

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, APRIL 14, 2004

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JOURNAL OF THE SENATE

NINETY-FOURTH CALENDAR DAY
FIFTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 14, 2004

The Senate met in regular session at 8:38 a.m., Senator Johnson presiding.

Prayer was offered by the Reverend Robert E. Connors, pastor of the Union Park Christian Church in Des Moines, Iowa. He was the guest of Senator Holveck. Reverend Connors, brother of Representative John Connors, sang "The Lord's Prayer" and "I Go To The Rock."

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolutions 161 and 162.

[Senate Resolution 161](#)

On motion of Senator Holveck, [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, with report of committee recommending passage, was taken up for consideration.

Senator Holveck moved the adoption of [Senate Resolution 161](#), which motion prevailed by a voice vote.

[Senate Resolution 162](#)

On motion of Senator Holveck, [Senate Resolution 162](#), 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, with report of committee recommending passage, was taken up for consideration.

Senator Holveck moved the adoption of [Senate Resolution 162](#), which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Holveck welcomed to the Senate chamber coaches and members of the Urbandale Senior and Junior League All Star Teams.

Coach John Hoberg introduced the members of the Junior League.

Coach Mark Johnson introduced the members of the Senior League.

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 166](#).

[Senate Resolution 166](#)

On motion of Senator Redfern, [Senate Resolution 166](#), a resolution honoring the founding and growth of the American Mock Trial Association, with report of committee recommending passage, was taken up for consideration.

Senator Redfern moved the adoption of [Senate Resolution 166](#), which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Redfern asked and received unanimous consent to take up for consideration [Senate Resolution 170](#).

Senate Resolution 170

On motion of Senator Redfern, [Senate Resolution 170](#), a resolution honoring Richard M. Calkins, with report of committee recommending passage, was taken up for consideration.

Senator Redfern moved the adoption of [Senate Resolution 170](#), which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Redfern welcomed to the Senate chamber Mr. Richard M. Calkins and his wife Anita. Mr. Calkins 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 167](#).

Senate Resolution 167

On motion of Senator Angelo, [Senate Resolution 167](#), a resolution honoring the town of Afton on its sesquicentennial anniversary year, with report of committee recommending passage, was taken up for consideration.

Senator Angelo moved the adoption of [Senate Resolution 167](#), which motion prevailed by a voice vote.

President Lamberti took the chair at 9:20 a.m.

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolutions 168 and 169.

Senate Resolution 168

On motion of Senator Johnson, Senate Resolution 168, a resolution recognizing the year 2004 as a significant anniversary in the efforts to address polio and encouraging the continuation of the efforts so that polio can be successfully eradicated throughout the world, with report of committee recommending passage, was taken up for consideration.

Senator Johnson moved the adoption of Senate Resolution 168, which motion prevailed by a voice vote.

Senate Resolution 169

On motion of Senator Johnson, Senate Resolution 169, a resolution honoring the city of Hartley on its quasiquicentennial anniversary year, with report of committee recommending passage, was taken up for consideration.

Senator Johnson moved the adoption of Senate Resolution 169, which motion prevailed by a voice vote.

The Senate stood at ease at 9:24 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:04 a.m., President Lamberti presiding.

INTRODUCTION OF RESOLUTION

Senate Resolution 173, by Redfern, a resolution requesting the establishment of an interim committee to study and make recommendations related to the criminal offense of operating a motor vehicle while intoxicated.

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

HOUSE AMENDMENT CONSIDERED
(Deferred April 8, 2004)

[Senate File 2269](#)

The Senate resumed consideration of [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, and House amendment [S-5292](#), deferred April 8, 2004.

Senator Dearden offered amendment [S-5355](#), filed by Senators Dearden and McCoy on April 13, 2004, to page 1 of House amendment [S-5292](#), and moved its adoption.

Amendment [S-5355](#) was adopted by a voice vote.

Senator Kibbie offered amendment [S-5342](#), filed by him on April 13, 2004, to pages 2-4 of House amendment [S-5292](#).

