

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, APRIL 6, 2004

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JOURNAL OF THE SENATE

EIGHTY-SIXTH CALENDAR DAY
FIFTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 6, 2004

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

Prayer was offered by the Reverend Dennis St. Lawrence, pastor of the Grace Baptist Church in Chariton, Iowa. He was the guest of Senator McKinley.

The Journal of Monday, April 5, 2004, was approved.

SPECIAL PRESENTATION

John Morris, Terry Cochran, Greg Francisco, and John Grunwald, representatives of the Drouthy Ducks Pipes and Drums of Fairfield, Iowa, performed on bagpipes in the Senate chamber. Also present was Ann Gertds, president of the Scottish Heritage Society of Iowa.

The Senate rose and expressed its appreciation.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:45 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:47 a.m., President Lamberti presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 139](#).

[Senate Resolution 139](#)

On motion of Senator Boettger, [Senate Resolution 139](#), a resolution to recognize May 2004 as Hepatitis C Awareness and Education Month and to urge greater public awareness and education regarding hepatitis C, with report of committee recommending passage, was taken up for consideration.

Senator Boettger moved the adoption of [Senate Resolution 139](#), which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 126](#).

[Senate Resolution 126](#)

On motion of Senator McKinley, [Senate Resolution 126](#), a resolution honoring Robert K. Beck for his accomplishments in service to the people of Iowa as a civic leader, state legislator, and newspaperman, with report of committee recommending passage, was taken up for consideration.

Senator McKinley moved the adoption of [Senate Resolution 126](#), which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator McKinley welcomed to the Senate chamber members of the Robert K. Beck family.

The Senate rose and expressed its welcome.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 140](#), a resolution encouraging the adoption of the Iowa tartan and the Iowa dress tartan as official state tartans.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 140](#).

[Senate Resolution 140](#)

On motion of Senator Iverson, [Senate Resolution 140](#), a resolution encouraging the adoption of the Iowa tartan and the Iowa dress tartan as official state tartans, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of [Senate Resolution 140](#), which motion prevailed by a voice vote.

The Senate stood at ease at 9:07 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:10 a.m., President Lamberti presiding.

UNFINISHED BUSINESS

[House File 2395](#)

On motion of Senator McKibben, [House File 2395](#), a bill for an act creating the criminal offense of intellectual property counterfeiting, 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 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?" ([H.F. 2395](#)), 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.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 2303](#).

[Senate File 2303](#)

On motion of Senator Shull, [Senate File 2303](#), a bill for an act providing for an individual income tax deduction for contributions made to a qualified tuition program established by certain

educational institutions and including effective and retroactive applicability date provisions, was taken up for consideration.

Senator Shull moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2303](#)), 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 2328](#)

On motion of Senator Tinsman, [House File 2328](#), a bill for an act relating to child protection confidentiality requirements involving the department of human services, 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. 2328](#)), 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 2303](#) and **House Files 2328** and **2395** be **immediately messaged** to the House.

UNFINISHED BUSINESS

[House File 2259](#)

On motion of Senator Kettering, [House File 2259](#), a bill for an act relating to the selling and purchasing of products containing pseudoephedrine, and providing penalties, 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-5151](#), filed by the committee on Judiciary on March 29, 2004, to pages 1 and 2 of the bill, and moved its adoption.

Amendment [S-5151](#) 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. 2259](#)), 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 2393](#)

The Senate resumed consideration of [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, and amendment [S-5124](#), deferred April 1, 2004 (amendment [S-5228](#) pending).

Senator Brunkhorst asked and received unanimous consent to withdraw amendment [S-5124](#).

The Senate resumed consideration of amendment [S-5228](#), previously deferred.

Senator Brunkhorst moved the adoption of amendment [S-5228](#), which motion prevailed by a voice vote.

Senator Black 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. 2393](#)), 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.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [House File 2541](#).

[House File 2541](#)

On motion of Senator Shull, [House File 2541](#), a bill for an act relating to utility replacement taxes by redefining major additions for purposes of allocating replacement taxes to taxing districts, requiring certain taxpayers to report estimated replacement taxes, and changing or establishing certain reporting dates and including effective and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Shull moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 2541](#)), 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 **House Files 2259, 2393, and 2541** be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 11:55 a.m. until 1:00 p.m.

