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**STATE OF IOWA**

**Senate Journal**

**TUESDAY, APRIL 5, 2005**

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## JOURNAL OF THE SENATE

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EIGHTY-SIXTH CALENDAR DAY  
FIFTIETH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, April 5, 2005

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

Prayer was offered by the Reverend Robert Doner, pastor of the Peace United Church of Christ in Gladbrook, Iowa. He was the guest of Senator Putney.

The Journal of Monday, April 4, 2005, was approved.

### RECESS

On motion of Senator Gronstal, the Senate recessed at 8:44 a.m. until the completion of a meeting of the committee on Rules and Administration.

### RECONVENED

The Senate reconvened at 8:53 a.m., President Lamberti presiding.

### RECESS

On motion of Senator Gronstal, the Senate recessed at 8:54 a.m. until 3:30 p.m.

**APPENDIX — 1****CERTIFICATE OF RECOGNITION**

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

Vincent Utter, Sioux City—For achieving the rank of Eagle Scout, Boy Scout Troop 225. Senator Warnstadt (4/5/05).

**REPORTS OF COMMITTEE MEETINGS****HUMAN RESOURCES**

**Convened:** April 4, 2005, 2:35 p.m.

**Members Present:** Ragan and Seymour, Co-chairs; Behn, Bolkcom, Dotzler, Gaskill, Hatch, Houser, Johnson, Quirnbach, Tinsman, and Wood.

**Members Absent:** Boettger and Kreiman (both excused).

**Committee Business:** Passed HFs 478, 617, and 784. Approved Governor's appointees.

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

**AGRICULTURE**

**Convened:** April 5, 2005, 1:05 p.m.

**Members Present:** Fraise and Johnson, Co-chairs; Black, Brunkhorst, Courtney, Gaskill, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, Ragan, and Rielly.

**Members Absent:** None.

**Committee Business:** Passed [HF 438](#).

**Adjourned:** 1:10 p.m.

**ECONOMIC GROWTH**

**Convened:** April 5, 2005, 9:05 a.m.

**Members Present:** Brunkhorst and Hatch, Co-chairs; Beall, Behn, Danielson, Dotzler, Hahn, McKinley, Ragan, Rielly, Seymour, Shull, Stewart, and Zaun.

**Members Absent:** None.

**Committee Business:** Presentation on Newton racetrack. Subcommittee assignments.

**Adjourned:** 10:10 a.m.

#### NATURAL RESOURCES AND ENVIRONMENT

**Convened:** April 5, 2005, 9:05 a.m.

**Members Present:** Black and Houser, Co-chairs; Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood.

**Members Absent:** None.

**Committee Business:** Passed HFs 291, 399, and 602. Approved Governor's appointees.

**Adjourned:** 9:25 a.m.

#### RULES AND ADMINISTRATION

**Convened:** April 5, 2005, 8:44 a.m.

**Members Present:** Gronstal and Iverson, Co-chairs; Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan.

**Members Absent:** None.

**Committee Business:** Passed [SCR 11](#) and SRs 4, 16, 22, 24, 27, 28, 29, 30, and 31.

**Adjourned:** 8:50 a.m.

#### WAYS AND MEANS

**Convened:** April 5, 2005, 11:05 a.m.

**Members Present:** Bolkcom, Co-chair; Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKibben, McKinley, Miller, Quirnbach, Seng, Stewart, Wieck, and Zaun.

**Members Absent:** Zieman, Co-chair (excused).

**Committee Business:** Passed [SF 281](#) and HFs 310 and 674. Approved [SSB 1288](#).

**Adjourned:** 11:20 a.m.

#### INTRODUCTION OF RESOLUTIONS

[Senate Concurrent Resolution 12](#), by Black, Angelo, Warnstadt, Houser, and Kibbie, a concurrent resolution to recognize

Vernon J. Baker, the only living World War II Medal of Honor recipient with an Iowa attachment.

