiring from
5 legislative office after completing nearly three full
6 terms in office as a State Senator; and
7 WHEREAS, Senator Redfern's distinguished career as
8 a state legislator has included service as President
9 Pro Tempore in the Seventy-seventh and Seventy-eighth
10 General Assemblies, as Chairperson of the Education
11 Committee in the Seventy-seventh and Seventy-eighth
12 General Assemblies, as Chairperson of the Judiciary
13 Committee in the Eightieth General Assembly, and as
14 Chairperson of the Education Appropriations
15 Subcommittee in the Seventy-ninth General Assembly;
16 and
17 WHEREAS, Senator Redfern has served on many other
18 standing committees throughout his 11 years of
19 legislative service and has been an influential and
20 devoted legislator in this state; and
21 WHEREAS, Senator Redfern as a lawyer-legislator has
22 been instrumental in representing the views and
23 interests of the legal community before the Senate,
24 and in influencing legislation in the area of
25 education; and
26 WHEREAS, Senator Redfern has served honorably and
27 has unselfishly given of his time and efforts to
28 further the interests of the State of Iowa and to
29 provide beneficial programs for the citizens of Iowa;
30 NOW THEREFORE,

Page 2

1 BE IT RESOLVED BY THE SENATE, That the Senate pay
2 tribute to Senator Donald B. Redfern for his devoted
3 service to the Iowa General Assembly and the citizens
4 of this state and wish him the very best in the years
5 ahead; and
6 BE IT FURTHER RESOLVED, That an official copy of
7 this Resolution be prepared and presented to Senator
8 Redfern.

The Senate rose and expressed its tribute to Senator Redfern.

Senator McKibben took the chair at 7:03 p.m.

Senator Iverson moved the adoption of [Senate Resolution 154](#),
which motion prevailed by a voice vote.

Senator Redfern was presented an enrolled copy of [Senate Resolution 154](#).

Senator Redfern addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

UNFINISHED BUSINESS

[Senate File 2102](#)

On motion of Senator Brunkhorst, [Senate File 2102](#), a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions, placed on the Unfinished Business Calendar on April 1, 2004, was taken up for consideration.

Senator Brunkhorst offered amendment [S-5005](#), filed by the committee on Judiciary on February 11, 2004, to pages 11, 25, 31, 32, 38, and 39 of the bill.

Senator Brunkhorst offered amendment [S-5011](#), filed by him on February 17, 2004, to pages 1–3 of amendment [S-5005](#), and moved its adoption.

Amendment [S-5011](#) was adopted by a voice vote.

Senator Brunkhorst moved the adoption of amendment [S-5005](#), as amended.

Amendment [S-5005](#) was adopted by a voice vote.

Senator Brunkhorst asked and received unanimous consent that [House File 2207](#) be **substituted** for [Senate File 2102](#).

[House File 2207](#)

On motion of Senator Brunkhorst, [House File 2207](#), a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions, was taken up for consideration.

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?" ([H.F. 2207](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Hatch	Larson
-------	--------

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

WITHDRAWN

Senator Brunkhorst asked and received unanimous consent that [Senate File 2102](#) be **withdrawn** from further consideration of the Senate.

UNFINISHED BUSINESS

[Senate File 2155](#)

On motion of Senator Kettering, [Senate File 2155](#), a bill for an act relating to safe deposit box access by a trustee of a trust created by the deceased owner or lessee of the safe deposit box, placed on the Unfinished Business Calendar on April 1, 2004, was taken up for consideration.

Senator Kettering asked and received unanimous consent that [House File 2230](#) be **substituted** for [Senate File 2155](#).

[House File 2230](#)

On motion of Senator Kettering, [House File 2230](#), a bill for an act relating to safe deposit box access by a trustee of a trust created by the deceased owner or lessee of the safe deposit box, 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?" ([H.F. 2230](#)), 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.

WITHDRAWN

Senator Kettering asked and received unanimous consent that [Senate File 2155](#) be **withdrawn** from further consideration of the Senate.

President Lamberti took the chair at 7:30 p.m.