APPENDIX — 1**CERTIFICATES OF RECOGNITION**

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

Donald P. J. Anderson, Dubuque—For achieving the rank of Eagle Scout, St. Joseph Boy Scout Troop. Senator Connolly (4/18/04).

Dorothy Appelgate, Story City—For receiving the Kiwanian of the Year Award. Senator Iverson (4/8/04).

Steve Lynes, Glenwood—For achieving the rank of Eagle Scout, Boy Scout Troop 229. Senator Houser (4/24/04).

Ina Picht, Nevada—For celebrating your 101st birthday on April 8, 2004. Senator Iverson (4/8/04).

Mr. and Mrs. Larry Smith, Des Moines—For celebrating your 50th wedding anniversary. Senator McCoy (4/6/04).

PRESENTATION OF VISITORS

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

The Davenport West High School government class from Davenport, accompanied by Mr. Achs and Mr. Gjerde. Senators Seng and Sievers.

REPORTS OF COMMITTEE MEETINGS**RULES AND ADMINISTRATION**

Convened: April 6, 2004, 8:40 a.m.

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

Members Absent: Sievers (excused).

Committee Business: Passed [SCR 117](#) and SRs 140, 156, and 157.

Adjourned: 8:45 a.m.

ALSO:**Convened:** April 6, 2004, 11:50 a.m.**Members Present:** Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck.**Members Absent:** None.**Committee Business:** Passed [SR 158](#).**Adjourned:** 11:55 a.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 158](#), by Brunkhorst, Rehberg, Houser, and Dotzler, a resolution recognizing and congratulating the Wartburg College 2003 Men's and Women's Cross-Country Teams and the Wartburg College 2003–2004 Wrestling Team.

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

SUBCOMMITTEE ASSIGNMENTS

[Senate Concurrent Resolution 117](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[Senate Resolution 156](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[Senate Resolution 157](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[Senate Resolution 158](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[House File 2557](#)

WAYS AND MEANS: Miller, Chair; Connolly and Rehberg

[House File 2559](#)

WAYS AND MEANS: Stewart, Chair; Hosch and McKibben

[House File 2562](#)

WAYS AND MEANS: Shull, Chair; McCoy and Wieck

[House File 2568](#)

WAYS AND MEANS: Wieck; Chair; McCoy and McKinley

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 158](#), a resolution recognizing and congratulating the Wartburg College 2003 Men's and Women's Cross-Country Teams and the Wartburg College 2003-2004 Wrestling Team.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 1:24 p.m., President Lamberti presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Zieman asked and received unanimous consent to take up for consideration [Senate Resolution 158](#).

[Senate Resolution 158](#)

On motion of Senator Brunkhorst, [Senate Resolution 158](#), a resolution recognizing and congratulating the Wartburg College 2003 Men's and Women's Cross-Country Teams and the Wartburg College 2003–2004 Wrestling Team, with report of committee recommending passage, was taken up for consideration.

Senator Brunkhorst moved the adoption of [Senate Resolution 158](#), which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Brunkhorst welcomed to the Senate chamber Wartburg College President Jack Ohle and the members and coaches of the 2003 Men's and Women's Cross-Country Teams and the 2003–2004 Wrestling Team. President Ohle addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

[Senate Resolution 153](#)

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

- 1 [SENATE RESOLUTION 153](#)
- 2 By: Committee on Rules and Administration
- 3 A resolution honoring Senator Kitty Rehberg.