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

**Senate Resolution 32**, by Johnson, Angelo, Beall, Behn, Black, Boettger, Bolkcom, Brunkhorst, Connolly, Courtney, Danielson, Dearden, Dotzler, Dvorsky, Fraise, Gaskill, Gronstal, Hahn, Hancock, Hatch, Horn, Houser, Iverson, Kettering, Kibbie, Kreiman, Lamberti, Larson, Lundby, McCoy, McKibben, McKinley, Miller, Mulder, Putney, Quirmbach, Ragan, Rielly, Schoenjahn, Seng, Seymour, Shull, Stewart, Tinsman, Ward, Warnstadt, Wieck, Wood, Zaun, and Zieman, a resolution posthumously honoring His Holiness Pope John Paul II and commemorating his life's work.

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

#### INTRODUCTION OF BILLS

**Senate File 400**, by Lamberti, a bill for an act providing for income tax credits for the cost of purchasing life insurance coverage by certain members of the national guard and the reserves, providing for death benefits for certain deceased members of the national guard and the reserves, making appropriations, and providing for effective and retroactive applicability dates.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

**Senate File 401**, by committee on Ways and Means, a bill for an act relating to motor vehicle fuel taxes, by exempting small biofuel producers and providing a future repeal.

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

**SUBCOMMITTEE ASSIGNMENTS****[Senate Concurrent Resolution 12](#)**

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

**[House File 538](#)**

HUMAN RESOURCES: Hatch and Tinsman, Co-chairs; Houser and Kreiman

**[House File 583](#)**

STATE GOVERNMENT: Wieck and Wood, Co-chairs; Hancock and McKibben

**[House File 608](#)**

JUDICIARY: Kreiman and McKibben, Co-chairs; Miller and Warnstadt

**[House File 610](#)**

COMMERCE: McKinley and Rielly, Co-chairs; Courtney and Wieck

**[House File 644](#)**

STATE GOVERNMENT: Danielson and Zieman, Co-chairs; Hancock and McKibben

**[House File 647](#)**

STATE GOVERNMENT: Hancock and Zieman, Co-chairs; McKibben and Wood

**[House File 708](#)**

ECONOMIC GROWTH: Ragan, Chair; Behn, Rielly, and Zaun

**[House File 753](#)**

HUMAN RESOURCES: Boettger and Kreiman, Co-chairs; Hatch and Seymour

**[House File 793](#)**

STATE GOVERNMENT: Danielson and Zieman, Co-chairs; McKibben and Wood

**[House File 797](#)**

ECONOMIC GROWTH: Shull, Chair; Beall, Hahn, and Ragan

**[House File 826](#)**

TRANSPORTATION: Danielson and Putney, Co-chairs; Kettering and McCoy

## FINAL COMMITTEE REPORTS OF BILL ACTION

## AGRICULTURE

**Bill Title:** [HOUSE FILE 438](#), a bill for an act relating to assessments associated with soil and water conservation districts, by providing for the deposit of moneys in a fund established by a district's commissioners.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Fraise, Johnson, Black, Brunkhorst, Courtney, Gaskill, Hahn, Hancock, Houser, Kibbie, Mulder, Putney, Ragan, and Rielly. Nays, none. Absent, none.

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

## JUDICIARY

**Bill Title:** [HOUSE FILE 440](#), a bill for an act relating to sanctioning the motor vehicle operating privileges of a person upon a second or subsequent conviction for motor fuel theft from a retail dealer.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, McKibben, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun. Nays, 1: Quirmbach. Absent, none.

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

## ALSO:

**Bill Title:** [HOUSE FILE 685](#), a bill for an act establishing the child identification and protection Act, which prohibits the fingerprinting of children, and providing for exceptions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Kreiman, Miller, Boettger, Fraise, Hancock, Horn, McKibben, Quirmbach, Schoenjahn, Tinsman, Ward, and Warnstadt. Nays, none. Absent, 4: Brunkhorst, Dvorsky, Larson, and Zaun.