UNFINISHED BUSINESS

[Senate File 2236](#)

On motion of Senator Johnson, [Senate File 2236](#), a bill for an act relating to awards of noneconomic damages against health care providers, placed on the Unfinished Business Calendar on April 1, 2004, was taken up for consideration.

Senator Johnson offered amendment [S-5141](#), filed by him on March 24, 2004, to page 1 of the bill, and moved its adoption.

Amendment [S-5141](#) was adopted by a voice vote.

Senator Johnson asked and received unanimous consent that [House File 2440](#) be **substituted** for [Senate File 2236](#).

[House File 2440](#)

On motion of Senator Johnson, [House File 2440](#), a bill for an act relating to awards of noneconomic damages against health care providers, was taken up for consideration.

Senator Dotzler offered amendment [S-5274](#), filed by Senator Dotzler, et al., from the floor striking and replacing everything after the enacting clause and to the title page of the bill.

Senator Johnson raised the point of order that amendment [S-5274](#) was not germane to the bill.

The Chair ruled the point not well-taken and amendment [S-5274](#) in order.

Senator Dotzler moved the adoption of amendment [S-5274](#).

A record roll call was requested.

On the question “Shall amendment [S-5274](#) be adopted?” ([H.F. 2440](#)), 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-5274](#) lost.

Senator Bolkcom offered amendment [S-5275](#), filed by Senator Bolkcom, et al., from the floor striking and replacing everything after the enacting clause and to the title page of the bill.

Senator Johnson raised the point of order that amendment [S-5275](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-5275](#) out of order.

Senator Putney asked and received unanimous consent to withdraw amendment [S-5085](#), filed by Senators Putney and Johnson on March 11, 2004, to page 1 of the bill.

Senator Putney asked and received unanimous consent to withdraw amendment [S-5095](#), filed by Senators Putney and Johnson on March 15, 2004, to page 1 of the bill.

Senator Tinsman withdrew amendment [S-5145](#), filed by her on March 24, 2004, to page 1 of the bill.

Senator Redfern offered amendment [S-5269](#), filed by him from the floor to page 1 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 23, nays 26.

Amendment [S-5269](#) lost.

Senator Warnstadt offered amendment [S-5270](#), filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5270](#) be adopted?" ([H.F. 2440](#)), 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-5270](#) lost.

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?" ([H.F. 2440](#)), the vote was:

Yeas, 24:

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

Nays, 25:

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

Absent, 1:

Larson

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 2207** and **2230** be **immediately messaged** to the House.

President Pro Tempore Angelo took the chair at 9:00 p.m.

UNFINISHED BUSINESS

[Senate File 2248](#)

On motion of Senator Veenstra, [Senate File 2248](#), 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, placed on the Unfinished Business Calendar on April 1, 2004, was taken up for consideration.

Senator Veenstra offered amendment [S-5268](#), filed by him from the floor to pages 1–9 and 15–18 of the bill, and moved its adoption.

Amendment [S-5268](#) was adopted by a voice vote.

Senator Veenstra asked and received unanimous consent that [House File 2537](#) be **substituted** for [Senate File 2248](#).

[House File 2537](#)

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

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?” ([H.F. 2537](#)), 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.

WITHDRAWN

Senator Veenstra asked and received unanimous consent that [Senate File 2248](#) be **withdrawn** from further consideration of the Senate.

UNFINISHED BUSINESS

[House File 22](#)

On motion of Senator Tinsman, [House File 22](#), a bill for an act relating to the awarding of joint physical care of a child, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending passage, was taken up for consideration.

Senator Tinsman 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. 22](#)), 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.

UNFINISHED BUSINESS

[House File 2200](#)

On motion of Senator Kettering, [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, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Kettering offered amendment [S-5128](#), filed by the committee on Judiciary on March 23, 2004, to page 1 and to the title page of the bill.

Senator Kettering offered amendment [S-5257](#), filed by him from the floor to pages 2, 5, and 6 of amendment [S-5128](#), and moved its adoption.

Amendment [S-5257](#) was adopted by a voice vote.

