

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, APRIL 7, 2004

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JOURNAL OF THE SENATE

EIGHTY-SEVENTH CALENDAR DAY
FIFTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 7, 2004

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

The Show Hawk Men of Hartley-Melvin-Sanborn High School vocally performed the "Star Spangled Banner" under the direction of Sue Ewen. They were the guests of Senator Johnson.

The Journal of Tuesday, April 6, 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 6, 2004, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

[House File 2193](#), a bill for an act relating to determining compliance with course of study requirements regarding cosmetology licensure.

[House File 2527](#), a bill for an act relating to the provision of a copy of a certificate of birth to a biological parent.

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

[Senate File 443](#), a bill for an act relating to criteria for community-based seed capital funds and providing a retroactive applicability date. ([S-5293](#))

[Senate File 2269](#), a bill for an act relating to elections and voter registration, including implementing requirements of federal law, adjusting language to reflect current practice, making changes related to absentee voting, providing penalties, and providing an effective date. ([S-5292](#))

[Senate File 2279](#), a bill for an act relating to petition requirements for establishing a satellite absentee voting station. ([S-5291](#))

CONSIDERATION OF RESOLUTIONS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 127](#) and [Senate Concurrent Resolution 117](#).

[Senate Resolution 127](#)

On motion of Senator Rehberg, [Senate Resolution 127](#), a resolution honoring University of Iowa football player Robert Gallery, with report of committee recommending passage, was taken up for consideration.

Senator Rehberg moved the adoption of [Senate Resolution 127](#), which motion prevailed by a voice vote.

[Senate Concurrent Resolution 117](#)

On motion of Senator Miller, [Senate Concurrent Resolution 117](#), a resolution congratulating Ms. Courtney Knupp on being crowned 2004 Iowa Pork Queen, with report of committee recommending passage, was taken up for consideration.

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

SPECIAL GUEST

Senator Miller welcomed to the Senate chamber 2004 Iowa Pork Queen Courtney Knupp. Ms. Knupp addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 135](#).

[Senate Resolution 135](#)

On motion of Senator Dvorsky, [Senate Resolution 135](#), a resolution honoring University of Iowa football player Nate Kaeding from Coralville, Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved the adoption of [Senate Resolution 135](#), which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [Senate Concurrent Resolution 117](#) be **immediately messaged** to the House.

The Senate stood at ease at 9:01 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:43 a.m., President Lamberti presiding.

UNFINISHED BUSINESS

[House File 2518](#)

On motion of Senator Johnson, [House File 2518](#), a bill for an act relating to the duties of the soil and water conservation division of the department of agriculture and land stewardship, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending passage, was taken up for consideration.

Senator Lundby asked and received unanimous consent that action on [House File 2518](#) be **deferred**.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Schuerer asked and received unanimous consent to take up for consideration [Senate File 2215](#).

[Senate File 2215](#)

On motion of Senator McKinley, [Senate File 2215](#), a bill for an act relating to the investment of moneys of the Iowa finance authority in funds within the office of the treasurer of state, was taken up for consideration.

Senator McKinley offered amendment [S-5247](#), filed by him on April 1, 2004, to page 1 of the bill, and moved its adoption.

Amendment [S-5247](#) was adopted by a voice vote.

Senator Warnstadt asked and received unanimous consent that action on [Senate File 2215](#) be **deferred**.

CONSIDERATION OF RESOLUTIONS
(Regular Calendar)

Senator Schuerer asked and received unanimous consent to take up for consideration Senate Resolutions 156 and 157.

[Senate Resolution 156](#)

On motion of Senator Courtney, [Senate Resolution 156](#), a resolution honoring the Southeastern Community College Men's Basketball Team on its national championship, with report of committee recommending passage, was taken up for consideration.

Senator Courtney moved the adoption of [Senate Resolution 156](#), which motion prevailed by a voice vote.

[Senate Resolution 157](#)

On motion of Senator Fraise, [Senate Resolution 157](#), a resolution honoring Southeastern Community College Men's Basketball Coach Joe O'Brien, with report of committee recommending passage, was taken up for consideration.