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

## ALSO:

**Bill Title:** [HOUSE FILE 726](#), a bill for an act allowing a physician assistant and an advanced registered nurse practitioner to certify an alleged intoxicated driver's incapacitated state for purposes of chemical testing.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Kreiman, Miller, Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, McKibben, Quirnbach, Schoenjahn, Tinsman, Ward, and Warnstadt. Nays, none. Absent, 1: Zaun.

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

**ALSO:**

**Bill Title:** [HOUSE FILE 777](#), a bill for an act relating to testing a person for contagious or infectious disease if the person assaults a person by exchanging or attempting to exchange bodily fluids, and providing a penalty.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Kreiman, Miller, Boettger, Fraise, Hancock, Horn, McKibben, Quirnbach, Schoenjahn, Tinsman, Ward, and Warnstadt. Nays, none. Absent, 4: Brunkhorst, Dvorsky, Larson, and Zaun.

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

#### NATURAL RESOURCES AND ENVIRONMENT

**Bill Title:** [HOUSE FILE 291](#), a bill for an act relating to accounts and fees under the water quality protection fund.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Black, Houser, Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** [HOUSE FILE 399](#), a bill for an act relating to the disposal of solid waste by planning areas and related solid waste management plans and reports.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Black, Houser, Bolkcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** [HOUSE FILE 602](#), a bill for an act relating to the collection, transportation, and disposal of household hazardous waste.

**Recommendation:** DO PASS.



**Final Vote:** Ayes, 14: Black, Houser, Bolcom, Dearden, Gaskill, Hancock, Johnson, Kettering, Lundby, Miller, Putney, Schoenjahn, Seng, and Wood. Nays, none. Absent, none.

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

#### **RULES AND ADMINISTRATION**

**Bill Title:** [SENATE CONCURRENT RESOLUTION 11](#), a concurrent resolution requesting the establishment of a planning group to develop a plan for unifying the state administration of services utilized by older Iowans age 60 or older.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

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

#### **ALSO:**

**Bill Title:** [SENATE RESOLUTION 4](#), a resolution to recognize Professor Piet Koene of Northwestern College for being selected Iowa Professor of the Year for 2004 by the Carnegie Foundation for the Advancement of Teaching.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

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

#### **ALSO:**

**Bill Title:** [SENATE RESOLUTION 16](#), a resolution honoring the actress Hilary Swank and her Iowa roots.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

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

#### **ALSO:**

**Bill Title:** [SENATE RESOLUTION 22](#), a resolution to recognize the life and accomplishments of Colonel Virgil D. Olson.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** [SENATE RESOLUTION 24](#), a resolution honoring the Morningside College Women's Basketball Team on their national championship.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** [SENATE RESOLUTION 27](#), a resolution to recognize and honor Professor James Van Allen for his lifetime of service and achievement.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** [SENATE RESOLUTION 28](#), a resolution to recognize the 50th anniversary of the creation of county conservation boards.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** [SENATE RESOLUTION 29](#), a resolution to recognize Holly Bender, Associate Professor of Veterinary Pathology at Iowa State University, for receiving the Teaching Excellence Award for Basic Sciences from the Student American Veterinary Medicine Association.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** [SENATE RESOLUTION 30](#), a resolution of appreciation to the Iowa Chapter of the American Institute of Architects for designating C.Y. Stephens Auditorium as Iowa's Building of the Century.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** [SENATE RESOLUTION 31](#), a resolution to recognize Joanne Olson of Iowa State University for being named the Outstanding Science Teacher Educator of the Year by the Association for Science Teacher Education.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Gronstal, Iverson, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

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

**WAYS AND MEANS**

**Bill Title:** [SENATE FILE 401 \(SSB 1288\)](#), a bill for an act relating to motor vehicle fuel taxes, by exempting small biofuel producers and providing a future repeal.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Bolkcom, Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKibben, McKinley, Miller, Quirnbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 1: Zieman.