(Action on amendment [S-5342](#) to House amendment [S-5292](#), House amendment [S-5292](#), and [Senate File 2269](#) was deferred.)

The Senate stood at ease at 11:08 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 11:50 a.m., President Lamberti presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 11:51 a.m. until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:57 p.m., President Lamberti presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Bolkcom, for the day, on request of Senator Stewart; Senator Miller, for the day, on request of Senator Iverson; Senator Lundby, until she returns, on request of Senator Iverson; and Senator McCoy, until he returns, on request of Senator Fraise.

BUSINESS PENDING

[Senate File 2269](#)

The Senate resumed consideration of [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, House amendment [S-5292](#), and amendment [S-5342](#) to House amendment [S-5292](#), previously deferred.

Senator Kibbie withdrew amendment [S-5342](#).

Senator Zieman offered amendment [S-5367](#), filed by him from the floor to pages 2-4 of House amendment [S-5292](#), and moved its adoption.

Amendment [S-5367](#) was adopted by a voice vote.

Senator Zieman moved that the Senate concur in the House amendment, as amended.

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

Senator Zieman moved that the bill, as amended by the House, further amended 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. 2269](#)), the vote was:

Yeas, 43:

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

Nays, 2:

Kreiman	Tinsman
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Absent, 5:

Bolkcom	Lundby	Miller
Larson	McCoy	

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

UNFINISHED BUSINESS
(Deferred April 13, 2004)

[House File 2390](#)

The Senate resumed consideration of **[House File 2390](#)**, a bill for an act making technical changes to programs under the purview of the department of human services, providing an effective date, and providing for retroactive applicability, and amendment **[S-5340](#)**, deferred April 13, 2004.

Senator Kreiman offered amendment **[S-5357](#)**, filed by Senators Kreiman, Veenstra, and Johnson on April 13, 2004, to page 3 of amendment **[S-5340](#)**, and moved its adoption.

Amendment **[S-5357](#)** was adopted by a voice vote.

Senator Veenstra moved the adoption of amendment **[S-5340](#)**, as amended.

Amendment [S-5340](#) was adopted by a voice vote.

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

On the question "Shall the bill pass?" ([H.F. 2390](#)), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

Bolkcom	Larson	Lundby	Miller
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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.

HOUSE AMENDMENT CONSIDERED

[Senate File 2295](#)

Senator Sievers called up for consideration [Senate File 2295](#), a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including an applicability date provision, amended by the House in House amendment [S-5366](#), filed April 14, 2004.

Senator Sievers offered amendment [S-5368](#), filed by him from the floor to page 1 of House amendment [S-5366](#), and moved its adoption.

Amendment [S-5368](#) was adopted by a voice vote.

Senator Sievers moved that the Senate concur in the House amendment, as amended.

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

Senator Sievers moved that the bill, as amended by the House, further amended 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. 2295](#)), the vote was:

Yeas, 37:

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

Nays, 10:

Courtney	Dvorsky	Holveck	Ragan
Dearden	Gronstal	Kreiman	
Dotzler	Hatch	Quirnbach	

Absent, 3:

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2269** and **2295** and [House File 2390](#) be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

[Senate File 2209](#)

Senator Veenstra called up for consideration [Senate File 2209](#), a bill for an act relating to the content of immunizations, and making a penalty applicable, amended by the House in House amendment [S-5334](#), filed April 13, 2004.

Senator Veenstra 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 Veenstra 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. 2209](#)), the vote was:

Yeas, 44:

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

Nays, 3:

Dvorsky	Gronstal	Seng
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Absent, 3:

Bolkcom	Larson	Miller
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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 2270](#)

Senator Sievers called up for consideration [Senate File 2270](#), a bill for an act relating to county records, including the fees for recorded transactions and the confidentiality of veterans' military records maintained by the county recorder, amended by the House in House amendment [S-5335](#), filed April 13, 2004.

