

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, APRIL 13, 2004

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JOURNAL OF THE SENATE

NINETY-THIRD CALENDAR DAY
FIFTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 13, 2004

The Senate met in regular session at 8:34 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Robert Wallace, pastor of the Nazareth Lutheran Church in Cedar Falls, Iowa. He was the guest of Senator Redfern.

The Journal of Monday, April 12, 2004, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Miller, for the day, on request of Senator Iverson; Senator Bolkcom, for the day, on request of Senator Connolly; and Senator Fraise, until he returns, on request of Senator Gronstal.

REFUSAL OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar) (Deferred April 12, 2004)

The Senate resumed consideration of the appointment of Jonathan Wilson, as a member of the State Board of Education, deferred April 12, 2004.

The Senate stood at ease at 8:42 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:50 a.m., President Lamberti presiding.

President Pro Tempore Angelo took the chair at 10:52 a.m.

The Senate stood at ease at 12:00 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 1:11 p.m., President Lamberti presiding.

Senator McKinley moved that the foregoing appointment be confirmed by the Senate.

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

Yeas, 22:

Beall	Dvorsky	Kreiman	Redfern
Black	Gronstal	Lamberti	Seng
Connolly	Hatch	Lundby	Stewart
Courtney	Holveck	McCoy	Warnstadt
Dearden	Horn	Quirnbach	
Dotzler	Kibbie	Ragan	

Nays, 24:

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

Absent, 4:

Bolkcom	Fraise	Larson	Miller
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The appointee, having failed to receive a two-thirds vote, was declared to have been **refused confirmation** by the Senate.

President Pro Tempore Angelo took the chair at 2:05 p.m.

UNFINISHED BUSINESS
(Deferred April 12, 2004)

[House File 2481](#)

The Senate resumed consideration of [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, deferred April 12, 2004, (amendments [S-5286](#) and [S-5241](#) pending).

The Senate resumed consideration of amendment [S-5286](#), previously deferred.

Senator Holveck withdrew amendment [S-5286](#).

Senator Holveck offered amendment [S-5290](#), filed by him on April 6, 2004, to page 1 of the bill, and moved its adoption.

Amendment [S-5290](#) was adopted by a voice vote.

The Senate resumed consideration of amendment [S-5241](#), previously deferred.

Senator Kreiman withdrew amendment [S-5241](#).

Senator Kreiman withdrew amendment [S-5285](#), filed by him on April 6, 2004, to page 1 of the bill.

Senator Kreiman withdrew amendment [S-5242](#), filed by him on April 1, 2004, to page 1 of the bill.

Senator Holveck withdrew amendment [S-5253](#), filed by him on April 1, 2004, to page 1 of the bill.

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. 2481](#)), the vote was:

Yeas, 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	

Nays, 19:

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

Absent, 4:

Bolkcom	Fraise	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 Boettger asked and received unanimous consent that [House File 2481](#) be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration Senate Resolutions 159, 145, 149, and 163.

[Senate Resolution 159](#)

On motion of Senator Putney, [Senate Resolution 159](#), a resolution honoring the town of Shellsburg and its surrounding community on the town's sesquicentennial anniversary, with report of committee recommending passage, was taken up for consideration.

Senator Putney moved the adoption of [Senate Resolution 159](#), which motion prevailed by a voice vote.

Senate Resolution 145

On motion of Senator Hosch, [Senate Resolution 145](#), a resolution recognizing Parents' Day, with report of committee recommending passage, was taken up for consideration.

Senator Hosch moved the adoption of [Senate Resolution 145](#), which motion prevailed by a voice vote.

Senate Resolution 149

On motion of Senator Tinsman, [Senate Resolution 149](#), a resolution requesting the establishment of a committee to study and make recommendations related to the use of inmate labor for repair or improvement projects at state institutions, with report of committee recommending passage, was taken up for consideration.

Senator Tinsman moved the adoption of [Senate Resolution 149](#), which motion prevailed by a voice vote.

Senate Resolution 163

On motion of Senator Warnstadt, [Senate Resolution 163](#), a resolution honoring the Sioux City West High School Dance Squad for its outstanding performance at the Marching Auxiliaries National Dance/Drill Team Competition, with report of committee recommending passage, was taken up for consideration.

Senator Warnstadt moved the adoption of [Senate Resolution 163](#), which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolutions 121 and 164 and House Concurrent Resolutions 108 and 123.

Senate Resolution 121

On motion of Senator Iverson, [Senate Resolution 121](#), a resolution to recognize and honor Iowans serving in all branches and components of the military, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of [Senate Resolution 121](#), which motion prevailed by a voice vote.

Senate Resolution 164

On motion of Senator Iverson, [Senate Resolution 164](#), a resolution requesting the commissioner of insurance to submit an annual report to the legislative council containing administrative and financial information relating to medical malpractice claims, with report of committee recommending passage, was taken up for consideration.