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

**ALSO:**

**Bill Title:** [HOUSE FILE 310](#), a bill for an act exempting the sale of toys to certain nonprofit organizations from state sales and use taxes.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Bolkcom, Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKibben, McKinley, Miller, Quirnbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 1: Zieman.

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

**ALSO:**

**Bill Title:** [HOUSE FILE 674](#), a bill for an act relating to distribution of secondary and farm-to-market road funds.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Bolkcom, Connolly, Danielson, Dotzler, Hahn, Larson, McKibben, McKinley, Miller, Quirnbach, Seng, Stewart, and Zaun. Nays, 2: McCoy and Wieck. Absent, 1: Zieman.

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

### BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

#### The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 5th day of April, 2005:

Senate Files 205, 264, and 270.

MICHAEL E. MARSHALL  
Secretary of the Senate

**AFTERNOON SESSION**

The Senate reconvened at 3:30 p.m., President Lamberti presiding.

The Senate stood at ease at 3:32 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate reconvened at 5:02 p.m., President Lamberti presiding.

**CONFIRMATION OF GOVERNOR'S APPOINTMENTS**

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

Timothy Fehr, Boiler and Pressure Vessel Board  
Amy Iles, Boiler and Pressure Vessel Board

Henry Neuman, Board of Trustees of the Iowa Cultural Trust

Debra Yossi, Board of Dental Examiners

Beverly Smith, Board of Educational Examiners

Vincent Lintz, Iowa Finance Authority

Lana Dettbarn, Investment Board of the IPERS

Susan E. Voss, Commissioner of Insurance

Carolyn Magnani, Landscape Architectural Examining Board

Kenneth Lang, Board of Examiners for Massage Therapy

Dana Shaffer, Board of Medical Examiners

Lynn Ferrell, Mental Health Risk Pool Board

Marcus Vigen, Board of Mortuary Science Examiners

Barbara O'Roake, Board of Pharmacy Examiners

Robert Yoho, Board of Podiatry Examiners

Gerald Bair, State Racing and Gaming Commission

Mary Ellen Chamberlin, Vision Iowa Board

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

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

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

#### HOUSE AMENDMENT CONSIDERED

#### [Senate File 246](#)

Senator McKibben called up for consideration [Senate File 246](#), a bill for an act prohibiting a donation or contribution to an agency, organization, or political subdivision of the state in a criminal proceeding, amended by the House, and moved that the Senate refuse to concur in House amendment [S-3075](#), filed April 4, 2005.

The motion prevailed by a voice vote and the Senate **refused to concur** in the House amendment.

UNFINISHED BUSINESS  
(Deferred April 4, 2005)

**Senate File 344**

The Senate resumed consideration of **Senate File 344**, a bill for an act relating to the required fuel efficiency of newly purchased state vehicles, deferred April 4, 2005.

Senator Hahn 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. 344**), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration **Senate File 220**.

**Senate File 220**

On motion of Senator Beall, **Senate File 220**, a bill for an act relating to the authorized uses of physical plant and equipment levy revenue, and including an applicability provision, was taken up for consideration.

Senator Putney offered amendment **S-3087**, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment **S-3087** was adopted by a voice vote.

Senator Warnstadt offered amendment **S-3004**, filed by him on February 28, 2005, to page 1 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 28, nays 22.

Amendment **S-3004** was adopted.

With the adoption of amendment **S-3004**, the Chair ruled amendment **S-3005**, filed by Senator Warnstadt on March 2, 2005, to page 1 of the bill, out of order.