Senator Sievers 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 Sievers 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. 2270](#)), 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
Brunkhorst	Horn	McKinley	Tinsman
Connolly	Hosch	Putney	Veenstra
Courtney	Houser	Quirnbach	Ward
Dearden	Iverson	Ragan	Warnstadt
Dotzler	Johnson	Redfern	Wieck
Drake	Kettering	Rehberg	Zieman
Dvorsky	Kibbie	Schuerer	

Nays, none.

Absent, 3:

Bolkcom	Larson	Miller
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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 Iverson asked and received unanimous consent that **Senate Files 2209** and **2270** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

[Senate File 2153](#)

Senator Dotzler called up for consideration [Senate File 2153](#), a bill for an act relating to the funding of efforts to alleviate a public health emergency or disaster, amended by the House in House amendment [S-5333](#), filed April 13, 2004.

Senator Dotzler 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 Dotzler 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. 2153](#)), 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
Brunkhorst	Horn	McKinley	Tinsman
Connolly	Hosch	Putney	Veenstra
Courtney	Houser	Quirnbach	Ward
Dearden	Iverson	Ragan	Warnstadt
Dotzler	Johnson	Redfern	Wieck
Drake	Kettering	Rehberg	Zieman
Dvorsky	Kibbie	Schuerer	

Nays, none.

Absent, 3:

Bolkcom Larson Miller

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 2288](#)

Senator Seymour called up for consideration [Senate File 2288](#), a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, amended by the House in House amendment [S-5358](#), filed April 13, 2004.

Senator Seymour 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 Seymour 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. 2288](#)), 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
Brunkhorst	Horn	McKinley	Tinsman
Connolly	Hosch	Putney	Veenstra
Courtney	Houser	Quirnbach	Ward
Dearden	Iverson	Ragan	Warnstadt

Dotzler	Johnson	Redfern	Wieck
Drake	Kettering	Rehberg	Zieman
Dvorsky	Kibbie	Schuerer	

Nays, none.

Absent, 3:

Bolkcom	Larson	Miller
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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 2026](#)

Senator Hosch called up for consideration [Senate File 2026](#), a bill for an act relating to the reduction of the sales and use taxes on the sale and furnishing of gas, electricity, and fuel to residential customers and the setting aside of sales and use tax revenues for an alternative energy program, amended by the House in House amendment [S-5322](#), filed April 13, 2004.

Senator Hosch 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 Hosch 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. 2026](#)), 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
Brunkhorst	Horn	McKinley	Tinsman

Connolly	Hosch	Putney	Veenstra
Courtney	Houser	Quirnbach	Ward
Dearden	Iverson	Ragan	Warnstadt
Dotzler	Johnson	Redfern	Wieck
Drake	Kettering	Rehberg	Zieman
Dvorsky	Kibbie	Schuerer	

Nays, none.

Absent, 3:

Bolkcom	Larson	Miller
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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 Iverson asked and received unanimous consent that **Senate Files 2026, 2153, and 2288** be **immediately messaged** to the House.

UNFINISHED BUSINESS

[House File 2418](#)

On motion of Senator Redfern, [House File 2418](#), a bill for an act relating to meeting dates by which the state board of regents must make final decisions on tuition increases for institutions of higher education under its control, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending passage, was taken up for consideration.

Senator Connolly withdrew amendment [S-5167](#), filed by him on March 29, 2004, to page 1 and to the title page of the bill.

Senator Redfern offered amendment [S-5344](#), filed by him on April 13, 2004, to page 1 of the bill, and moved its adoption.

Amendment [S-5344](#) was adopted by a voice vote.

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

On the question "Shall the bill pass?" ([H.F. 2418](#)), 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
Brunkhorst	Horn	McKinley	Tinsman
Connolly	Hosch	Putney	Veenstra
Courtney	Houser	Quirnbach	Ward
Dearden	Iverson	Ragan	Warnstadt
Dotzler	Johnson	Redfern	Wieck
Drake	Kettering	Rehberg	Zieman
Dvorsky	Kibbie	Schuerer	

Nays, none.