Senator Fraise moved the adoption of [Senate Resolution 157](#), which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Courtney welcomed to the Senate chamber coaches and members of the Southeastern Community College Men's Basketball Team. Senator Fraise introduced Coach Joe O'Brien, who addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

BUSINESS PENDING

[House File 2518](#)

The Senate resumed consideration of [House File 2518](#), a bill for an act relating to the duties of the soil and water conservation division of the department of agriculture and land stewardship, previously deferred.

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. 2518](#)), 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 Schuerer asked and received unanimous consent that [House File 2518](#) be **immediately messaged** to the House.

RECESS

On motion of Senator Schuerer, the Senate recessed at 11:05 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:15 p.m., President Lamberti presiding.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration [Senate Resolution 150](#).

Senate Resolution 150

On motion of Senator McKibben, [Senate Resolution 150](#), a resolution honoring the city of Alden on its sesquicentennial anniversary year, with report of committee recommending passage, was taken up for consideration.

Senator McKibben moved the adoption of [Senate Resolution 150](#), which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration [Senate Concurrent Resolution 109](#).

Senate Concurrent Resolution 109

On motion of Senator Putney, [Senate Concurrent Resolution 109](#), a concurrent resolution to honor the Meskwaki tribe members who served as Code Talkers in North Africa during World War II and to request that Congress and the President of the United States honor all Code Talkers who served in the United States armed forces, with report of committee recommending passage, was taken up for consideration.

Senator Putney offered amendment [S-5119](#), filed by him on March 22, 2004, to page 1 of the bill, and moved its adoption.

Amendment [S-5119](#) was adopted by a voice vote.

Senator Putney moved the adoption of [Senate Concurrent Resolution 109](#), which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Putney welcomed to the Senate chamber representatives of the eight members of the Meskwaki tribe who served as Code Talkers in North Africa during World War II.

The Senate rose and expressed its welcome.

IMMEDIATELY MESSAGED

Senator Veenstra asked and received unanimous consent that [Senate Concurrent Resolution 109](#) be **immediately messaged** to the House.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators McKinley and Ziemann, until they return, on request of Senator Veenstra.

UNFINISHED BUSINESS

[House File 2447](#)

On motion of Senator Schuerer, [House File 2447](#), a bill for an act relating to industry standards for boilers, directing the labor commissioner to adopt emergency rules when the industry standards are supplemented, providing for appeals of the commissioner's orders, and providing an effective date, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending passage, was taken up for consideration.

Senator Boettger took the chair at 1:25 p.m.

Senator Schuerer offered amendment [S-5240](#), filed by Senators Schuerer, Dotzler, and Brunkhorst on March 31, 2004, striking and replacing everything after the enacting clause and to the title page of the bill.

Senator Dearden offered amendment [S-5251](#), filed by Senators Dearden and Brunkhorst on April 1, 2004, to pages 1, 2, 8, and 9 of amendment [S-5240](#), and moved its adoption.

Amendment [S-5251](#) was adopted by a voice vote.

Senator Dearden withdrew amendment [S-5260](#), filed by him on April 5, 2004, to page 2 of amendment [S-5240](#).

Senator Schuerer moved the adoption of amendment [S-5240](#), as amended.

Amendment [S-5240](#) was adopted by a voice vote.

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

On the question "Shall the bill pass?" ([H.F. 2447](#)), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Larson	McKinley	Zieman
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Veenstra asked and received unanimous consent that [House File 2447](#) be **immediately messaged** to the House.

The Senate stood at ease at 1:35 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:49 p.m., President Lamberti presiding.

INTRODUCTION OF RESOLUTIONS

[Senate Resolution 160](#), by Putney, a resolution to honor the Meskwaki tribe members who served as Code Talkers in North Africa during World War II and to request that Congress and the President of the United States honor all Code Talkers who served in the United States armed forces.

