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**STATE OF IOWA**

**Senate Journal**

**THURSDAY, APRIL 15, 2004**

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# JOURNAL OF THE SENATE

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NINETY-FIFTH CALENDAR DAY  
FIFTY-SIXTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, April 15, 2004

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

Prayer was offered by the Reverend Ron Burcham, pastor of the Gloria Dei Lutheran Church in Urbandale, Iowa. The Godz Guys, a men's quartet from Urbandale, vocally performed "The Lord's Prayer." They were the guests of Senator Holveck.

The Journals of Tuesday, April 13, 2004, and Wednesday, April 14, 2004, were approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 14, 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 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.

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

[House File 2577](#), a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund and providing an effective date.

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

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 165](#).

[Senate Resolution 165](#)

On motion of Senator Houser, [Senate Resolution 165](#), a resolution recognizing the retirement of Dr. William Campbell and his many accomplishments on behalf of Iowans with disabilities, with report of committee recommending passage, was taken up for consideration.

Senator Houser moved the adoption of [Senate Resolution 165](#), which motion prevailed by a voice vote.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Miller, for the day, on request of Senator Iverson; Senator Redfern, until he arrives, on request of Senator Iverson; and Senator Courtney, until he arrives, on request of Senator Kibbie.

CONFIRMATION OF GOVERNOR'S APPOINTMENT

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

Lance Clemens, Board of Social Work Examiners

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

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

Yeas, 46:

|          |          |          |         |
|----------|----------|----------|---------|
| Angelo   | Fraise   | Kreiman  | Seymour |
| Beall    | Gaskill  | Lamberti | Shull   |
| Behn     | Gronstal | Lundby   | Sievers |
| Black    | Hatch    | McCoy    | Stewart |
| Boettger | Holveck  | McKibben | Tinsman |

|            |           |           |           |
|------------|-----------|-----------|-----------|
| Bolkcom    | Horn      | McKinley  | Veenstra  |
| Brunkhorst | Hosch     | Putney    | Ward      |
| Connolly   | Houser    | Quirnbach | Warnstadt |
| Dearden    | Iverson   | Ragan     | Wieck     |
| Dotzler    | Johnson   | Rehberg   | Zieman    |
| Drake      | Kettering | Schuerer  |           |
| Dvorsky    | Kibbie    | Seng      |           |

Nays, none.

Absent, 4:

|          |        |        |         |
|----------|--------|--------|---------|
| Courtney | Larson | Miller | Redfern |
|----------|--------|--------|---------|

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

### RECESS

On motion of Senator Iverson, the Senate recessed at 9:21 a.m. until 1:00 p.m.

### AFTERNOON SESSION

The Senate reconvened at 2:45 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 15, 2004, **adopted** the following resolution in which the concurrence of the Senate is asked:

**House Concurrent Resolution 105**, a concurrent resolution concerning the Midwestern Legislative Conference of the Council of State Governments.

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

ALSO: That the House has on April 15, 2004, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 2571](#), a bill for an act relating to agriculture by providing for reporting requirements.

Read first time and referred to committee on **Government Oversight**.

RECESS

On motion of Senator Iverson, the Senate recessed at 2:50 p.m. until 3:30 p.m.

**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 14, 2004

**OFFICE OF CITIZENS' AIDE/OMBUDSMAN**

Annual report of the Office of Citizens' Aide/Ombudsman for the calendar year 2003—notification that the report in electronic form is available online.

**CERTIFICATES OF RECOGNITION**

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

Marione Boller, Waterloo—For celebrating your 90th birthday on April 15, 2004. Senator Dotzler (4/15/04).

Margarite Bowers, Waterloo—For celebrating your 90th birthday on April 15, 2004. Senator Dotzler (4/15/04).

Sam Connet, Des Moines—For being named Outstanding Speaker in the category of Reviewing at the Iowa High School Speech Association All-State Festival. Senator Holveck (4/15/04).

Trudy Elbert, Spencer—For 30 years of educational excellence at the Spencer Middle School library. Senator Johnson (4/15/04).

Darrel R. Gaskill, Marshalltown—For your Floral Basket Project in Marshalltown. Senator McKibben (4/15/04).

Danielle Plogmann, Toledo—For being awarded the Laurence Fairall Scholarship. Senator Putney (4/2/04).

Jessica Reese, Gladbrook—For being awarded the Laurence Fairall Scholarship. Senator Putney (4/2/04).

Martin Rehborg, Harris—For celebrating your 100th birthday on April 16, 2004. Senator Johnson (4/16/04).