Senator Beall 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. 220**), the vote was:

Yeas, 38:

Angelo	Fraise	McKibben	Shull
Beall	Gaskill	McKinley	Stewart
Boettger	Hancock	Mulder	Tinsman
Bolkcom	Hatch	Putney	Ward
Connolly	Horn	Quirnbach	Warnstadt
Courtney	Houser	Ragan	Wieck
Danielson	Johnson	Rielly	Wood
Dearden	Kibbie	Schoenjahn	Zieman
Dotzler	Kreiman	Seng	
Dvorsky	Lundby	Seymour	



Nays, 12:

Behn	Gronstal	Kettering	McCoy
Black	Hahn	Lamberti	Miller
Brunkhorst	Iverson	Larson	Zaun

Absent, none.

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

#### HOUSE AMENDMENT CONSIDERED

#### [Senate File 379](#)

Senator Ward called up for consideration [Senate File 379](#), a bill for an act relating to the Iowa probate code, the Iowa trust code, and certain other trusts, amended by the House in House amendment [S-3076](#), filed April 4, 2005.

Senator Ward moved that the Senate concur in the House amendment.

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

Senator Ward moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 379](#)), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman

Dotzler  
Dvorsky

Kibbie  
Kreiman

Rielly  
Schoenjahn

Nays, none.

Absent, none.

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

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 341](#).

[Senate File 341](#)

On motion of Senator Seymour, [Senate File 341](#), a bill for an act relating to the long-term living system in Iowa including establishment of the intent for Iowa's long-term living system, was taken up for consideration.

Senator Connolly asked and received unanimous consent that action on [Senate File 341](#) be deferred.

CONSIDERATION OF BILLS  
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 395](#) and House Files 186 and 187.

[Senate File 395](#)

On motion of Senator Stewart, [Senate File 395](#), a bill for an act relating to the activities of the grape and wine development commission, and providing for the transfer of wine gallonage tax revenues to the grape and wine development fund, was taken up for consideration.

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

On the question “Shall the bill pass?” ([S.F. 395](#)), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

### [House File 186](#)

On motion of Senator Larson, [House File 186](#), a bill for an act updating the Code references to the Internal Revenue Code and including retroactive applicability and effective date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Larson 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. 186](#)), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt

Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

### House File 187

On motion of Senator Zaun, [House File 187](#), a bill for an act relating to the utility replacement tax task force, with report of committee recommending passage, was taken up for consideration.

Senator Zaun 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. 187](#)), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 220, 246, 344, 379, and 395** and **House Files 186 and 187** be **immediately messaged** to the House.

## BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 396** be referred from the Regular Calendar to the committee on **Appropriations**.

## BUSINESS PENDING

**Senate File 341**

The Senate resumed consideration of **Senate File 341**, a bill for an act relating to the long-term living system in Iowa including establishment of the intent for Iowa's long-term living system, previously deferred.

Senator Connolly asked to withdraw amendment **S-3089** filed by him from the floor to pages 1 and 2 and to the title page of the bill.

Senator Seymour 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. 341**), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman

Dotzler  
Dvorsky

Kibbie  
Kreiman

Rielly  
Schoenjahn

Nays, none.

Absent, none.

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

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 341](#) be **immediately messaged** to the House.

#### 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 5, 2005, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 772](#), a bill for an act relating to violations of the open meetings and open records law by a member of a governmental body, the lawful custodian of a public record, or any other appropriate person.

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

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:26 p.m. until 8:30 a.m., Wednesday, April 6, 2005.

**APPENDIX — 2****CERTIFICATE OF RECOGNITION**

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

Jon Dolder, Iowa City—For achieving the rank of Eagle Scout, Boy Scout Troop 204. Senator Bolkcom (4/5/05).

**REPORTS OF COMMITTEE MEETINGS****COMMERCE**

**Convened:** April 5, 2005, 3:05 p.m.

**Members Present:** Behn and Warnstadt, Co-chairs; Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, Larson, McCoy, McKinley, Rielly, Stewart, Wieck, and Zaun.