Senator Warnstadt offered amendment [S-5308](#), filed by him on April 12, 2004, to page 1 of the resolution, and moved its adoption.

Amendment [S-5308](#) was adopted by a voice vote.

Senator Iverson moved the adoption of [Senate Resolution 164](#), as amended, which motion prevailed by a voice vote.

House Concurrent Resolution 108

On motion of Senator Iverson, [House Concurrent Resolution 108](#), a concurrent resolution recognizing the seventy-fifth anniversary of the Iowa Medical Society Alliance, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of [House Concurrent Resolution 108](#), which motion prevailed by a voice vote.

House Concurrent Resolution 123

On motion of Senator Iverson, [House Concurrent Resolution 123](#), a concurrent resolution honoring N. William Hines on his retirement

as Dean of the University of Iowa College of Law, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of [House Concurrent Resolution 123](#), 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 131](#).

[Senate Resolution 131](#)

On motion of Senator Johnson, [Senate Resolution 131](#), a resolution honoring George S. Mills for his service to the people of Iowa as a reporter, author, and noted Iowa historian, with report of committee recommending passage, was taken up for consideration.

Senator Johnson moved the adoption of [Senate Resolution 131](#), which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Concurrent Resolutions 108 and 123** be **immediately messaged** to the House.

Senator McKibben took the chair at 2:44 p.m.

UNFINISHED BUSINESS
(Deferred April 8, 2004)

[Senate File 2305](#)

The Senate resumed consideration of [Senate File 2305](#), a bill for an act 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, deferred April 8, 2004.

Senator Lundby offered amendment [S-5313](#), filed by Senators Lundby and Dvorsky from the floor to pages 1–4 of the bill.

Senator Lundby asked and received unanimous consent that action on amendment [S-5313](#) and [Senate File 2305](#) be **deferred**.

HOUSE AMENDMENT CONSIDERED

[Senate File 443](#)

Senator McKinley called up for consideration [Senate File 443](#), a bill for an act relating to criteria for community-based seed capital funds and providing a retroactive applicability date, amended by the House in House amendment [S-5293](#), filed April 7, 2004.

Senator Wieck offered amendment [S-5301](#), filed by him on April 8, 2004, to page 2 of House amendment [S-5293](#), and moved its adoption.

Amendment [S-5301](#) was adopted by a voice vote.

Senator McKinley 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 McKinley 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. 443](#)), the vote was:

Yeas, 46:

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

Dotzler	Kettering	Rehberg	Zieman
Drake	Kibbie	Schuerer	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 4:

Bolkcom	Fraise	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.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration [House File 2560](#).

[House File 2560](#)

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

Senator Shull offered amendment [S-5327](#), filed by him from the floor to page 2 of the bill, and moved its adoption.

Amendment [S-5327](#) was adopted by a voice vote.

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. 2560](#)), the vote was:

Yeas, 46:

Angelo	Gaskill	Lamberti	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hatch	McCoy	Sievers
Black	Holveck	McKibben	Stewart
Boettger	Horn	McKinley	Tinsman

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

Nays, none.

Absent, 4:

Bolkcom	Fraise	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 443](#) and [House File 2560](#) be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

[Senate File 2282](#)

Senator Houser called up for consideration [Senate File 2282](#), a bill for an act requiring a study of the archaeological and paleontological significance of the loess hills and of the feasibility of creating a state native prairie preserve in the loess hills, and providing a contingent effective date, amended by the House in House amendment [S-5236](#), filed March 31, 2004.

Senator Warnstadt offered amendment [S-5310](#), filed by him on April 12, 2004, to page 1 of House amendment [S-5236](#), and moved its adoption.

Amendment [S-5310](#) was adopted by a voice vote.

Senator Houser 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 Houser 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. 2282](#)), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

Bolkcom	Fraise	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.

UNFINISHED BUSINESS

[House File 2505](#)

On motion of Senator Brunkhorst, [House File 2505](#), a bill for an act providing for the selling of alcoholic beverages, wine, or beer on credit by a convention center, civic center, or events center under specified circumstances, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 2505](#)), the vote was:

Yeas, 41:

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

Nays, 5:

Boettger	Holveck	Veenstra
Drake	Kreiman	

Absent, 4:

Bolkcom	Fraise	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 Boettger asked and received unanimous consent that [Senate File 2282](#) and [House File 2505](#) be **immediately messaged** to the House.

Senator Sievers took the chair at 3:23 p.m.

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration House Files 2562 and 2567.

House File 2562

On motion of Senator Shull, [House File 2562](#), a bill for an act relating to electrical and mechanical amusement devices that are required to be registered with the department of inspections and appeals, establishing fees, making an appropriation, making penalties applicable, and including an effective and retroactive applicability provision, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Shull offered amendment [S-5309](#), filed by the committee on Ways and Means on April 12, 2004, to pages 1-3, 5, and 7 of the bill.

Senator Shull withdrew amendment [S-5317](#), filed by him from the floor to page 1 of amendment [S-5309](#).