With the adoption of amendment [S-5257](#) to amendment [S-5128](#), the Chair ruled amendment [S-5225](#), filed by Senator Kettering on March 30, 2004, to pages 5 and 6 of amendment [S-5128](#), out of order.

Senator Kettering moved the adoption of amendment [S-5128](#), as amended.

Amendment [S-5128](#) 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?" ([H.F. 2200](#)), 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, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 22, 2200, and 2537** be **immediately messaged** to the House.

UNFINISHED BUSINESS

[House File 561](#)

On motion of Senator Tinsman, [House File 561](#), a bill for an act creating the crime of invasion of privacy, and providing a penalty, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending passage, was taken up for consideration.

Senator Tinsman 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. 561](#)), 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.

UNFINISHED BUSINESS

House File 2433

On motion of Senator Zieman, House File 2433, a bill for an act relating to fees retained by county treasurers for the issuance of driver's licenses and nonoperator identification cards, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending passage, was taken up for consideration.

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?" (H.F. 2433), the vote was:

Yeas, 47:

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

Nays, 2:

Dearden	Holveck
---------	---------

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 April 1, 2004)

[House File 2462](#)

The Senate resumed consideration of [House File 2462](#), a bill for an act directing the department of human services to implement child welfare diversion and mediation pilot projects, deferred April 1, 2004.

Senator Kreiman withdrew amendment [S-5250](#), filed by him on April 1, 2004, to page 1 of the bill.

Senator Kreiman offered amendment [S-5273](#), filed by him from the floor to page 1 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 27, nays 2.

Amendment [S-5273](#) was adopted.

Senator McKinley 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. 2462](#)), 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.

UNFINISHED BUSINESS
(Deferred April 1, 2004)

[House File 2396](#)

The Senate resumed consideration of [House File 2396](#), a bill for an act relating to recovery of prejudgment interest in relation to an offer to confess judgment, deferred April 1, 2004.

Senator Kreiman offered amendment [S-5248](#), filed by him on April 1, 2004, to page 1 of the bill, and moved its adoption.

Amendment [S-5248](#) lost by a voice vote.

Senator Tinsman 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. 2396](#)), the vote was:

Yeas, 35:

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

Nays, 14:

Beall	Dearden	Gronstal	Ragan
Bolkcom	Dotzler	Holveck	Stewart

Connolly
Courtney

Dvorsky
Fraise

Kreiman
Quirnbach

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 **House Files 561, 2396, 2433, and 2462** be **immediately messaged** to the House.

UNFINISHED BUSINESS

[Senate File 2078](#)

On motion of Senator Zieman, [Senate File 2078](#), a bill for an act relating to public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the statewide fire and police retirement system, and providing effective and retroactive applicability dates, placed on the Unfinished Business Calendar on April 1, 2004, was taken up for consideration.

Senator Zieman offered amendment [S-5071](#), filed by him on March 10, 2004, to pages 12, 22-24, and 27 of the bill, and moved its adoption.

Amendment [S-5071](#) was adopted by a voice vote.

Senator Zieman asked and received unanimous consent that [House File 2262](#) be **substituted** for [Senate File 2078](#).

[House File 2262](#)

On motion of Senator Zieman, [House File 2262](#), a bill for an act relating to public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the statewide fire and

police retirement system, and providing effective and retroactive applicability dates, was taken up for consideration.

Senator Kibbie offered amendment [S-5259](#), 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, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5259](#) be adopted?” ([H.F. 2262](#)), 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-5259](#) lost.

Senator Zieman offered amendment [S-5264](#), filed by Senators Zieman, Connolly, and Kibbie from the floor to pages 2, 14, 16, and 22 of the bill, and moved its adoption.

Amendment [S-5264](#) was adopted by a voice vote.

Senator Kibbie asked and received unanimous consent to withdraw amendment [S-5261](#), filed by Senators Kibbie and Zieman from the floor to page 8 of the bill.

Senator Beall offered amendment [S-5262](#), filed by Senators Beall and Zieman from the floor to pages 17 and 23 of the bill, and moved its adoption.