4 WHEREAS, Senator Kitty Rehberg is retiring from
5 legislative office after completing two terms in
6 office as a State Senator; and
7 WHEREAS, Senator Rehberg's distinguished career as
8 a state legislator has included service as the
9 Chairperson of the Small Business, Economic
10 Development and Tourism Committee in the Seventy-ninth
11 General Assembly, as Chairperson of the Economic
12 Growth Committee in the Eightieth General Assembly,
13 and as Chairperson of the Education Appropriations
14 Subcommittee in the Seventy-seventh and Seventy-eighth
15 General Assemblies; and
16 WHEREAS, Senator Rehberg has also served as Vice
17 Chairperson of the Education Committee and on many
18 other standing committees throughout her eight years
19 of legislative service and has been an influential and
20 devoted legislator in this state; and
21 WHEREAS, Senator Rehberg has been influential in
22 the passage of legislation in areas of economic and
23 rural development, and education, and has championed
24 the interests of her constituents; and
25 WHEREAS, Senator Rehberg has served honorably and
26 has unselfishly given of her time and efforts to
27 further the interests of the State of Iowa and to
28 provide beneficial programs for the citizens of Iowa;
29 NOW THEREFORE,
30 BE IT RESOLVED BY THE SENATE, That the Senate pay

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1 tribute to Senator Kitty Rehberg for her devoted
2 service to the Iowa General Assembly and the citizens
3 of this state and wish her the very best in the years
4 ahead; and
5 BE IT FURTHER RESOLVED, That an official copy of
6 this Resolution be prepared and presented to Senator
7 Rehberg.

The Senate rose and expressed its tribute to Senator Rehberg.

Senator Iverson moved the adoption of [Senate Resolution 153](#), which motion prevailed by a voice vote.

Senator Rehberg was presented an enrolled copy of [Senate Resolution 153](#).

Senator Rehberg addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [House File 2553](#).

[House File 2553](#)

On motion of Senator Connolly, [House File 2553](#), a bill for an act relating to technical and substantive changes regarding the Iowa educational savings plan trust and the establishment of an additional optional program by a specified date, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Connolly offered amendment [S-5283](#), filed by him from the floor to page 6 of the bill.

Senator Connolly withdrew amendment [S-5283](#).

Senator Connolly 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. 2553](#)), 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 2378

On motion of Senator Tinsman, [House File 2378](#), a bill for an act relating to the disposition of medical assistance special needs trusts, including the payment rate for nursing facility levels of care, 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. 2378](#)), 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.

Senator McKibben took the chair at 2:23 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lamberti, until he returns, on request of Senator Iverson.

UNFINISHED BUSINESS

[House File 2434](#)

On motion of Senator Putney, [House File 2434](#), a bill for an act to update and modify the enhanced 911 emergency telephone communications system, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending amendment and passage, was taken up for consideration.

The Senate stood at ease at 2:29 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 2:50 p.m., Senator McKibben presiding.

Senator Putney asked and received unanimous consent to withdraw amendment [S-5154](#), filed by the committee on Commerce on March 29, 2004, to pages 16 and 17 of the bill.

With the withdrawal of amendment [S-5154](#), the Chair ruled amendment [S-5179](#), filed by Senator Putney on March 30, 2004, to page 1 of amendment [S-5154](#), out of order.

Senator Shull offered amendment [S-5244](#), filed by Senators Shull, Putney, and Beall on April 1, 2004, to pages 13–18 of the bill.

Senator Shull asked and received unanimous consent that action on amendment [S-5244](#) be deferred.

Senator Wieck asked and received unanimous consent to withdraw amendment [S-5143](#), filed by Senators Wieck, Putney, and Beall on March 24, 2004, to pages 16 and 17 of the bill.

Senator Wieck offered amendment [S-5281](#), filed by him on from the floor to pages 16 and 17 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5281](#) be adopted?” ([H.F. 2434](#)), the vote was:

Yeas, 12:

| | | | |
|----------|-----------|----------|-----------|
| Boettger | Kettering | Miller | Seymour |
| Drake | Lundby | Rehberg | Warnstadt |
| Hosch | McKinley | Schuerer | Wieck |

Nays, 36:

| | | | |
|------------|----------|-----------|----------|
| Angelo | Dotzler | Iverson | Redfern |
| Beall | Dvorsky | Johnson | Seng |
| Behn | Fraise | Kibbie | Shull |
| Black | Gaskill | Kreiman | Sievers |
| Bolkcom | Gronstal | McCoy | Stewart |
| Brunkhorst | Hatch | McKibben | Tinsman |
| Connolly | Holveck | Putney | Veenstra |
| Courtney | Horn | Quirnbach | Ward |
| Dearden | Houser | Ragan | Zieman |

Absent, 2:

| | |
|----------|--------|
| Lamberti | Larson |
|----------|--------|

Amendment [S-5281](#) lost.