Senator Shull offered amendment [S-5325](#), filed by him from the floor to page 1 of amendment [S-5309](#), and moved its adoption.

Amendment [S-5325](#) was adopted by a voice vote.

Senator Angelo asked and received unanimous consent that action on amendment [S-5309](#) and [House File 2562](#) be **deferred**.

House File 2567

On motion of Senator Rehberg, [House File 2567](#), a bill for an act regulating the transportation of animal carcasses, providing for fees and penalties, and providing for an effective date, 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. 2567](#)), 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.

INTRODUCTION OF RESOLUTIONS

[Senate Resolution 168](#), by Johnson, 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.

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

[Senate Resolution 169](#), by Johnson, a resolution honoring the city of Hartley on its quasiquicentennial anniversary year.

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

[Senate Resolution 170](#), by Redfern, a resolution honoring Richard M. Calkins.

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

INTRODUCTION OF BILL

[Senate File 2306](#), by Iverson and Gronstal, a bill for an act relating to civil action appeal bonds and including monetary limits, and including an effective and applicability date provision.

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

RECESS

On motion of Senator Iverson, the Senate recessed at 3:37 p.m. until the completion of a meeting of the committee on Rules and Administration.

APPENDIX — 1**COMMUNICATION RECEIVED**

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

April 13, 2004

IOWA WORKFORCE DEVELOPMENT

2003 Status Report on the Iowa Unemployment Compensation Trust Fund, pursuant to Iowa Code section 96.35.

CERTIFICATES OF RECOGNITION

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

Jayde Duysen, Essex—For achieving the rank of Eagle Scout, Boy Scout Troop 75. Senator Angelo (3/7/04).

Brian Fettkether, Waterloo—For achieving the rank of Eagle Scout. Senator Rehberg (4/18/04).

Gene, Shawn, and Todd Flynn, Nevada—For receiving the Good Neighbor Award. Senator Iverson (4/13/04).

Peter Madsen, Melbourne—For being awarded the Jerry Parker Feature Writing Scholarship to the University of Iowa. Senator McKibben (4/14/04).

Anne Shuppy, Wilton—For receiving the Ruth A. Wilson Memorial Scholarship. Senator Drake (4/14/04).

PRESENTATION OF VISITORS

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

Students and teachers from Manson Northwest Webster Community Schools. Senator Beall.

Honor students from Evans Middle School in Ottumwa. Senator Kreiman.

Jason Knipper and Karl Bierman from Beckman High School, who are at the Capitol visiting their friend Matt Kronlage, a Senate page.

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: April 13, 2004, 3:30 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 165, 166, 167, 168, 169, and 170, and [SF 2306](#).

Adjourned: 3:35 p.m.

SUBCOMMITTEE ASSIGNMENTS

[Senate Resolution 165](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[Senate Resolution 166](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[Senate Resolution 167](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[Senate Resolution 168](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[Senate Resolution 169](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[Senate Resolution 170](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[Senate File 2306](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[House File 2572](#)

WAYS AND MEANS: Rehberg, Chair; Dotzler and McKinley

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE FILE 2306](#), a bill for an act relating to civil action appeal bonds and including monetary limits, and including an effective and applicability date provision.

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.

RECONVENED

The Senate reconvened at 3:43 p.m., Senator Sievers presiding.

BUSINESS PENDING

[Senate File 2305](#)

The Senate resumed consideration of [Senate File 2305](#), a bill for an act 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, and amendment [S-5313](#), previously deferred.

Senator Lundby asked and received unanimous consent that action on amendment [S-5313](#) be deferred.

Senator Fraise offered amendment [S-5307](#), filed by him on April 12, 2004, to pages 3, 4, and to the title page of the bill.

Senator Fraise withdrew amendment [S-5307](#).

The Senate resumed consideration of amendment [S-5313](#), previously deferred.

Senator Lundby moved the adoption of amendment [S-5313](#).

A nonrecord roll call was requested.

The ayes were 22, nays 25.

Amendment [S-5313](#) 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. 2305](#)), 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.

UNFINISHED BUSINESS

[Senate File 2229](#)

On motion of Senator Schuerer, [Senate File 2229](#), a bill for an act relating to the establishment of a prescription drug assistance program by the commissioner of insurance, and providing for a contingent appropriation, placed on the Unfinished Business Calendar on March 25, 2004, was taken up for consideration.

Senator Schuerer offered amendment [S-5287](#), filed by him on April 6, 2004, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment [S-5287](#) was adopted by a voice vote.

Senator Schuerer asked and received unanimous consent that [House File 2554](#) be **substituted** for [Senate File 2229](#).

[House File 2554](#)

On motion of Senator Schuerer, [House File 2554](#), a bill for an act relating to the establishment of a prescription drug assistance program by the commissioner of insurance, and providing for a contingent appropriation, was taken up for consideration.

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. 2554](#)), 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.

WITHDRAWN

Senator Schuerer asked and received unanimous consent that [Senate File 2229](#) be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration [House File 2568](#).