Jennifer Slocum, Burlington—For participation in Moot Court Competition, Iowa College of Law. Senator Courtney (4/15/04).

Megan Wischmeier, Burlington—For participation in Moot Court Competition, Iowa College of Law. Senator Courtney (4/15/04).

## REPORTS OF COMMITTEE MEETINGS

### GOVERNMENT OVERSIGHT

**Convened:** April 15, 2004, 2:50 p.m.

**Members Present:** Lundby, Chair; Brunkhorst, Vice Chair; Courtney, Ranking Member; Dvorsky, and Wieck.

**Members Absent:** None.

**Committee Business:** Passed [HF 2571](#).

**Adjourned:** 2:55 p.m.

### WAYS AND MEANS

**Convened:** April 15, 2004, 2:05 p.m.

**Members Present:** McKibben, Chair; Shull, Vice Chair; Bolcom, Ranking Member; Connolly, Dotzler, Hosch, McKinley, Putney, Rehberg, Seng, Stewart, and Wieck.

**Members Absent:** Angelo, McCoy, Miller, Quirnbach, and Sievers (all excused).

**Committee Business:** Passed [HF 2579](#).

**Adjourned:** 2:10 p.m.

## INTRODUCTION OF RESOLUTION

[Senate Resolution 175](#), by Houser, Schuerer, and Beall, a resolution requesting the establishment of an interim study committee to examine issues relating to renewable energy.

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

## SUBCOMMITTEE ASSIGNMENTS

### [House File 2577](#)

APPROPRIATIONS: Houser, Chair; Hatch and Lamberti

[House File 2579](#)

WAYS AND MEANS: Rehberg, Chair; Dotzler and Shull

FINAL COMMITTEE REPORTS OF BILL ACTION

**APPROPRIATIONS**

**Bill Title:** [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.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 20: Angelo, Lamberti, Dvorsky, Behn, Black, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Schuerer, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Zieman. Nays, none. Absent, 5: Bolkcom, Connolly, Dotzler, Miller, and Seng.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [HOUSE FILE 2577](#), a bill for an act relating to and making appropriations from the healthy lowans tobacco trust and the tobacco settlement trust fund and providing an effective date.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5376.

**Final Vote:** Ayes, 20: Angelo, Lamberti, Dvorsky, Behn, Black, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Schuerer, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Zieman. Nays, none. Absent, 5: Bolkcom, Connolly, Dotzler, Miller, and Seng.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**GOVERNMENT OVERSIGHT**

**Bill Title:** [HOUSE FILE 2571](#), a bill for an act relating to agriculture by providing for reporting requirements.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 5: Lundby, Brunkhorst, Courtney, Dvorsky, and Wieck. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.



**WAYS AND MEANS**

**Bill Title:** [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.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: McKibben, Shull, Bolkom, Connolly, Dotzler, Hosch, McKinley, Putney, Rehberg, Seng, Stewart, and Wieck. Nays, none. Absent, 5: Angelo, McCoy, Miller, Quirnbach, and Sievers.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**BILL 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 bill has 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 15th day of April, 2004:

[Senate File 2269](#).

MICHAEL E. MARSHALL  
Secretary of the Senate

## RECONVENED

The Senate reconvened at 3:45 p.m., President Lamberti presiding.

## QUORUM CALL

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

The vote revealed 41 present, 9 absent, and a quorum present.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [House File 2579](#).

[House File 2579](#)

On motion of Senator Rehberg, [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, 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. 2579](#)), the vote was:

Yeas, 48:

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

|         |           |         |           |
|---------|-----------|---------|-----------|
| Dearden | Iverson   | Ragan   | Warnstadt |
| Dotzler | Johnson   | Redfern | Wieck     |
| Drake   | Kettering | Rehberg | Zieman    |

Nays, none.

Absent, 2:

|        |        |
|--------|--------|
| Larson | Miller |
|--------|--------|

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

#### HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 15, 2004, **adopted** the conference committee report **and passed House File 2434**, a bill for an act to update and modify the enhanced 911 emergency telephone communications system.

#### CONFERENCE COMMITTEE REPORT CONSIDERED

#### [House File 2434](#)

Senator Putney called up the conference committee report on [House File 2434](#), a bill for an act to update and modify the enhanced 911 emergency telephone communications system, filed on April 14, 2004, and moved its adoption.

A record roll call was requested.