Amendment [S-5262](#) was adopted by a voice vote.

Senator Johnson withdrew amendment [S-5226](#), filed by him on March 30, 2004, to page 29 and to the title page of the bill.

With the withdrawal of amendment [S-5226](#), the Chair ruled amendment [S-5267](#), filed by Senator Johnson from the floor to page 1 of the bill, out of order.

Senator Kibbie offered amendment [S-5263](#), filed by Senators Kibbie and Zieman from the floor to page 29 and to the title page of the bill, and moved its adoption.

Amendment [S-5263](#) was adopted by a voice vote.

Senator Sievers offered amendment [S-5271](#), filed by Senators Sievers and Hosch from the floor to page 29 and to the title page of the bill, and moved its adoption.

Amendment [S-5271](#) was adopted by a voice vote.

Senator Sievers asked and received unanimous consent to withdraw amendment [S-5272](#), filed by Senators Sievers, Tinsman, and Seng from the floor to page 29 and to the title page of the bill.

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?" ([H.F. 2262](#)), the vote was:

Yeas, 48:

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

Nays, 1:

Hatch

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.

WITHDRAWN

Senator Zieman asked and received unanimous consent that [Senate File 2078](#) be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [House File 2262](#) 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 April 5, 2004, **passed** the following bills in which the concurrence of the House was asked:

[Senate File 2190](#), a bill for an act relating to the development of the long-term care system in Iowa.

[Senate File 2266](#), a bill for an act relating to landlord disclosure requirements regarding the environmental status of rental property.

[Senate File 2284](#), 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.

ALSO: That the House has on April 5, 2004, **amended and passed** the following bills in which the concurrence of the House was asked:

[Senate File 2066](#), a bill for an act modifying requirements for securing children transported in motor vehicles and making a penalty applicable. ([S-5276](#))

[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. ([S-5277](#))

[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. ([S-5278](#))

ALSO: That the House has on April 5, 2004, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 2568](#), a bill for an act relating to individual health insurance program modification; restructuring and modification of eligibility, benefits, tax offsets, and other terms related to the operation of the Iowa comprehensive health insurance association; phaseout of guaranteed basic and standard individual insurance plans; and coverage of federal Trade Adjustment Act recipients under the Iowa comprehensive health insurance Act; and providing effective dates.

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

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 11:12 p.m. until 8:30 a.m., Tuesday, April 6, 2004.

APPENDIX

COMMUNICATION RECEIVED

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

April 1, 2004

DEPARTMENT OF ADMINISTRATIVE SERVICES

Notification of establishment of internal service funds, pursuant to Iowa Code section 8A.123.

CERTIFICATES OF RECOGNITION

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

Mr. and Mrs. Larry Iles, Stratford—For celebrating your 50th wedding anniversary. Senator Iverson (4/6/04).

Eva M. Nelson, Madrid—For celebrating your 85th birthday on April 6, 2004. Senator Quirnbach (4/6/04).

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: April 5, 2004, 2:00 p.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: Gronstal, Ranking Member (excused).

Committee Business: Passed resolutions for retiring senators, and SRs 145, 147, 148, 149, and 150.

Adjourned: 2:10 p.m.

WAYS AND MEANS

Convened: April 5, 2004, 1:00 p.m.

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

Members Absent: Bolkcom, Ranking Member; and Angelo (both excused).

Committee Business: Subcommittee assignments.

Adjourned: 1:05 p.m.

INTRODUCTION OF RESOLUTIONS

[Senate Concurrent Resolution 117](#), by Miller, a resolution congratulating Ms. Courtney Knupp on being crowned 2004 Iowa Pork Queen.

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

[Senate Resolution 156](#), by Fraise and Courtney, a resolution honoring the Southeastern Community College Men's Basketball Team on its national championship.

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

[Senate Resolution 157](#), by Fraise and Courtney, a resolution honoring Southeastern Community College Men's Basketball Coach Joe O'Brien.