[House File 2568](#)

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

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

On the question "Shall the bill pass?" ([H.F. 2568](#)), 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 [Senate File 2305](#) and **House Files 2554, 2567, and 2568** be **immediately messaged** to the House.

UNFINISHED BUSINESS

[House File 2390](#)

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

Senator Veenstra withdrew amendment [S-5320](#), filed by him from the floor to pages 1-4 and to the title page of the bill.

With the withdrawal of amendment [S-5320](#), the Chair ruled amendment [S-5326](#), filed by Senator Veenstra from the floor to page 8 of the bill, out of order.

Senator Veenstra offered amendment [S-5340](#), filed by him from the floor to pages 1 and 2 of the bill.

Senator Kreiman asked and received unanimous consent that action on amendment [S-5340](#) and [House File 2390](#) be **deferred**.

UNFINISHED BUSINESS

[House File 593](#)

On motion of Senator Tinsman, [House File 593](#), a bill for an act relating to elections and voter registration by providing for nonpartisan election of township offices, allowing nomination petitions to be signed on both sides of paper, removing the

requirement that judges' names be rotated on certain ballots, removing certain authority to sign voter registration forms on behalf of the registrant, relating to use of substitute precinct election officials, relating to use of voting machine or paper ballots at certain elections, modifying opening hours and closing hours of the polls at certain elections, providing for destruction of certain ballots, relating to the abstract of votes for county offices, providing for use of certain voting machines at satellite absentee voting stations, relating to observers present when ballots are counted, allowing absentee voting at the commissioner's office for certain elections, and relating to persons nominated for city office by write-in votes, placed on the Unfinished Business Calendar on April 17, 2003, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Zieman asked and received unanimous consent to withdraw amendment [S-3162](#), filed by the committee on State Government on April 8, 2003, to page 6 and to the title page of the bill.

With the withdrawal of amendment [S-3162](#), the Chair ruled the following amendments out of order:

[S-3170](#), filed by Senator Kibbie, et al., on April 8, 2003, to pages 1, 2, and 6 of amendment [S-3162](#); and

[S-3261](#), filed by Senator Zieman on April 21, 2003, to page 4 of amendment [S-3162](#).

Senator Zieman offered amendment [S-5298](#), filed by him on April 8, 2004, to pages 1, 3, and to the title page of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 26, nays 21.

Amendment [S-5298](#) was adopted.

Senator Zieman offered amendment [S-5299](#), filed by him on April 8, 2004, to pages 1 and 5 of the bill, and moved its adoption.

Amendment [S-5299](#) 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. 593](#)), the vote was:

Yeas, 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	

Nays, 20:

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

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.

President Lamberti took the chair at 4:58 p.m.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 2304](#).

Senate File 2304

On motion of Senator Shull, **Senate File 2304**, a bill for an act relating to the delay in the reduction in the individual income tax rate schedule and providing for contingent effectiveness and retroactive applicability, was taken up for consideration.

Senator Shull offered amendment **S-5314**, filed by him from the floor to page 4 and to the title page of the bill, and moved its adoption.

Amendment **S-5314** was adopted by a voice vote.

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. 2304**), the vote was:

Yeas, 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	

Nays, 20:

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

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 File 2304](#) and [House File 593](#) be **immediately messaged** to the House.

BUSINESS PENDING

[House File 2562](#)

The Senate resumed consideration of [House File 2562](#), a bill for an act relating to electrical and mechanical amusement devices that are required to be registered with the department of inspections and appeals, establishing fees, making an appropriation, making penalties applicable, and including an effective and retroactive applicability provision, and amendment [S-5309](#), previously deferred.

Senator Shull moved the adoption of amendment [S-5309](#), as amended.

Amendment [S-5309](#) was adopted by a voice vote.

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. 2562](#)), the vote was:

Yeas, 43:

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

Nays, 4:

Angelo Courtney Kreiman McKinley

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.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [House File 2562](#) be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 5:28 p.m. until the completion of a meeting of the committee on Appropriations.

EVENING SESSION

The Senate reconvened at 6:01 p.m., President Lamberti presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 13, 2004, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 2289](#), a bill for an act relating to various duties of the county treasurer and to certain fees collected by the county treasurer.

ALSO: That the House has on April 13, 2004, **concurred** in the Senate amendment to the House amendment, **and passed** the following bill in which the concurrence of the House was asked:

[Senate File 2179](#), a bill for an act relating to ethics laws and the Iowa ethics and campaign disclosure board.

ALSO: That the House has on April 13, 2004, **amended and passed** the following bills in which the concurrence of the House was asked:

[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. ([S-5322](#))

[Senate File 2153](#), a bill for an act relating to the funding of efforts to alleviate a public health emergency or disaster. ([S-5333](#))

[Senate File 2209](#), a bill for an act relating to the content of immunizations, and making a penalty applicable. ([S-5334](#))

[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. ([S-5335](#))

ALSO: That the House has on April 13, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

[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.