On the question "Shall the conference committee report be adopted?" ([H.F. 2434](#)), the vote was:

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

Yeas, 21:

|            |         |          |          |
|------------|---------|----------|----------|
| Angelo     | Hosch   | Lundby   | Veenstra |
| Beall      | Houser  | Putney   | Ward     |
| Behn       | Iverson | Redfern  | Wieck    |
| Brunkhorst | Johnson | Schuerer |          |

|        |           |         |
|--------|-----------|---------|
| Drake  | Kettering | Seymour |
| Fraise | Lamberti  | Shull   |

Nays, 27:

|          |          |           |           |
|----------|----------|-----------|-----------|
| Black    | Dvorsky  | Kreiman   | Seng      |
| Boettger | Gaskill  | McCoy     | Sievers   |
| Bolkcom  | Gronstal | McKibben  | Stewart   |
| Connolly | Hatch    | McKinley  | Tinsman   |
| Courtney | Holveck  | Quirnbach | Warnstadt |
| Dearden  | Horn     | Ragan     | Zieman    |
| Dotzler  | Kibbie   | Rehberg   |           |

Absent, 2:

|        |        |
|--------|--------|
| Larson | Miller |
|--------|--------|

The motion lost, and the conference committee report, and the recommendations and amendments contained therein, **failed** to be adopted.

#### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [House File 2573](#).

#### [House File 2573](#)

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

Senator Gaskill 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. 2573](#)), the vote was:

Yeas, 48:

|        |         |         |          |
|--------|---------|---------|----------|
| Angelo | Dvorsky | Kibbie  | Schuerer |
| Beall  | Fraise  | Kreiman | Seng     |

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

Nays, none.

Absent, 2:

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 Files 2573** and **2579** be **immediately messaged** to the House.

#### CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolutions 171 and 172.

#### [Senate Resolution 171](#)

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

Senator Ragan moved the adoption of [Senate Resolution 171](#), which motion prevailed by a voice vote.

### Senate Resolution 172

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

Senator Warnstadt moved the adoption of Senate Resolution 172, which motion prevailed by a voice vote.

The Senate stood at ease at 4:48 p.m. until the fall of the gavel.

The Senate resumed session at 5:20 p.m., President Lamberti presiding.

### INTRODUCTION OF BILL

Senate File 2308, by Iverson and Gronstal, a bill for an act relating to the number of days of payment for expenses of office for members of the general assembly for the 2004 regular session of the Eightieth General Assembly and including effective date and retroactive applicability provisions.

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

### RECESS

On motion of Senator Iverson, the Senate recessed at 5:21 p.m. until the completion of a meeting of the committee on Rules and Administration.

### RECONVENED

The Senate reconvened at 5:25 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 15, 2004, **amended and passed** the following bill in which the concurrence of the House was asked:

[Senate File 2275](#), a bill for an act relating to criminal sentencing practice and procedure. ([S-5378](#))

ALSO: That the House has on April 15, 2004, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, **and 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. ([S-5377](#))

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [House File 250](#).

[House File 250](#)

On motion of Senator Ward, [House File 250](#), a bill for an act relating to the criminal penalties for an assault on members of certain occupations, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 250](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Larson                      Miller

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

#### UNFINISHED BUSINESS

##### [House File 2231](#)

On motion of Senator Redfern, [House File 2231](#), a bill for an act relating to the release of sex offender registry records, and providing an effective date, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending passage, was taken up for consideration.

Senator Redfern offered amendment [S-5296](#), filed by him on April 7, 2004, to page 1 of the bill.

Senator Kreiman offered amendment [S-5304](#), filed by him on April 12, 2004, to page 1 of amendment [S-5296](#).

Senator Kreiman withdrew amendment [S-5304](#).

Senator Kreiman offered amendment [S-5311](#), filed by him on April 12, 2004, to page 1 of amendment [S-5296](#), and moved its adoption.



Amendment [S-5311](#) was adopted by a voice vote.

Senator Redfern moved the adoption of amendment [S-5296](#), as amended.

Amendment [S-5296](#) was adopted by a voice vote.

Senator Redfern asked and received unanimous consent to withdraw amendment [S-5265](#), filed by Senator Miller on April 5, 2004, to page 2 of the bill.

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. 2231](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

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 Files 250** and **2231** be **immediately messaged** to the House.

## FINAL COMMITTEE REPORT OF BILL ACTION

## RULES AND ADMINISTRATION

**Bill Title:** [HOUSE CONCURRENT RESOLUTION 105](#), a concurrent resolution concerning the Midwestern Legislative Conference of the Council of State Governments.

**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.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [House Concurrent Resolution 105](#).