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

[Senate Resolution 161](#), by Holveck, a resolution recognizing the achievements of the Urbandale Senior League All Star Team in winning the Central Regional Championship of the 2003 Senior League Baseball World Series.

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

RECESS

On motion of Senator Veenstra, the Senate recessed at 2:50 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 2:53 p.m., President Lamberti presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 160](#), a resolution to honor the Meskwaki tribe members who served as Code Talkers in North Africa during World War II and to request that Congress and the President of the United States honor all Code Talkers who served in the United States armed forces.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, and Wieck. Nays, none. Absent, 2: Iverson and Sievers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration [Senate Resolution 160](#).

[Senate Resolution 160](#)

On motion of Senator Putney, [Senate Resolution 160](#), a resolution to honor the Meskwaki tribe members who served as Code Talkers in North Africa during World War II and to request that Congress and the President of the United States honor all Code Talkers who served in the United States armed forces, with report of committee recommending passage, was taken up for consideration.

Senator Putney moved the adoption of [Senate Resolution 160](#), which motion prevailed by a voice vote.

UNFINISHED BUSINESS
(Deferred April 1, 2004)

[House File 2530](#)

The Senate resumed consideration of [House File 2530](#), a bill for an act relating to the assessment of surcharges in criminal proceedings, deferred April 1, 2004.

Senator Dvorsky offered amendment [S-5249](#), filed by him on April 1, 2004, to pages 1, 2, 4, and 6 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5249](#) be adopted?" ([H.F. 2530](#)), 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, 27:

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	

Absent, 2:

Larson	Zieman
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Amendment [S-5249](#) lost.

Senator Holveck 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. 2530](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

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

SPECIAL GUESTS

Senator Johnson welcomed to the Senate chamber the Honorable Richard Vande Hoef, former member of the Senate from Osceola County, and his wife Harriet.

The Senate rose and expressed its welcome.

UNFINISHED BUSINESS

House File 2480

On motion of Senator Ward, House File 2480, a bill for an act prohibiting the award of pets, or advertisement thereof, in certain circumstances, 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 Ward 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. 2480), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Larson	Zieman
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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 371

Senator Houser called up for consideration [Senate File 371](#), a bill for an act relating to formatting standards for recording documents or instruments by a county recorder, specifying a recording fee for certain documents or instruments, and providing an effective date, amended by the House in House amendment [S-5172](#), filed March 29, 2004.

Senator Houser 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 Houser 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 voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 371](#)), the vote was:

Yeas, 47:

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

Nays, 1:

Dearden

Absent, 2:

Larson

Zieman

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 2213](#)

Senator Brunkhorst called up for consideration [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, amended by the House in House amendment [S-5278](#), filed April 5, 2004.

Senator Brunkhorst 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 Brunkhorst 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 voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2213](#)), the vote was:

Yeas, 48:

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

Dearden	Iverson	Quirnbach	Ward
Dotzler	Johnson	Ragan	Warnstadt
Drake	Kettering	Redfern	Wieck

Nays, none.

Absent, 2:

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

IMMEDIATELY MESSAGED

Senator Veenstra asked and received unanimous consent that **Senate Files 371 and 2213** and **House Files 2480 and 2530** be **immediately messaged** to the House.

UNFINISHED BUSINESS

[House File 2352](#)

On motion of Senator Lundby, [House File 2352](#), a bill for an act relating to the appointment of illegal dumping enforcement officers 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 Lundby 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. 2352](#)), the vote was:

Yeas, 48:

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

Dearden	Iverson	Quirnbach	Ward
Dotzler	Johnson	Ragan	Warnstadt
Drake	Kettering	Redfern	Wieck

Nays, none.

Absent, 2:

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

UNFINISHED BUSINESS

[House File 2528](#)

On motion of Senator Boettger, [House File 2528](#), a bill for an act relating to consideration of a juvenile court order by the district court in a custody proceeding, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 2528](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Larson	Zieman
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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 2066

Senator Johnson called up for consideration Senate File 2066, a bill for an act modifying requirements for securing children transported in motor vehicles and making a penalty applicable, amended by the House in House amendment S-5276, filed April 5, 2004.