The Senate resumed consideration of amendment [S-5244](#), previously deferred.

Senator Shull moved the adoption of amendment [S-5244](#).

Amendment [S-5244](#) was adopted by a voice vote.

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?” ([H.F. 2434](#)), 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 **House Files 2378, 2434, and 2553** be **immediately messaged** to the House.

President Lamberti took the chair at 3:10 p.m.

CONSIDERATION OF RESOLUTION (Regular Calendar)

[Senate Resolution 155](#)

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

- 1 [SENATE RESOLUTION 155](#)
- 2 By: Committee on Rules and Administration
- 3 A resolution honoring Senator Richard F. Drake.
- 4 WHEREAS, Senator Richard F. Drake is retiring from
- 5 legislative office as one of the longest serving
- 6 members of the Senate, serving seven terms in office

7 as a State Senator and nearly four full terms as a
8 member of the House of Representatives; and
9 WHEREAS, Senator Drake's distinguished career as a
10 state legislator has included service as the
11 chairperson of the Transportation Committee in the
12 Sixty-eighth, Sixty-ninth, Seventy-seventh, Seventy-
13 eighth, and Eightieth General Assemblies and as
14 ranking member of the Transportation Committee in the
15 Seventieth through Seventy-sixth General Assemblies;
16 and
17 WHEREAS, Senator Drake served as chairperson of the
18 Ethics Committee in the Seventy-ninth and Eightieth
19 General Assemblies and as a member of the Ethics
20 Committee in the Seventieth through Eightieth General
21 Assemblies from 1983 through 2004; and
22 WHEREAS, Senator Drake has served on many other
23 standing committees throughout his 35 years of
24 legislative service and has been an influential and
25 devoted legislator in this state; and
26 WHEREAS, Senator Drake has been instrumental in the
27 passage of transportation legislation for his entire
28 career in the Senate; and
29 WHEREAS, Senator Drake's institutional and
30 historical knowledge regarding transportation issues

Page 2

1 is widely acknowledged and appreciated by legislators,
2 staff, and the lobby; and
3 WHEREAS, Senator Drake has served honorably and has
4 unselfishly given of his time and efforts to further
5 the interests of the State of Iowa and to provide
6 beneficial programs for the citizens of Iowa; NOW
7 THEREFORE,
8 BE IT RESOLVED BY THE SENATE, That the Senate pay
9 tribute to Senator Richard F. Drake, also endearingly
10 known as "The Commander", for his devoted service to
11 the Iowa General Assembly and the citizens of this
12 state and wish him the very best in the years ahead;
13 and
14 BE IT FURTHER RESOLVED, That an official copy of
15 this Resolution be prepared and presented to Senator
16 Drake.

The Senate rose and expressed its tribute to Senator Drake.

Senator Iverson moved the adoption of [Senate Resolution 155](#),
which motion prevailed by a voice vote.

President Lamberti presented Senator Drake a key to light one of the original chandeliers in the Senate chamber and an enrolled copy of [Senate Resolution 155](#).

Mark Wandro, Director of the Department of Transportation, addressed the Senate with brief remarks honoring Senator Drake. Mr. Wandro presented Senator Drake a plaque in honor of his years of service.

Senator Drake addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation.

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 6, 2004, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 2121](#), a bill for an act exempting certain environmental test laboratory services from the state sales and use taxes.

ALSO: That the House has on April 6, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 2558](#), a bill for an act relating to crimes against members of the species homo sapiens at any stage of development and making penalties applicable.

Read first time and **attached to companion** [Senate File 2301](#).

[House File 2560](#), a bill for an act relating to fire protection service by requiring certain counties to negotiate emergency services agreements for townships, relating to dissolution of benefited fire districts, and including effective and applicability date provisions.

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

[House File 2561](#), a bill for an act creating a job corps center new jobs tax credit and providing effective and retroactive applicability dates.

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

UNFINISHED BUSINESS

[House File 2481](#)

On motion of Senator Tinsman, [House File 2481](#), a bill for an act expanding the circumstances by which the juvenile court may modify, vacate and substitute, or terminate a child in need of assistance dispositional order, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending passage, was taken up for consideration.