[House Concurrent Resolution 105](#)

On motion of Senator Boettger, [House Concurrent Resolution 105](#), a concurrent resolution concerning the Midwestern Legislative Conference of the Council of State Governments, with report of committee recommending passage, was taken up for consideration.

Senator Boettger moved the adoption of [House Concurrent Resolution 105](#), which motion prevailed by a voice vote.

## FINAL COMMITTEE REPORT OF BILL ACTION

## RULES AND ADMINISTRATION

**Bill Title:** [SENATE RESOLUTION 175](#), a resolution requesting the establishment of an interim study committee to examine issues relating to renewable energy.

**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.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 175](#).

[Senate Resolution 175](#)

On motion of Senator Houser, [Senate Resolution 175](#), a resolution requesting the establishment of an interim study committee to examine issues relating to renewable energy, with report of committee recommending passage, was taken up for consideration.

Senator Boettger took the chair at 5:55 p.m.

Senator Houser moved the adoption of [Senate Resolution 175](#), which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTIONS  
(Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration Senate Resolutions 116 and 125.

[Senate Resolution 116](#)

On motion of Senator Dvorsky, [Senate Resolution 116](#), a resolution honoring the Iowa Democratic Party and the Republican Party of Iowa for outstanding achievements in bringing about nationwide recognition for the 2004 presidential precinct caucuses, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved the adoption of [Senate Resolution 116](#), which motion prevailed by a voice vote.

[Senate Resolution 125](#)

On motion of Senator Quirnbach, [Senate Resolution 125](#), a resolution to recognize the week of May 10, 2004, as Iowa Solar

Energy Awareness Week, with report of committee recommending passage, was taken up for consideration.

Senator Quirnbach moved the adoption of [Senate Resolution 125](#), which motion prevailed by a voice vote.

#### INTRODUCTION OF BILL

[Senate File 2309](#), by committee on Appropriations, a bill for an act relating to the licensure requirements for American sign language and manual English interpreters, making penalties applicable, and providing and effective date.

Read first time and **placed on Appropriations 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 **and passed** the following bills in which the concurrence of the House was asked:

[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, relating to use of substitute precinct election officials, relating to use of voting machine or paper ballots at certain elections, modifying opening 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.

[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.

[House File 2515](#), a bill for an act relating to the keeping of farm deer.

[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.

ALSO: That the House has on April 15, 2004, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

[House File 2200](#), a bill for an act relating to fire safety issues, including the establishment of a fire extinguishing system contractor certification program in the office of the state fire marshal, the promulgation of administrative rules by the state fire marshal, and arson and simulated explosive related criminal offenses, and providing for fees and penalties and for the Act's applicability.

[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.

#### FINAL COMMITTEE REPORT OF BILL ACTION

##### RULES AND ADMINISTRATION

**Bill Title:** [SENATE FILE 2308](#), a bill for an act relating to the number of days of payment for expenses of office for members of the general assembly for the 2004 regular session of the Eightieth General Assembly and including effective date and retroactive applicability provisions.

**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.

#### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 2308](#).

[Senate File 2308](#)

On motion of Senator Iverson, [Senate File 2308](#), a bill for an act relating to the number of days of payment for expenses of office for members of the general assembly for the 2004 regular session of the Eightieth General Assembly and including effective date and retroactive applicability provisions, 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. 2308](#)), the vote was:

Yeas, 45:

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

Nays, 3:

|        |         |        |
|--------|---------|--------|
| Angelo | Dvorsky | Lundby |
|--------|---------|--------|

Absent, 2:

|        |        |
|--------|--------|
| Larson | Miller |
|--------|--------|

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

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [House File 2577](#).

[House File 2577](#)

On motion of Senator Houser, [House File 2577](#), a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Houser offered amendment [S-5376](#), filed by the committee on Appropriations to page 8 of the bill, and moved its adoption.

Amendment [S-5376](#) was adopted by a voice vote.

Senator Bolkcom offered amendment [S-5380](#), filed by Senators Bolkcom and McCoy from the floor to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5380](#) be adopted?” ([H.F. 2577](#)), the vote was:

Yeas, 22:

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

Nays, 26:

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

Absent, 2:

|        |        |
|--------|--------|
| Larson | Miller |
|--------|--------|

Amendment [S-5380](#) lost.

Senator Ward offered amendment [S-5379](#), filed by Senator Lamberti, et al., from the floor to page 9 of the bill, and moved its adoption.

Amendment [S-5379](#) was adopted by a voice vote.