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

STUDY BILLS RECEIVED

[SSB 3172](#) **Ways and Means**

Relating to Iowa individual income tax checkoffs, providing an income tax checkoff for the keep Iowa beautiful fund, relating to the

limitation on income tax checkoffs, and including effective and applicability date provisions.

SSB 3173 Ways and Means

Relating to the delay in the reduction in the individual income tax rate schedule and providing for contingent effectiveness.

SSB 3174 Ways and Means

Relating to a state sales and use tax exemption for tangible property and services used by a business in converting vans for use by persons with disabilities.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 148

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 149

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 150

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

SSB 3172

WAYS AND MEANS: Shull, Chair; Dotzler and McKibben

SSB 3173

WAYS AND MEANS: Shull, Chair; Bolkom and McKibben

SSB 3174

WAYS AND MEANS: Wieck, Chair; Hosch and Stewart

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 145](#), a resolution recognizing Parent's Day.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Lamberti, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 147](#), a resolution requesting the congressional delegation of the State of Iowa to work to make the federal tax cuts permanent.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Iverson, Lamberti, Boettger, Drake, Gaskill, Sievers, and Wieck. Nays, 3: Courtney, Dvorsky, and Ragan. Absent, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 148](#), a resolution urging the United States Congress to appropriate funds to the National Park Service to assist state and local governments and private landowners in developing a comprehensive plan to preserve and restore the Loess Hills in Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Lamberti, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 149](#), a resolution requesting the establishment of a committee to study and make recommendations related to the use of inmate labor for repair or improvement projects at state institutions.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Lamberti, Boettger, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, 1: Courtney. Absent, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 150](#), a resolution honoring the city of Alden on its sesquicentennial anniversary year.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Lamberti, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 153](#), a resolution honoring Senator Kitty Rehberg.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Iverson, Lamberti, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 155](#), a resolution honoring Senator Richard F. Drake.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Iverson, Lamberti, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which [House File 2440](#) failed to pass the Senate on April 5, 2004.

STEWART E. IVERSON, JR.

WITHDRAWAL OF GOVERNOR'S APPOINTEE

The following letter from the Governor was received in the office of the Secretary of the Senate on April 5, 2004:

I submitted the name of Cindy Pancratz to serve on the Board of Examiners for Massage Therapy on March 15, 2004. I am withdrawing her name from further consideration by the Senate.

Sincerely,
THOMAS J. VILSACK
Governor

GOVERNOR'S DEFERRAL LETTER

The following letter from the Governor was received in the office of the Secretary of the Senate on April 5, 2004:

Pursuant to Iowa Code section 2.32(4), the appointment for the Board of Examiners for Massage Therapy vacancy, formerly held by Debra Brooks, is being deferred because no appropriate candidate has been found for this position at this time.

Sincerely,
THOMAS J. VILSACK
Governor

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following reports:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 31st day of March, 2004:

Senate Files 2148, 2187, and 2202.

MICHAEL E. MARSHALL
Secretary of the Senate

ALSO:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following resolution and bill have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 1st day of April, 2004:

[Senate Joint Resolution 2009](#) and [Senate File 2210](#).

MICHAEL E. MARSHALL
Secretary of the Senate

ALSO:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 5th day of April, 2004:

Senate Files 2217, 2224, and 2257.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 2, 2004, the Governor approved and transmitted to the Secretary of State the following bills:

[S.J.R. 2009](#) – Authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the 2004 Annual Meeting of the MidAmerican Chapter of the American Association of Law Librarians.

[S.F. 2187](#)– Relating to municipal utilities that provide local exchange services, including the confidentiality and audits of certain accounting records, the allocation of the cost of use of city resources, and exemption from sales and use taxes.

[S.F. 2202](#) – Relating to meningococcal disease vaccination information for students who are enrolled in an institution of higher learning that has an on-campus dormitory or residence hall, and providing for related matters.

[S.F. 2210](#) – Relating to the Iowa corn promotion board, including its ex officio, nonvoting membership and the expenditure of moneys for programs.