Senator Holveck offered amendment [S-5286](#), filed by him from the floor to page 1 of the bill.

Senator Holveck asked and received unanimous consent that action on amendment [S-5286](#) be deferred.

Senator Kreiman offered amendment [S-5241](#), filed by him on April 1, 2004, to page 1 of the bill.

Senator Kreiman asked and received unanimous consent that action on amendment [S-5241](#) and [House File 2481](#) be **deferred**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

UNFINISHED BUSINESS

[House File 2489](#)

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

Senator Wieck offered amendment [S-5156](#), filed by the committee on Commerce on March 29, 2004, to page 20 and to the title page of the bill, and moved its adoption.

Amendment [S-5156](#) was adopted by a voice vote.

Senator McCoy offered amendment [S-5168](#), filed by him on March 29, 2004, to page 20 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5168](#) be adopted?" ([H.F. 2489](#)), the vote was:

Yeas, 22:

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

Nays, 26:

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

Absent, 2:

| | |
|-------|--------|
| Hatch | Larson |
|-------|--------|

Amendment [S-5168](#) lost.

Senator President Pro Tempore Angelo took the chair at 4:12 p.m.

Senator Wieck withdrew amendment [S-5187](#), filed by him on March 30, 2004, to page 32 of the bill.

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?" ([H.F. 2489](#)), 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, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [House File 2489](#) be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 2292](#).

[Senate File 2292](#)

On motion of Senator Warnstadt, [Senate File 2292](#), a bill for an act providing for the automatic repeal of programs containing an appropriation under specified circumstances, was taken up for consideration.

Senator Warnstadt 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. 2292](#)), 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.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [House File 2552](#).

[House File 2552](#)

On motion of Senator Putney, [House File 2552](#), a bill for an act relating to the issuance of special motor vehicle registration plates and providing effective and retroactive applicability dates, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Putney offered amendment [S-5238](#), filed by the committee on Ways and Means on March 31, 2004, to pages 2 and 5 of the bill.

Senator Lundby offered amendment [S-5289](#), filed by her from the floor to page 1 of amendment [S-5238](#), and moved its adoption.

Amendment [S-5289](#) was adopted by a voice vote.

Senator Putney moved the adoption of amendment [S-5238](#), as amended.

Amendment [S-5238](#) was adopted by a voice vote.

Senator McCoy offered amendment [S-5282](#), filed by him from the floor to page 3 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5282](#) be adopted?" ([H.F. 2552](#)), the vote was:

Yeas, 19:

| | | | |
|----------|----------|---------|-----------|
| Angelo | Dearden | Holveck | Ragan |
| Beall | Dotzler | Horn | Seng |
| Black | Fraise | Kibbie | Stewart |
| Bolkcom | Gronstal | Kreiman | Warnstadt |
| Courtney | Hatch | McCoy | |

Nays, 30:

| | | | |
|------------|-----------|-----------|----------|
| Behn | Houser | Miller | Sievers |
| Boettger | Iverson | Putney | Tinsman |
| Brunkhorst | Johnson | Quirnbach | Veenstra |
| Connolly | Kettering | Redfern | Ward |
| Drake | Lamberti | Rehberg | Wieck |
| Dvorsky | Lundby | Schuerer | Zieman |
| Gaskill | McKibben | Seymour | |
| Hosch | McKinley | Shull | |

Absent, 1:

Larson

Amendment [S-5282](#) lost.

Senator Horn offered amendment [S-5288](#), filed by him from the floor to page 4 of the bill.

Senator Horn withdrew amendment [S-5288](#).

Senator Connolly asked and received unanimous consent that action on [House File 2552](#) be **deferred**.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 2291](#).

[Senate File 2291](#)

On motion of Senator Miller, [Senate File 2291](#), a bill for an act relating to local government authority to encourage development and rehabilitation of certain real property and including effective date and applicability date provisions, was taken up for consideration.

Senator Quirnbach offered amendment [S-5166](#), filed by him on March 29, 2004, to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5166](#) be adopted?” ([S.F. 2291](#)), 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-5166](#) lost.