**Members Absent:** Zieman (excused).

**Committee Business:** Passed HFs 420 and 540. Approved Governor's appointees.

**Adjourned:** 3:20 p.m.

**JUDICIARY**

**Convened:** April 5, 2005, 10:05 a.m.

**Members Present:** Kreiman and Miller, Co-chairs; Boettger, Brunkhorst, Dvorsky, Fraise, Hancock, Horn, Larson, McKibben, Quirnbach, Schoenjahn, Tinsman, Ward, Warnstadt, and Zaun.

**Members Absent:** None.

**Committee Business:** Passed HFs 440, 685, 726, and 777. Approved Governor's appointees.

**Adjourned:** 10:45 a.m.

**LOCAL GOVERNMENT**

**Convened:** April 5, 2005, 2:00 p.m.

**Members Present:** Quirnbach and Shull, Co-chairs; Houser, Kreiman, Lundby, McCoy, Mulder, Putney, Rielly, Schoenjahn, and Stewart.

**Members Absent:** Zaun (excused).

**Committee Business:** Passed HF's 712 and 754.

**Adjourned:** 2:40 p.m.

#### STATE GOVERNMENT

**Convened:** April 5, 2005, 2:05 p.m.

**Members Present:** Horn and McKibben, Co-chairs; Black, Brunkhorst, Connolly, Danielson, Hancock, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, and Wood.

**Members Absent:** Hatch and Zieman (both excused).

**Committee Business:** Passed HF's 131, 253, 312, 469, 641, 645, 716, and 748.

**Adjourned:** 2:40 p.m.

#### SUBCOMMITTEE ASSIGNMENTS

##### [House File 711](#)

APPROPRIATIONS: Dvorsky and Ward, Co-chairs; Fraise and Lamberti

##### [House File 816](#)

APPROPRIATIONS: Boettger and Horn, Co-chairs; Angelo and Dvorsky

##### [House File 821](#)

APPROPRIATIONS: Ragan and Seymour, Co-chairs; Hatch and Tinsman

#### FINAL COMMITTEE REPORTS OF BILL ACTION

##### COMMERCE

**Bill Title:** [HOUSE FILE 420](#), a bill for an act relating to third-party payment of health care coverage costs for biologically based mental illness treatment services.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Warnstadt, Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, McCoy, Rielly, Stewart, and Zaun. Nays, 4: Behn, Larson, McKinley, and Wieck. Absent, 1: Zieman.

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

##### ALSO:

**Bill Title:** [HOUSE FILE 540](#), a bill for an act relating to reports of traffic accidents involving certified law enforcement officers.



**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Behn, Warnstadt, Angelo, Beall, Bolkcom, Courtney, Gronstal, Kettering, Larson, McCoy, McKinley, Rielly, Stewart, Wieck, and Zaun. Nays, none. Absent, 1: Zieman.

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

#### LOCAL GOVERNMENT

**Bill Title:** [HOUSE FILE 754](#), a bill for an act relating to a homestead exemption waiver notice contained in a written contract affecting agricultural land.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Quirmbach, Shull, Houser, McCoy, Mulder, Putney, Rielly, Schoenjahn, and Stewart. Nays, 1: Lundby. Present, 1: Kreiman. Absent, 1: Zaun.

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

#### STATE GOVERNMENT

**Bill Title:** [HOUSE FILE 131](#), a bill for an act relating to the required education and training for dental assistants.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Horn, McKibben, Brunkhorst, Connolly, Danielson, Hancock, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, and Wood. Nays, none. Absent, 3: Black, Hatch, and Zieman.

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

#### ALSO:

**Bill Title:** \*[HOUSE FILE 253](#), a bill for an act relating to governmental ethics and the duties of the Iowa ethics and campaign disclosure board.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3088](#).

**Final Vote:** Ayes, 14: Horn, McKibben, Black, Brunkhorst, Connolly, Danielson, Hancock, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, and Wood. Nays, none. Absent, 2: Hatch and Zieman.