Absent, 3:

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

Senator Sievers took the chair at 3:47 p.m.

CONSIDERATION OF BILLS (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2549 and 2555.

[House File 2549](#)

On motion of Senator Black, [House File 2549](#), a bill for an act relating to expenditures from the waste tire management fund, with report of committee recommending passage, was taken up for consideration.

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. 2549](#)), 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
Brunkhorst	Horn	McKinley	Tinsman
Cannolly	Hosch	Putney	Veenstra
Courtney	Houser	Quirnbach	Ward
Dearden	Iverson	Ragan	Warnstadt
Dotzler	Johnson	Redfern	Wieck
Drake	Kettering	Rehberg	Zieman
Dvorsky	Kibbie	Schuerer	

Nays, none.

Absent, 3:

Bolkcom	Larson	Miller
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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 File 2555](#)

On motion of Senator Tinsman, [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, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Tinsman offered amendment [S-5356](#), filed by the committee on Appropriations on April 13, 2004, to pages 2 and 3 of the bill, and moved its adoption.

Amendment [S-5356](#) was adopted 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. 2555](#)), 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
Brunkhorst	Horn	McKinley	Tinsman
Connolly	Hosch	Putney	Veenstra
Courtney	Houser	Quirnbach	Ward
Dearden	Iverson	Ragan	Warnstadt
Dotzler	Johnson	Redfern	Wieck
Drake	Kettering	Rehberg	Zieman
Dvorsky	Kibbie	Schuerer	

Nays, none.

Absent, 3:

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 2418, 2549, and 2555** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [House File 2514](#).

[House File 2514](#)

On motion of Senator Dvorsky, [House File 2514](#), a bill for an act relating to a pilot project for dementia-specific care alternatives, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky 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. 2514](#)), 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
Brunkhorst	Horn	McKinley	Tinsman
Cannolly	Hosch	Putney	Veenstra
Courtney	Houser	Quirnbach	Ward
Dearden	Iverson	Ragan	Warnstadt
Dotzler	Johnson	Redfern	Wieck
Drake	Kettering	Rehberg	Zieman
Dvorsky	Kibbie	Schuerer	

Nays, none.

Absent, 3:

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

CONSIDERATION OF BILLS
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2561 and 2569.

[House File 2561](#)

On motion of Senator Dotzler, [House File 2561](#), a bill for an act creating a job corps center new jobs tax credit and providing effective and retroactive applicability dates, with report of committee recommending passage, was taken up for consideration.

Senator Dotzler 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. 2561](#)), 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
Brunkhorst	Horn	McKinley	Tinsman
Cannolly	Hosch	Putney	Veenstra
Courtney	Houser	Quirnbach	Ward
Dearden	Iverson	Ragan	Warnstadt
Dotzler	Johnson	Redfern	Wieck
Drake	Kettering	Rehberg	Zieman
Dvorsky	Kibbie	Schuerer	

Nays, none.

Absent, 3:

Bolkcom	Larson	Miller
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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 File 2569](#)

On motion of Senator Stewart, [House File 2569](#), a bill for an act establishing a county enforcement surcharge for citations issued by the county sheriff, with report of committee recommending passage, was taken up for consideration.

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. 2569](#)), the vote was:

Yeas, 37:

Angelo	Fraise	Kreiman	Shull
Beall	Gaskill	Lundby	Stewart
Behn	Gronstal	McCoy	Tinsman
Black	Hatch	McKinley	Veenstra
Boettger	Horn	Putney	Warnstadt
Brunkhorst	Hosch	Ragan	Wieck
Connolly	Houser	Redfern	Zieman
Dotzler	Johnson	Rehberg	
Drake	Kettering	Seng	
Dvorsky	Kibbie	Seymour	

Nays, 10:

Courtney	Iverson	Quirnbach	Ward
Dearden	Lamberti	Schuerer	
Holveck	McKibben	Sievers	

Absent, 3:

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 2514, 2561, and 2569** be **immediately messaged** to the House.