Senator Miller moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 2291](#)), 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 Iverson asked and received unanimous consent that **Senate Files 2291** and **2292** be **immediately messaged** to the House.

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 April 6, 2004, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 2296](#), 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.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 5:31 p.m. until 8:30 a.m., Wednesday, April 7, 2004.

APPENDIX — 2**CERTIFICATES OF RECOGNITION**

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

Shajia Ahmad, Cedar Falls—For receiving the Dean's Scholarship from the University of Iowa. Senator Redfern (4/7/04).

Kyle Duchman, Cedar Falls—For receiving the Dean's Scholarship from the University of Iowa. Senator Redfern (4/7/04).

Matthew Eagles, Cedar Falls—For receiving the Dean's Scholarship from the University of Iowa. Senator Redfern (4/7/04).

Melissa Ives, Cedar Falls—For receiving the Dean's Scholarship from the University of Iowa. Senator Redfern (4/7/04).

Amy Pirtle, Burlington—For being chosen for the University of Iowa Honor String Orchestra. Senator Courtney (1/31/04).

Margaret Poe, Cedar Falls—For receiving the Presidential Scholarship from the University of Iowa. Senator Redfern (4/7/04).

Charlie Pratt, Burlington—For being chosen for the University of Iowa Honor String Orchestra. Senator Courtney (1/31/04).

Molly Pratt, Burlington—For being chosen for the University of Iowa Honor String Orchestra. Senator Courtney (1/31/04).

Sawsan Sultana, Cedar Falls—For receiving the Dean's Scholarship from the University of Iowa. Senator Redfern (4/7/04).

Clayton Tillotson, Burlington—For being chosen for the University of Iowa Honor String Orchestra. Senator Courtney (1/31/04).

PRESENTATION OF VISITORS

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

The Davenport West High School government class from Davenport, accompanied by Ms. Daugherty and Ms. Koranda. Senators Seng and Sievers.

The St. Pat's Association Shady Ladies and their escorts from Emmetsburg. Senator Kibbie.

INTRODUCTION OF RESOLUTION

[Senate Resolution 159](#), by Putney, a resolution honoring the town of Shellsburg and its surrounding community on the town's sesquicentennial anniversary.

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

STUDY BILL RECEIVED

[SSB 3175](#) **Ways and Means**

Relating to Iowa individual income tax checkoffs, providing an income tax checkoff for volunteer fire fighter preparedness, providing an income tax checkoff for the keep Iowa beautiful fund, relating to the limitation on income tax checkoffs, and including effective and retroactive applicability date provisions.

SUBCOMMITTEE ASSIGNMENT

[SSB 3175](#)

WAYS AND MEANS: Angelo, Chair; Dotzler and McKibben

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE CONCURRENT RESOLUTION 117](#), a resolution congratulating Ms. Courtney Knupp on being crowned 2004 Iowa Pork Queen.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 156](#), a resolution honoring the Southeastern Community College Men's Basketball Team on its national championship.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 157](#), a resolution honoring Southeastern Community College Men's Basketball Coach Joe O'Brien.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

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 6th day of April, 2004:

Senate Files 2174, 2244, 2249, and 2274.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

| | | |
|------------------------|----------------------------|------------------|
| S-5279 | S.F. 2179 | Mark Zieman |
| S-5280 | S.C.R. 113 | Mike Connolly |
| | | Mary A. Lundby |
| S-5281 | H.F. 2434 | Ron Wieck |
| S-5282 | H.F. 2552 | Matt W. McCoy |
| S-5283 | H.F. 2553 | Mike Connolly |
| S-5284 | H.F. 2484 | Julie M. Hosch |
| S-5285 | H.F. 2481 | Keith A. Kreiman |

| | | |
|-------------------------------|----------------------------------|----------------|
| <u>S-5286</u> | <u>H.F. 2481</u> | Jack Holveck |
| <u>S-5287</u> | <u>S.F. 2229</u> | Neal Schuerer |
| <u>S-5288</u> | <u>H.F. 2552</u> | Wally E. Horn |
| <u>S-5289</u> | <u>H.F. 2552</u> | Mary A. Lundby |
| <u>S-5290</u> | <u>H.F. 2481</u> | Jack Holveck |