Senator Johnson 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 Johnson 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 voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2066), the vote was:

Yeas, 43:

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

Nays, 5:

Black	Hatch	Miller
Brunkhorst	McKinley	

Absent, 2:

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

IMMEDIATELY MESSAGED

Senator Veenstra asked and received unanimous consent that [Senate File 2066](#) and **House Files 2352** and **2528** be **immediately messaged** to the House.

UNFINISHED BUSINESS

[House File 265](#)

On motion of Senator Boettger, [House File 265](#), a bill for an act relating to the withdrawal of blood without a warrant from a person under arrest for an operating-while-intoxicated offense when the arrest results from a traffic accident resulting in death or personal injury reasonably likely to cause death, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 265](#)), the vote was:

Yeas, 40:

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

Nays, 8:

Beall	Connolly	Hatch	McCoy
Bolkcom	Dvorsky	Holveck	Quirmbach

Absent, 2:

Larson Ziemann

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 3:43 p.m.

CONSIDERATION OF BILLS
(Ways and Means Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration House Files 2367 and 2551.

[House File 2367](#)

On motion of Senator Miller, [House File 2367](#), a bill for an act relating to various issues under the purview of the department of corrections including the creation of an inmate labor fund, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky asked and received unanimous consent that action on [House File 2367](#) be **deferred**.

[House File 2551](#)

On motion of Senator Seng, [House File 2551](#), a bill for an act relating to programs under the authority of the department of public health, with report of committee recommending passage, was taken up for consideration.

Senator Seng 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. 2551](#)), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kibbie	Rehberg
Beall	Fraise	Kreiman	Schuerer

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

Nays, none.

Absent, 2:

Larson Zieman

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

President Pro Tempore Angelo took the chair at 3:56 p.m.

UNFINISHED BUSINESS
(Deferred April 1, 2004)

[House File 2471](#)

The Senate resumed consideration of [House File 2471](#), a bill for an act relating to a prisoner from another state being detained or committed to a county jail in this state, and providing an effective date, deferred April 1, 2004.

Senator Kreiman offered amendment [S-5252](#), filed by him on April 1, 2004, to page 1 and to the title page of the bill.

Senator Kreiman withdrew amendment [S-5252](#).

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?" ([H.F. 2471](#)), the vote was:

Yeas, 46:

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

Nays, 2:

Hatch	McCoy
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Absent, 2:

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

IMMEDIATELY MESSAGED

Senator Veenstra asked and received unanimous consent that **House Files 265, 2471, and 2551** be **immediately messaged** to the House.

UNFINISHED BUSINESS (Deferred April 1, 2004)

[House File 2484](#)

The Senate resumed consideration of [House File 2484](#), a bill for an act relating to the regulation of financial institutions including banks, credit unions, and real property loan lenders, deferred April 1, 2004.

Senator Wieck offered amendment [S-5243](#), filed by him on April 1, 2004, to page 39 of the bill, and moved its adoption.

Amendment [S-5243](#) was adopted by a voice vote.

With the adoption of amendment [S-5243](#), the Chair ruled amendment [S-5147](#), filed by Senator McKibben on March 25, 2004, to page 39 of the bill, out of order.

Senator Hosch offered amendment [S-5284](#), filed by her on April 6, 2004, to page 39 and to the title page of the bill, and moved its adoption.

Amendment [S-5284](#) was adopted by a voice vote.

Senator Bolcom offered amendment [S-5157](#), filed by Senator Bolcom, et al., on March 29, 2004, to page 39 and to the title page of the bill.

Senator Behn raised the point of order that amendment [S-5157](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-5157](#) out of order.