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

[House File 2573](#), a bill for an act regulating animal health by the department of agriculture and land stewardship, making an appropriation, and making penalties applicable.

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

The Senate stood at ease at 6:04 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 7:48 p.m., Senator Veenstra presiding.

QUORUM CALL

Senator Ziemann requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 33 present, 17 absent, and a quorum present.

President Lamberti took the chair at 8:12 p.m.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 2306](#).

[Senate File 2306](#)

On motion of Senator Iverson, [Senate File 2306](#), a bill for an act relating to civil action appeal bonds and including monetary limits, and including an effective and applicability date provision, with report of committee recommending passage, was taken up for consideration.

Senator Iverson 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. 2306](#)), 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	Ziemann
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.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [Senate File 2306](#) 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 13, 2004, **failed to pass** the following bill in which the concurrence of the House was asked:

[Senate File 2278](#), a bill for an act creating medical parole for certain persons committed to the custody of the department of corrections, and providing an effective date.

ALSO: That the House has on April 13, 2004, **amended and passed** the following bill in which the concurrence of the House was asked:

[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. ([S-5358](#))

President Pro Tempore Angelo took the chair at 8:21 p.m.

CONSIDERATION OF BILL (Ways and Means Calendar)

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

[House File 2302](#)

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

Senator McKibben offered amendment [S-5312](#), filed by the committee on Ways and Means on April 12, 2004, striking and replacing everything after the enacting clause and to the title page of the bill.

Senator Lamberti offered amendment [S-5359](#), filed by him from the floor to page 1 of amendment [S-5312](#), and moved its adoption.

Amendment [S-5359](#) was adopted by a voice vote.

Senator McKibben offered amendment [S-5351](#), filed by him from the floor to pages 4, 5, 17, and 26–29 of amendment [S-5312](#), and moved its adoption.

Amendment [S-5351](#) was adopted by a voice vote.

With the adoption of amendment [S-5351](#), the Chair ruled amendment [S-5331](#), filed by Senator McCoy from the floor to page 27 of amendment [S-5312](#), out of order.

Senator Brunkhorst withdrew amendment [S-5352](#), filed by him from the floor to pages 5 and 17 of amendment [S-5312](#).

Senator McCoy asked and received unanimous consent to withdraw amendment [S-5321](#), filed by Senators McCoy and Black from the floor to pages 6, 13, 20, and 29 of amendment [S-5312](#).

Senator Lundby withdrew amendment [S-5319](#), filed by her from the floor to pages 6, 12, 18, 19, and 23 of amendment [S-5312](#).

Senator Lundby offered amendment [S-5345](#), filed by her from the floor to pages 6, 12, 18, 19, and 23 of amendment [S-5312](#), and moved its adoption.

Amendment [S-5345](#) lost by a voice vote.

Senator Shull offered amendment [S-5346](#), filed by him from the floor to pages 7 and 23 of amendment [S-5312](#), and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5346](#) to amendment [S-5312](#) be adopted?" ([H.F. 2302](#)), the vote was:

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

Yeas, 24:

Beall	Dotzler	Hosch	McKinley
Black	Dvorsky	Houser	Quirnbach
Brunkhorst	Fraise	Kibbie	Ragan
Cannolly	Hatch	Kreiman	Seng
Courtney	Holveck	Lundby	Shull
Dearden	Horn	McCoy	Stewart

Nays, 23:

Angelo	Iverson	Redfern	Veenstra
Behn	Johnson	Rehberg	Ward
Boettger	Kettering	Schuerer	Warnstadt
Drake	Lamberti	Seymour	Wieck
Gaskill	McKibben	Sievers	Zieman
Gronstal	Putney	Tinsman	

Absent, 3:

Bolkcom

Larson

Miller

Amendment [S-5346](#) was adopted.

Senator Seng offered amendment [S-5338](#), filed by Senators Seng and Sievers from the floor to page 11 of amendment [S-5312](#), and moved its adoption.

Amendment [S-5338](#) was adopted by a voice vote.

Senator Angelo offered amendment [S-5316](#), filed by Senators Angelo and Houser from the floor to page 12 of amendment [S-5312](#), and moved its adoption.

A nonrecord roll call was requested.

The ayes were 3, nays 30.

Amendment [S-5316](#) lost.

Senator Angelo offered amendment [S-5323](#), filed by him from the floor to page 13 of amendment [S-5312](#), and moved its adoption.

A nonrecord roll call was requested.

The ayes were 4, nays 34.

Amendment [S-5323](#) lost.

Senator Angelo asked and received unanimous consent to withdraw amendment [S-5339](#), filed by Senator Angelo, et al., from the floor to page 15 of amendment [S-5312](#).

Senator Hatch offered amendment [S-5348](#), filed by Senator Hatch, et al., from the floor to page 15 of amendment [S-5312](#), and moved its adoption.

A nonrecord roll call was requested.

The ayes were 14, nays 27.