INTRODUCTION OF BILL

[Senate File 2307](#), by committee on Ways and Means, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

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

HOUSE MESSAGES RECEIVED

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 14, 2004, **concurred** in the Senate amendment to the House amendment, **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 retroactive applicability dates.

[Senate File 2282](#), a bill for an act requiring a comprehensive study of the archaeological and paleontological significance and the significance of the flora and fauna of the loess hills and of the feasibility of creating a state native prairie preserve in the loess hills and of other various uses of the loess hills, and providing a contingent effective date.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: [HOUSE FILE 2572](#), a bill for an act relating to the procedures and duties of the clerk of the district court and the judicial branch, and providing for a fee.

Recommendation: DO PASS.

Final Vote: Ayes, 15: McKibben, Shull, Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 2: Bolkcom and Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [House File 2572](#).

House File 2572

On motion of Senator Rehberg, **House File 2572**, a bill for an act relating to the procedures and duties of the clerk of the district court and the judicial branch, and providing for a fee, with report of committee recommending passage, was taken up for consideration.

Senator Rehberg 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. 2572**), 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
Brunkhorst	Horn	McKinley	Tinsman
Cannolly	Hosch	Putney	Veenstra
Courtney	Houser	Quirnbach	Ward
Dearden	Iverson	Ragan	Warnstadt
Dotzler	Johnson	Redfern	Wieck
Drake	Kettering	Rehberg	Zieman
Dvorsky	Kibbie	Schuerer	

Nays, none.

Absent, 3:

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

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: ***SENATE FILE 2307 (SSB 3176)**, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: McKibben, Shull, Angelo, Hosch, McKinley, Putney, Rehberg, Seng, Sievers, and Wieck. Nays, 5: Connolly, Dotzler, McCoy, Quirmbach, and Stewart. Absent, 2: Bolkcom and Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Ways and Means Committee on [Senate File 2307](#), and they were attached to the committee report.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 2307](#).

[Senate File 2307](#)

On motion of Senator Angelo, [Senate File 2307](#), a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date, was taken up for consideration.

Senator Quirmbach offered amendment [S-5369](#), filed by him from the floor striking and replacing everything after the enacting clause of the bill.

The Senate stood at ease at 4:45 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 5:06 p.m., Senator Boettger presiding.

Senator Quirmbach asked and received unanimous consent that action on amendment [S-5369](#) be deferred.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hatch, for the remainder of the day, on request of Senator Gronstal.

BUSINESS PENDING

Senate File 2307

The Senate resumed consideration of Senate File 2307.

Senator Gronstal offered amendment S-5370, filed by Senator Gronstal, 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-5370 be adopted?” (S.F. 2307), the vote was:

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

Yeas, 21:

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

Nays, 25:

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

Absent, 4:

Bolkcom	Hatch	Larson	Miller
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Amendment S-5370 lost.

The Senate resumed consideration of amendment S-5369, previously deferred.

Senator Quirmbach moved the adoption of amendment [S-5369](#).

A record roll call was requested.

On the question “Shall amendment [S-5369](#) be adopted?” ([S.F. 2307](#)), the vote was:

Yeas, 19:

Beall	Dotzler	Horn	Ragan
Black	Dvorsky	Kibbie	Seng
Connolly	Fraise	Kreiman	Stewart
Courtney	Gronstal	McCoy	Warnstadt
Dearden	Holveck	Quirmbach	

Nays, 27:

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

Absent, 4:

Bolkcom	Hatch	Larson	Miller
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Amendment [S-5369](#) lost.

Senator Angelo 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. 2307](#)), the vote was:

Yeas, 31:

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

Nays, 15:

Beall	Dotzler	Holveck	Ragan
Connolly	Dvorsky	Kreiman	Stewart
Courtney	Fraise	McCoy	Warnstadt
Dearden	Gronstal	Quirnbach	

Absent, 4:

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

RECESS

On motion of Senator Iverson, the Senate recessed at 6:00 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 6:05 p.m., Senator Boettger presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: [HOUSE FILE 2574](#), a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including administration of state individual income, corporate income, insurance premiums, sales, use, property, motor fuel, special fuel, cigarette, and tobacco taxes, and making penalties applicable and including effective date and retroactive applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 15: McKibben, Shull, Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 2: Bolkcom and Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [House File 2574](#).