Senator Tinsman offered amendment [S-5381](#), filed by her from the floor to page 9 of the bill, and moved its adoption.

Amendment [S-5381](#) was adopted by a voice vote.

Senator Houser 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. 2577](#)), the vote was:

Yeas, 47:

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

Nays, 1:

Kreiman

Absent, 2:

Larson

Miller

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

### APPROPRIATIONS

**Bill Title:** \*[SENATE FILE 2309](#) (formerly [SF 2141](#)), a bill for an act relating to licensure requirements for American sign language and manual English interpreters, making penalties applicable, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 20: Angelo, Lamberti, Dvorsky, Behn, Black, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Schuerer, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Ziemann. Nays, none. Absent, 5: Bolkcom, Connolly, Dotzler, Miller, and Seng.

**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 Appropriations Committee on [Senate File 2309](#), and they were attached to the committee report.

### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 2309](#).

#### [Senate File 2309](#)

On motion of Senator Angelo, [Senate File 2309](#), a bill for an act relating to licensure requirements for American sign language and manual English interpreters, making penalties applicable, and providing an effective date, was taken up for consideration.

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. 2309](#)), the vote was:

Yeas, 47:

|          |          |          |         |
|----------|----------|----------|---------|
| Angelo   | Fraise   | Kreiman  | Seng    |
| Beall    | Gaskill  | Lamberti | Seymour |
| Behn     | Gronstal | Lundby   | Shull   |
| Black    | Hatch    | McCoy    | Sievers |
| Boettger | Holveck  | McKibben | Stewart |

|          |           |           |           |
|----------|-----------|-----------|-----------|
| Bolkcom  | Horn      | McKinley  | Tinsman   |
| Connolly | Hosch     | Putney    | Veenstra  |
| Courtney | Houser    | Quirnbach | Ward      |
| Dearden  | Iverson   | Ragan     | Warnstadt |
| Dotzler  | Johnson   | Redfern   | Wieck     |
| Drake    | Kettering | Rehberg   | Zieman    |
| Dvorsky  | Kibbie    | Schuerer  |           |

Nays, 1:

Brunkhorst

Absent, 2:

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 Files 2308** and **2309**, **[House Concurrent Resolution 105](#)**, and **[House File 2577](#)** be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:52 p.m. until 8:00 a.m., Friday, April 16, 2004.

**APPENDIX — 2****REPORT OF COMMITTEE MEETING****RULES AND ADMINISTRATION**

**Convened:** April 15, 2004, 5:15 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 [SR 175](#), [SF 2308](#), and [HCR 105](#).

**Adjourned:** 5:20 p.m.

**INTRODUCTION OF RESOLUTION**

[Senate Resolution 176](#), by Redfern, a resolution requesting authorization for the judicial district and judicial resources study committee to meet for an additional two years.

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

**SUBCOMMITTEE ASSIGNMENTS****[Senate Resolution 175](#)**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

**[Senate File 2308](#)**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

**[House Concurrent Resolution 105](#)**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

**MOTION TO RECONSIDER FILED**

MR. PRESIDENT: I move to reconsider the vote by which the conference committee report to [House File 2434](#) failed to be adopted by the Senate on April 15, 2004.

WILLIAM A. DOTZLER, JR.

## AMENDMENTS FILED

|                               |                                  |                 |
|-------------------------------|----------------------------------|-----------------|
| <a href="#"><u>S-5374</u></a> | <a href="#"><u>H.F. 2473</u></a> | Steve Warnstadt |
| <a href="#"><u>S-5375</u></a> | <a href="#"><u>H.F. 2473</u></a> | Steve Warnstadt |
| <a href="#"><u>S-5376</u></a> | <a href="#"><u>H.F. 2577</u></a> | Appropriations  |
| <a href="#"><u>S-5377</u></a> | <a href="#"><u>H.F. 2574</u></a> | House           |
| <a href="#"><u>S-5378</u></a> | <a href="#"><u>S.F. 2275</u></a> | House           |
| <a href="#"><u>S-5379</u></a> | <a href="#"><u>H.F. 2577</u></a> | Jeff Lamberti   |
|                               |                                  | Pat Ward        |
|                               |                                  | Matt W. McCoy   |
|                               |                                  | Jack Hatch      |
| <a href="#"><u>S-5380</u></a> | <a href="#"><u>H.F. 2577</u></a> | Joe Bolkom      |
|                               |                                  | Matt W. McCoy   |
| <a href="#"><u>S-5381</u></a> | <a href="#"><u>H.F. 2577</u></a> | Maggie Tinsman  |