Amendment [S-5348](#) lost.

Senator Lundby withdrew amendment [S-5318](#), filed by her from the floor to page 15 of amendment [S-5312](#).

Senator Angelo offered amendment [S-5324](#), filed by him from the floor to page 15 of amendment [S-5312](#).

Senator Angelo asked and received unanimous consent that action on amendment [S-5324](#) be deferred.

Senator Hatch offered amendment [S-5362](#), filed by him from the floor to page 13 of amendment [S-5312](#), and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5362](#) to amendment [S-5312](#) be adopted?" ([H.F. 2302](#)), the vote was:

Yeas, 22:

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

Nays, 25:

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

Absent, 3:

Bolkcom	Larson	Miller
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Amendment [S-5362](#) lost.

Senator Lundby offered amendment [S-5347](#), filed by her from the floor to page 15 of amendment [S-5312](#), and moved its adoption.

A nonrecord roll call was requested.

The ayes were 14, nays 31.

Amendment [S-5347](#) lost.

The Senate resumed consideration of amendment [S-5324](#) to amendment [S-5312](#), previously deferred.

Senator Angelo moved the adoption of amendment [S-5324](#).

Amendment [S-5324](#) lost by a voice vote.

Senator Johnson offered amendment [S-5350](#), filed by Senators Johnson and Brunkhorst from the floor to page 15 of amendment [S-5312](#).

Senator Johnson asked and received unanimous consent that action on amendment [S-5350](#) be deferred.

Senator Houser offered amendment [S-5353](#), filed by Senators Houser, Dvorsky, and Fraise from the floor to page 17 of amendment [S-5312](#), and moved its adoption.

Amendment [S-5353](#) lost by a voice vote.

Senator Brunkhorst offered amendment [S-5343](#), filed by him from the floor to page 18 of amendment [S-5312](#), and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5343](#) to amendment [S-5312](#) be adopted?" ([H.F. 2302](#)), the vote was:

Yeas, 6:

Boettger	Dearden	Holveck
Brunkhorst	Hatch	Veenstra

Nays, 41:

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

Absent, 3:

Bolkcom	Larson	Miller
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Amendment [S-5343](#) lost.

Senator Dotzler offered amendment [S-5337](#), filed by him from the floor to page 20 of amendment [S-5312](#).

Senator Dotzler asked and received unanimous consent that action on amendment [S-5337](#) be deferred.

Senator Zieman offered amendment [S-5315](#), filed by him from the floor to page 25 of amendment [S-5312](#), and moved its adoption.

Amendment [S-5315](#) was adopted by a voice vote.

President Pro Tempore Angelo took the chair at 10:29 p.m.

Senator McCoy offered amendment [S-5336](#), filed by him from the floor to page 25 of amendment [S-5312](#), and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5336](#) to amendment [S-5312](#) be adopted?" ([H.F. 2302](#)), the vote was:

Yeas, 3:

Dearden	Hatch	McCoy
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Nays, 44:

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

Absent, 3:

Bolkcom	Larson	Miller
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Amendment [S-5336](#) lost.

Senator McCoy withdrew amendment [S-5330](#), filed by him from the floor to pages 25 and 29 of amendment [S-5312](#).

Senator Lamberti offered amendment [S-5354](#), filed by him from the floor to pages 28 and 29 of amendment [S-5312](#), and moved its adoption.

Amendment [S-5354](#) was adopted by a voice vote.

Senator Zieman asked and received unanimous consent to withdraw amendment [S-5329](#), filed by Senators Zieman and Sievers from the floor to page 28 of amendment [S-5312](#).

Senator McCoy withdrew amendment [S-5341](#), filed by him from the floor to page 28 of amendment [S-5312](#).

Senator McCoy withdrew amendment [S-5332](#), filed by him from the floor to pages 28 and 29 of amendment [S-5312](#).

With the failure of amendment [S-5362](#) to amendment [S-5312](#), the Chair ruled amendment [S-5349](#), filed by Senator Hatch, et al., from the floor to page 28 of amendment [S-5312](#), out of order.

Senator Brunkhorst withdrew amendment [S-5360](#), filed by him from the floor to pages 5 and 17 of the bill.

President Lamberti took the chair at 10:56 p.m.

Senator Brunkhorst offered amendment [S-5363](#), filed by Senator Brunkhorst, et al., from the floor to pages 6, 20, and 29 of amendment [S-5312](#), and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5363](#) to amendment [S-5312](#) be adopted?” ([H.F. 2302](#)), the vote was:

Yeas, 16:

Behn	Drake	Johnson	Putney
Black	Hatch	Kettering	Quirnbach
Boettger	Holveck	Lundby	Rehberg
Brunkhorst	Hosch	McKinley	Veenstra

Nays, 31:

Angelo	Gaskill	McCoy	Sievers
Beall	Gronstal	McKibben	Stewart
Connolly	Horn	Ragan	Tinsman
Courtney	Houser	Redfern	Ward
Dearden	Iverson	Schuerer	Warnstadt
Dotzler	Kibbie	Seng	Wieck
Dvorsky	Kreiman	Seymour	Zieman
Fraise	Lamberti	Shull	

Absent, 3:

Bolkcom	Larson	Miller
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Amendment [S-5363](#) lost.