[House File 2574](#)

On motion of Senator McKinley, [House File 2574](#), a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including administration of state individual income, corporate income, insurance premiums, sales, use, property, motor fuel, special fuel, cigarette, and tobacco taxes, and making penalties applicable and including effective date and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator McKinley offered amendment [S-5371](#), filed by him from the floor to pages 9–11 and 19 of the bill, and moved its adoption.

Amendment [S-5371](#) was adopted by a voice vote.

Senator Sievers offered amendment [S-5373](#), filed by him from the floor to pages 3–5 of the bill, and moved its adoption.

Amendment [S-5373](#) was adopted by a voice vote.

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. 2574](#)), the vote was:

Yeas, 45:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Sievers
Black	Holveck	McKibben	Stewart
Boettger	Horn	McKinley	Tinsman
Brunkhorst	Hosch	Putney	Veenstra
Connolly	Houser	Quirnbach	Ward
Courtney	Iverson	Ragan	Wieck
Dearden	Johnson	Redfern	Zieman

Dotzler	Kettering	Rehberg
Drake	Kibbie	Schuerer
Dvorsky	Kreiman	Seng

Nays, 1:

Warnstadt

Absent, 4:

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [Senate File 2307](#) and **House Files 2572** and **2574** be **immediately messaged** to the House.

President Lamberti took the chair at 6:19 p.m.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 147](#).

[Senate Resolution 147](#)

On motion of Senator McKibben, [Senate Resolution 147](#), a resolution requesting the congressional delegation of the State of Iowa to work to make the federal tax cuts permanent, with report of committee recommending passage, was taken up for consideration.

Senator Kreiman offered amendment [S-5372](#), filed by him from the floor to pages 1 and 2 of the resolution, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5372](#) be adopted?" ([S.R. 147](#)), the vote was:

Yeas, 19:

Beall	Dotzler	Horn	Ragan
Black	Dvorsky	Kibbie	Seng
Connolly	Fraise	Kreiman	Stewart
Courtney	Gronstal	McCoy	Warnstadt
Dearden	Holveck	Quirnbach	

Nays, 27:

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

Absent, 4:

Bolkcom	Hatch	Larson	Miller
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Amendment [S-5372](#) lost.

Senator Boettger took the chair at 6:51 p.m.

Senator McKibben moved the adoption of [Senate Resolution 147](#), which motion prevailed by a voice vote.

MOTION TO RECONSIDER WITHDRAWN

[House File 2302](#)

Senator Iverson withdrew the motion to reconsider [House File 2302](#), a bill for an act relating to gambling, concerning the operation, licensure, regulation, fee assessment, and taxation of racetracks and excursion gambling boats, imposing a moratorium for issuance of licenses for certain gambling games and pari-mutuel wagering, including pari-mutuel wagering, horse purses and gambling games at racetracks and on gambling boats, racing and gaming commission employees, gambling treatment fund and county endowment fund appropriations, gambling by minors and others, and providing penalties and including effective and retroactive applicability date provisions, filed by him on April 14, 2004, and found on page 1072 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [House File 2302](#) 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 14, 2004, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

[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.

ALSO: That the House has on April 14, 2004, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 2579](#), a bill for an act relating to disposition of an award of damages in a condemnation proceeding pending appeal of the award to district court and the award of interest earned on the damages.

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

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 7:31 p.m. until 8:30 a.m., Thursday, April 15, 2004.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Haley Beyer, Burlington—For receiving the Wilber C. Peterson Scholarship at the University of Iowa School of Journalism and Mass Communication. Senator Courtney (4/14/04).

Nick Ruhter, Dubuque—For achieving the rank of Eagle Scout, Boy Scout Troop 48. Senator Connolly (5/1/04).