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. 2484](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

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

IMMEDIATELY MESSAGED

Senator Veenstra asked and received unanimous consent that [House File 2484](#) be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

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

Loretha Tegatz, Commission on the Status of African-Americans

Kathy Miller, Commission on the Deaf

Kelly Hayworth, IowaAccess Advisory Council

Margaret Eicher, Board of Mortuary Science Examiners

Sandra Dirks, Board of Psychology Examiners

Steven Mulcahy, Commission of Veterans Affairs

Ken Sagar, Iowa Workforce Development Board

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

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 47:

Angelo	Fraise	Kreiman	Schuerer
Beall	Gaskill	Lamberti	Seng
Behn	Gronstal	Lundby	Seymour
Black	Hatch	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	

Nays, none.

Absent, 3:

Dvorsky	Larson	Zieman
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The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

BUSINESS PENDING

[Senate File 2215](#)

The Senate resumed consideration of [Senate File 2215](#), a bill for an act relating to the investment of moneys of the Iowa finance authority in funds within the office of the treasurer of state, previously deferred.

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?" ([S.F. 2215](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Larson Zieman

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

CONSIDERATION OF BILL
(Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration [Senate File 2301](#).

[Senate File 2301](#)

On motion of Senator Boettger, [Senate File 2301](#), a bill for an act relating to crimes against members of the species homo sapiens at any stage of development and making penalties applicable, with report of committee recommending passage, was taken up for consideration.

Senator Boettger asked and received unanimous consent that [House File 2558](#) be **substituted** for [Senate File 2301](#).

[House File 2558](#)

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

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

On the question "Shall the bill pass?" ([H.F. 2558](#)), the vote was:

Yeas, 30:

Angelo	Gaskill	Lundby	Seymour
Behn	Hosch	McKibben	Shull
Black	Houser	McKinley	Sievers

Boettger	Iverson	Miller	Veenstra
Brunkhorst	Johnson	Putney	Ward
Connolly	Kettering	Rehberg	Wieck
Drake	Kibbie	Schuerer	
Fraise	Lamberti	Seng	

Nays, 18:

Beall	Dvorsky	Kreiman	Stewart
Bolkcom	Gronstal	McCoy	Tinsman
Courtney	Hatch	Quirnbach	Warnstadt
Dearden	Holveck	Ragan	
Dotzler	Horn	Redfern	

Absent, 2:

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

WITHDRAWN

Senator Boettger asked and received unanimous consent that [Senate File 2301](#) be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Veenstra asked and received unanimous consent that [Senate File 2215](#) and [House File 2558](#) 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 7, 2004, **adopted** the following resolution in which the concurrence of the House was asked:

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

ALSO: That the House has on April 7, 2004, **adopted** the following resolutions in which the concurrence of the Senate is asked:

[House Concurrent Resolution 108](#), a concurrent resolution recognizing the seventy-fifth anniversary of the Iowa Medical Society Alliance.

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

[House Concurrent Resolution 123](#), a concurrent resolution honoring N. William Hines on his retirement as Dean of the University of Iowa College of Law.

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

ADJOURNMENT

On motion of Senator Veenstra, the Senate adjourned at 4:38 p.m. until 9:00 a.m., Thursday, April 8, 2004.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Robert Gallery, Mansonville—For being awarded the 2003 Outland Trophy, which designates the nation's best college football interior lineman. Senator Rehberg (4/7/04).

Catherine Gregersen, Waterloo—For celebrating your 90th birthday on April 7, 2004. Senator Dotzler (4/7/04).

Jill Johnson, Rockwell City-Lytton High School—For being named to the Iowa Newspaper Association all-state girls' basketball first team. Senator Beall (3/26/04).

Nate Kaeding, Coralville—For receiving the Lou Groza Collegiate Place-Kicker Award and for being named first team All-American. Senator Dvorsky (4/7/04).

Amy Keller, Clarion—For receiving the State of Iowa Scholar Award. Senator Iverson (4/8/04).

Mr. and Mrs. Robert Kennedy, Waterloo—For celebrating your 60th wedding anniversary. Senator Dotzler (4/6/04).

Justin Nevins, Des Moines—For being inducted into the Delta Chapter of the Rho Chi Society, an academic honor society in the college of pharmacy. Senator McCoy (4/7/04).