Senator Lundby withdrew amendment [S-5364](#), filed by her from the floor to pages 6, 12, 18, 19, and 23 of amendment [S-5312](#).

Senator Angelo offered amendment [S-5361](#), filed by Senator Angelo, et al., from the floor to page 15 of amendment [S-5312](#), and moved its adoption.

Amendment [S-5361](#) was adopted by a voice vote.

The Senate resumed consideration of amendment [S-5350](#) to amendment [S-5312](#), previously deferred.

Senator Johnson moved the adoption of amendment [S-5350](#).

A record roll call was requested.

On the question “Shall amendment [S-5350](#) to amendment [S-5312](#) be adopted?” ([H.F. 2302](#)), the vote was:

Yeas, 9:

Behn	Dearden	Kettering
Boettger	Holveck	McKinley
Brunkhorst	Johnson	Veenstra

Nays, 38:

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

Absent, 3:

Bolkcom	Larson	Miller
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Amendment [S-5350](#) lost.

The Senate resumed consideration of amendment [S-5337](#) to amendment [S-5312](#), previously deferred.

Senator Dotzler moved that adoption of amendment [S-5337](#), which motion prevailed by a voice vote.

Senator McCoy offered amendment [S-5365](#), filed by him from the floor to pages 13 and 15 of amendment [S-5312](#), and moved its adoption.

Amendment [S-5365](#) lost by a voice vote.

Senator Dearden called up the following motion to reconsider filed by him from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment [S-5346](#) to amendment [S-5312](#) to [House File 2302](#) was adopted by the Senate on April 13, 2004.

The motion prevailed by a voice vote and amendment [S-5346](#), by Senator Shull to pages 7 and 23 of amendment [S-5312](#), was taken up for reconsideration.

President Pro Tempore Angelo took the chair at 12:01 a.m.

Senator Shull moved the adoption of amendment [S-5346](#) to amendment [S-5312](#).

Amendment [S-5346](#) lost by a voice vote.

Senator Hatch withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which amendment [S-5362](#) to amendment [S-5312](#) to [House File 2302](#) failed to be adopted by the Senate on April 13, 2004.

President Lamberti took the chair at 12:11 a.m.

Senator McKibben moved the adoption of amendment [S-5312](#), as amended.

Amendment [S-5312](#) was adopted by a voice vote.

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

Yeas, 39:

Angelo	Gaskill	Lamberti	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hatch	McCoy	Sievers
Black	Horn	McKibben	Stewart
Boettger	Hosch	Putney	Tinsman

Connolly	Houser	Quirnbach	Ward
Courtney	Iverson	Ragan	Warnstadt
Dearden	Kettering	Redfern	Wieck
Dotzler	Kibbie	Schuerer	Zieman
Fraise	Kreiman	Seng	

Nays, 8:

Brunkhorst	Dvorsky	Johnson	Rehberg
Drake	Holveck	McKinley	Veenstra

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.

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 13, 2004, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

[House File 2462](#), a bill for an act directing the department of human services to implement child welfare diversion and mediation pilot projects.

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

[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.

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

ALSO: That the House has on April 13, 2004, **passed** the following bill in which the concurrence of the Senate is asked:

[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.

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

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

[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. ([S-5366](#))

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 12:38 a.m., Wednesday, April 14, until 8:30 a.m., Wednesday, April 14, 2004.

APPENDIX — 2**REPORT OF COMMITTEE MEETING****APPROPRIATIONS**

Convened: April 13, 2004, 5:35 p.m.

Members Present: Angelo, Chair; Lamberti, Vice Chair; Dvorsky, Ranking Member; Behn, Black, Connolly, Dotzler, Fraise, Gaskill, Horn, Houser, McKibben, McKinley, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Zieman.

Members Absent: Bolkom, Hatch, and Miller (all excused).

Committee Business: Passed HF's 2549 and 2555 (as amended).

Adjourned: 5:45 p.m.

INTRODUCTION OF RESOLUTIONS

[Senate Resolution 171](#), by Gaskill and Ragan, 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.

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

[Senate Resolution 172](#), by Warnstadt, a resolution honoring the Sioux City North High School Jazz Band for receiving first place in the Class 4A High School Jazz Band Championship.

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

FINAL COMMITTEE REPORTS OF BILL ACTION**APPROPRIATIONS**

Bill Title: **[HOUSE FILE 2549](#)**, a bill for an act relating to expenditures from the waste tire management fund.

Recommendation: DO PASS.

Final Vote: Ayes, 22: Angelo, Lamberti, Dvorsky, Behn, Black, Connolly, Dotzler, Fraise, Gaskill, Horn, Houser, McKibben, McKinley, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Zieman. Nays, none. Absent, 3: Bolcom, Hatch, and Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [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.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-5356](#).