Tyrisha Weekley, Waterloo—For being a young leader in training. Senator Redfern (4/14/04).

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: April 14, 2004, 6:00 p.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 SRs 171 and 172.

Adjourned: 6:05 p.m.

WAYS AND MEANS

Convened: April 14, 2004, 12:45 p.m.

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

Members Absent: Bolcom, Ranking Member; and Miller (both excused).

Committee Business: Passed HFs 2572 and 2574 and approved [SSB 3176](#).

Adjourned: 1:40 p.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 174](#), by Houser and Schuerer, a resolution requesting the establishment of a renewable energy interim committee.

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

STUDY BILLS RECEIVED

[SSB 3176](#) **Ways and Means**

Providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

[SSB 3177](#) **Appropriations**

Relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund and providing an effective date.

[SSB 3178](#) **Appropriations**

Relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, state general fund, and primary road fund, and making related and corrective changes and providing effective dates.

SUBCOMMITTEE ASSIGNMENTS

[Senate Resolution 171](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[Senate Resolution 172](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[Senate Resolution 173](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[House File 2573](#)

APPROPRIATIONS: Gaskill, Chair; Angelo and Seng

[House File 2574](#)

WAYS AND MEANS: McKinley, Chair; McKibben and Seng

[SSB 3164](#)

(Reassignment)

WAYS AND MEANS: Wieck, Chair; Rehberg and Seng

[SSB 3176](#)

WAYS AND MEANS: Angelo, Chair; Putney and Stewart

[SSB 3177](#)

APPROPRIATIONS: Houser, Chair; Dvorsky and Lamberti

[SSB 3178](#)

APPROPRIATIONS: McKibben, Chair; Lamberti and Warnstadt

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 171](#), a resolution to recognize the soldiers of the 1133rd Transportation Company of the Iowa National Guard for their service and sacrifice in the Iraq conflict.

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.

ALSO:

Bill Title: [SENATE RESOLUTION 172](#), a resolution honoring the Sioux City North High School Jazz Band for receiving first place in the Class 4A High School Jazz Band Championship.

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.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 14, 2004, the Governor approved and transmitted to the Secretary of State the following bills:

[S.F. 371](#) – 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.

[S.F. 2213](#) – Regarding the revocation of fishing and hunting licenses by the department of natural resources for nonpayment of the license fee.

[S.F. 2266](#) – Relating to landlord disclosure requirements regarding the environmental status of rental property.

[S.F. 2284](#) – 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.

[S.F. 2296](#) – 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.

CONFERENCE COMMITTEE REPORT RECEIVED

[House File 2434](#)

A conference committee report, signed by the following Senate and House members, was filed April 14, 2004, on [House File 2434](#), a bill for an act to update and modify the enhanced 911 emergency telephone communications system:

On the part of the Senate:

JOHN PUTNEY, Chair
DARYL BEALL
GENE FRAISE
DOUG SHULL
RON WIECK

On the part of the House:

DAVE TJEKES, Chair
CLEL BAUDLER
LISA HEDDENS
RALPH KLEMME
BRIAN QUIRK

AMENDMENTS FILED

S-5367	S.F. 2269	Mark Zieman
S-5368	S.F. 2295	Bryan J. Sievers
S-5369	S.F. 2307	Herman C. Quirnbach
S-5370	S.F. 2307	Michael E. Gronstal
		Daryl Beall
		Dennis H. Black
		Mike Connolly
		Thomas G. Courtney
		Dick L. Dearden
		William A. Dotzler, Jr.
		Robert E. Dvorsky
		Gene Fraise
		Jack Hatch
		Jack Holveck
		Wally E. Horn
		John P. Kibbie
		Keith A. Kreiman
		Matt W. McCoy
		Herman C. Quirnbach
		Amanda Ragan
		Joe M. Seng
		Roger Stewart
		Steve Warnstadt
S-5371	H.F. 2574	Paul McKinley
S-5372	S.R. 147	Keith A. Kreiman
S-5373	H.F. 2574	Bryan J. Sievers