GOVERNOR'S VETO MESSAGE

April 2, 2004

The Honorable Jeffrey Lamberti
President of the Senate
State Capitol Building
L O C A L

Dear President Lamberti:

I hereby transmit [Senate File 2148](#), an act relating to the motor vehicle operating privileges of a person convicted of motor fuel theft from a retail dealer.

I am unable to approve [Senate File 2148](#). Suspension of an individual's driver's license is appropriate when it enhances safe highway travel as is in the case of drunk drivers or habitual traffic violators. Suspension of a driver's license is not currently a penalty for any type of theft under Iowa law nor should it become one. It is a bad public policy to use suspension of a driver's license for anything other than enhancing safe highway travel.

Theft of any kind, including theft of gasoline, has penalties under Iowa criminal law that are based on the value of the item stolen. Currently, Iowa law provides that theft of property not exceeding \$200 is punishable by a fine of at least \$50 but not more than \$500, or by imprisonment for not more than 30 days, or both. Theft is theft and should be treated as such in all cases.

It's not necessary to create special classes of crimes that have varying penalties within already existing criminal statutes. This would be the only area where driver's

license suspension would be used with regard to criminal theft. It does not make sense to treat the theft of gasoline in a different manner than the theft of any other property. This is also the only example where a driver's license suspension would be used to protect a private business. This would set bad precedents.

It is particularly important not to make an exception to good policy practice or take a precedent setting action when other options to address a problem have not been exhausted. Proponents of this law argue that tougher penalties are needed as a deterrent, but do not ask for increased enforcement under the new law. Adequately publicizing existing criminal penalties, including posting them on gas pumps, would provide as strong a deterrent as expanding potential penalties without increasing enforcement.

Additionally, implementing private business-based approaches to curb theft, such as prepayment for gasoline and video surveillance, are appropriate and effective steps that private businesses can take to prevent fuel theft.

For the above reasons, I hereby respectfully disapprove [Senate File 2148](#).

Sincerely,
THOMAS J. VILSACK
Governor

AMENDMENTS FILED

S-5254	H.F. 2186	House
S-5255	S.F. 2119	House
S-5256	S.F. 2208	House
S-5257	H.F. 2200	Steve Kettering
S-5258	H.F. 2544	Roger Stewart
S-5259	H.F. 2262	John P. Kibbie
		Dennis H. Black
		Mike Connolly
		Thomas G. Courtney
		Dick L. Dearden
		Amanda Ragan
S-5260	H.F. 2447	Dick L. Dearden
S-5261	H.F. 2262	John P. Kibbie
		Mark Zieman
S-5262	H.F. 2262	Daryl Beall
		Mark Zieman
S-5263	H.F. 2262	John P. Kibbie
		Mark Zieman
S-5264	H.F. 2262	Mark Zieman
		Mike Connolly
		John P. Kibbie

S-5265	H.F. 2231	David Miller
S-5266	H.F. 2473	Hubert Houser
S-5267	H.F. 2262	David Johnson
S-5268	S.F. 2248	Ken Veenstra
S-5269	H.F. 2440	Donald B. Redfern
S-5270	H.F. 2440	Steve Warnstadt
S-5271	H.F. 2262	Bryan J. Sievers
		Julie Hosch
S-5272	H.F. 2262	Bryan J. Sievers
		Maggie Tinsman
		Joe M. Seng
S-5273	H.F. 2462	Keith A. Kreiman
S-5274	H.F. 2440	William A. Dotzler, Jr.
		Joe Bolkom
		Keith A. Kreiman
		Robert E. Dvorsky
		Jack Holveck
		Thomas G. Courtney
		Amanda Ragan
		Daryl Beall
		Michael E. Gronstal
		Herman C. Quirnbach
S-5275	H.F. 2440	Joe Bolkom
		William A. Dotzler, Jr.
		Keith A. Kreiman
		Robert E. Dvorsky
		Jack Holveck
		Thomas G. Courtney
		Amanda Ragan
		Daryl Beall
		Michael E. Gronstal
		Herman C. Quirnbach
S-5276	S.F. 2066	House
S-5277	S.F. 2183	House
S-5278	S.F. 2213	House