Andrew Odland, Clarion—For receiving the State of Iowa Scholar Award. Senator Iverson (4/8/04).

Leo Vogt, Waterloo—For celebrating your 90th birthday on April 7, 2004. Senator Dotzler (4/7/04).

PRESENTATION OF VISITORS

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

Four foreign exchange students from Russia, who are attending school at Sumner High School in Sumner. They were accompanied by Marilyn Pederson. Senator Brunkhorst.

Sixty students from Kennedy High School in Cedar Rapids, accompanied by Pat Grady. Senators Horn and Larson.

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: April 7, 2004, 2:50 p.m.

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

Members Absent: Iverson, Chair; and Sievers (both excused).

Committee Business: Passed SRs 160 and 161.

Adjourned: 2:55 p.m.

WAYS AND MEANS

Convened: April 7, 2004, 11:10 a.m.

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

Members Absent: None.

Committee Business: Passed HF's 2557, 2559, and 2568, and approved SSBs 3173 and 3175. Subcommittee assignments.

Recessed: 11:15 a.m.

Reconvened: 11:20 a.m.

Adjourned: 12:10 p.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 162](#), by Holveck, a resolution recognizing the achievements of the Urbandale Junior League All Star Team in winning the Central Regional Championship of the 2003 Junior League Baseball World Series.

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

INTRODUCTION OF BILL

[Senate File 2304](#), by committee on Ways and Means, a bill for an act relating to the delay in the reduction in the individual income tax rate schedule and providing for contingent effectiveness.

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

SUBCOMMITTEE ASSIGNMENTS

[Senate Resolution 160](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[Senate Resolution 161](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[House File 2547](#)

APPROPRIATIONS: McKibben, Chair; Angelo and Dvorsky

[House File 2549](#)

APPROPRIATIONS: Black, Chair; Angelo and Gaskill

[House File 2555](#)

APPROPRIATIONS: Tinsman, Chair; Angelo and Bolkom

[House File 2560](#)

WAYS AND MEANS: Shull, Chair; Bolkom and McKibben

[House File 2561](#)

WAYS AND MEANS: Bolkom, Chair; Angelo and McKibben

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 161](#), a resolution recognizing the achievements of the Urbandale Senior League All Star Team in winning the Central Regional Championship of the 2003 Senior League Baseball World Series.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, and Wieck. Nays, none. Absent, 2: Iverson and Sievers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: [SENATE FILE 2304 \(SSB 3173\)](#), a bill for an act relating to the delay in the reduction in the individual income tax rate schedule and providing for contingent effectiveness.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: McKibben, Shull, Angelo, Hosch, McKinley, Miller, Putney, Rehberg, Sievers, and Wieck. Nays, 6: Bolkcom, Connolly, Dotzler, McCoy, Seng, and Stewart. Present, 1: Quirnbach. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2557](#), a bill for an act providing for the regulation of securities, providing for fees and penalties, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 17: McKibben, Shull, Bolkcom, Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [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.

Recommendation: DO PASS.

Final Vote: Ayes, 17: McKibben, Shull, Bolkcom, Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [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.

Recommendation: DO PASS.

Final Vote: Ayes, 17: McKibben, Shull, Bolkcom, Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirmbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 7, 2004, the Governor approved and transmitted to the Secretary of State the following bills:

[S.F. 2217](#) – Relating to assessments imposed on cattle for purposes of promotion, education, and research, and providing an effective date.

[S.F. 2224](#) – Relating to grain regulation.

[S.F. 2257](#) – Relating to the use of credit information for underwriting or rating risks for personal insurance and providing an applicability date.

AMENDMENTS FILED

S-5291	S.F. 2279	House
S-5292	S.F. 2269	House
S-5293	S.F. 443	House
S-5294	H.F. 2552	Matt W. McCoy
S-5295	S.R. 123	Jerry Behn
S-5296	H.F. 2231	David Miller
S-5297	S.F. 2262	Steve Warnstadt