Final Vote: Ayes, 22: Angelo, Lamberti, Dvorsky, Behn, Black, Connolly, Dotzler, Fraise, Gaskill, Horn, Houser, McKibben, McKinley, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Zieman. Nays, none. Absent, 3: Bolcom, Hatch, and Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 165](#), a resolution recognizing the retirement of Dr. William Campbell and his many accomplishments on behalf of Iowans with disabilities.

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 166](#), a resolution honoring the founding and growth of the American Mock Trial Association.

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 167](#), a resolution honoring the town of Afton on its sesquicentennial anniversary year.

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 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.

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 169](#), a resolution honoring the city of Hartley on its quasiquicentennial anniversary year.

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 170](#), a resolution honoring Richard M. Calkins.

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.

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which [House File 2302](#) passed the Senate on April 14, 2004.

STEWART E. IVERSON, JR.

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 13th day of April, 2004:

Senate Files 2119, 2173, 2208, 2272, and 2279.

MICHAEL E. MARSHALL
Secretary of the Senate

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on April 13, 2004, the Governor approved and transmitted to the Secretary of State the following bill:

[S.F. 2044](#) – Concerning eligibility requirements for payment of a volunteer emergency services provider death benefit resulting from a heart attack or stroke.

AMENDMENTS FILED

S-5313	S.F. 2305	Mary A. Lundby Robert E. Dvorsky
S-5314	S.F. 2304	Doug Shull
S-5315	H.F. 2302	Mark Zieman
S-5316	H.F. 2302	Jeff Angelo Hubert Houser
S-5317	H.F. 2562	Doug Shull
S-5318	H.F. 2302	Mary A. Lundby
S-5319	H.F. 2302	Mary A. Lundby
S-5320	H.F. 2390	Ken Veenstra
S-5321	H.F. 2302	Matt W. McCoy Dennis H. Black
S-5322	S.F. 2026	House
S-5323	H.F. 2302	Jeff Angelo
S-5324	H.F. 2302	Jeff Angelo
S-5325	H.F. 2562	Doug Shull
S-5326	H.F. 2390	Ken Veenstra
S-5327	H.F. 2560	Doug Shull
S-5328	H.F. 2521	Ron Wieck

S-5329	H.F. 2302	Mark Zieman Bryan J. Sievers
S-5330	H.F. 2302	Matt W. McCoy
S-5331	H.F. 2302	Matt W. McCoy
S-5332	H.F. 2302	Matt W. McCoy
S-5333	S.F. 2153	House
S-5334	S.F. 2209	House
S-5335	S.F. 2270	House
S-5336	H.F. 2302	Matt W. McCoy
S-5337	H.F. 2302	William A. Dotzler, Jr.
S-5338	H.F. 2302	Joe Seng Bryan J. Sievers
S-5339	H.F. 2302	Jeff Angelo Bryan J. Sievers Dennis H. Black Doug Shull
S-5340	H.F. 2390	Ken Veenstra
S-5341	H.F. 2302	Matt W. McCoy
S-5342	S.F. 2269	John P. Kibbie
S-5343	H.F. 2302	Bob Brunkhorst
S-5344	H.F. 2418	Donald B. Redfern
S-5345	H.F. 2302	Mary A. Lundby
S-5346	H.F. 2302	Doug Shull
S-5347	H.F. 2302	Mary A. Lundby
S-5348	H.F. 2302	Jack Hatch Matt W. McCoy Dick L. Dearden Jack Holveck Dennis H. Black
S-5349	H.F. 2302	Jack Hatch Matt W. McCoy Dennis H. Black Jeff Lamberti Jack Holveck Pat Ward
S-5350	H.F. 2302	David Johnson Bob Brunkhorst
S-5351	H.F. 2302	Larry McKibben
S-5352	H.F. 2302	Bob Brunkhorst

S-5353	H.F. 2302	Hubert Houser Robert E. Dvorsky Gene Fraise
S-5354	H.F. 2302	Jeff Lamberti
S-5355	S.F. 2269	Dick L. Dearden Matt W. McCoy
S-5356	H.F. 2555	Appropriations
S-5357	H.F. 2390	Keith A. Kreiman Ken Veenstra David Johnson
S-5358	S.F. 2288	House
S-5359	H.F. 2302	Jeff Lamberti
S-5360	H.F. 2302	Bob Brunkhorst
S-5361	H.F. 2302	Jeff Angelo Neal Schuerer Dennis H. Black Doug Shull Bryan J. Sievers
S-5362	H.F. 2302	Jack Hatch
S-5363	H.F. 2302	Bob Brunkhorst David Johnson Kitty Rehberg Paul McKinley Ken Veenstra Julie Hosch Jack Holveck
S-5364	H.F. 2302	Mary A. Lundby
S-5365	H.F. 2302	Matt W. McCoy
S-5366	S.F. 2295	House