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

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on [House File 253](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** [HOUSE FILE 312](#), a bill for an act relating to campaign finance committee reporting, use of committee funds or property, independent expenditures, and placement of campaign signs.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Horn, McKibben, Black, Brunkhorst, Connolly, Danielson, Hancock, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, and Wood. Nays, none. Absent, 2: Hatch and Ziemann.

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

**ALSO:**

**Bill Title:** [HOUSE FILE 469](#), a bill for an act increasing the membership of the real estate commission.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Horn, McKibben, Brunkhorst, Connolly, Danielson, Hancock, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, and Wood. Nays, none. Absent, 3: Black, Hatch, and Ziemann.

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

**ALSO:**

**Bill Title:** [HOUSE FILE 641](#), a bill for an act concerning the determination of state regulatory fees on excursion gambling boats relating to the number of gaming enforcement officers on larger excursion gambling boats.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Horn, McKibben, Black, Brunkhorst, Connolly, Danielson, Hancock, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, and Wood. Nays, none. Absent, 2: Hatch and Ziemann.

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

**ALSO:**

**Bill Title:** \*[HOUSE FILE 645](#), a bill for an act relating to the regulation of lotteries, including the definition of a lottery, permissible lotteries by commercial organizations, and the prosecution of violators.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3086](#).

**Final Vote:** Ayes, 14: Horn, McKibben, Black, Brunkhorst, Connolly, Danielson, Hancock, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, and Wood. Nays, none. Absent, 2: Hatch and Ziemann.

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

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on [House File 645](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** [HOUSE FILE 716](#), a bill for an act relating to the military division and the homeland security and emergency management division of the department of public defense concerning the activation and use of the civil air patrol, the authority of the adjutant general to enter into interstate agreements for use of national guard personnel, and the use of the national incident management system for state emergencies.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Horn, McKibben, Black, Brunkhorst, Connolly, Danielson, Hancock, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, and Wood. Nays, none. Absent, 2: Hatch and Ziemann.

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

**ALSO:**

**Bill Title:** [HOUSE FILE 748](#), a bill for an act providing for state employee payroll deductions for qualified tuition program contributions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Horn, McKibben, Black, Brunkhorst, Connolly, Danielson, Hancock, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, and Wood. Nays, none. Absent, 2: Hatch and Ziemann.

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

#### GOVERNOR'S APPOINTEE PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

##### NATURAL RESOURCES AND ENVIRONMENT

Jeffrey Vonk – Director of the Department of Natural Resources

**GOVERNOR'S APPOINTEES PLACED ON  
EN BLOC CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

**COMMERCE**

Barbara Oliver-Hall – Credit Union Review Board

Timothy Lapointe – Iowa Telecommunications and Technology Commission

Surasee Rodari – Title Guaranty Division Board

Mitchell Taylor – Title Guaranty Division Board

**JUDICIARY**

Constance Gronstal – Iowa State Civil Rights Commission

Frederick Morain – Iowa State Civil Rights Commission

Timothy Tutt – Iowa State Civil Rights Commission

David Erickson – Board of Corrections

**NATURAL RESOURCES AND ENVIRONMENT**

Darrell Hanson – Environmental Protection Commission

Henry Marquard – Environmental Protection Commission

Suzanne Morrow – Environmental Protection Commission

David Petty – Environmental Protection Commission

Mary Gail Scott – Environmental Protection Commission

Elizabeth Garst – Natural Resource Commission

Carol Kramer – Natural Resource Commission

Lennis Moore – Natural Resource Commission

Douglas Beech – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

James Holcomb – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

Judith Bodholdt – Renewable Fuels and Coproducts Advisory Committee

Kevin Lewis – Renewable Fuels and Coproducts Advisory Committee

Laura Rowe – Renewable Fuels and Coproducts Advisory Committee

## AMENDMENTS FILED

<a href="#"><u>S-3083</u></a>	<a href="#"><u>H.F. 440</u></a>	Herman C. Quirnbach
<a href="#"><u>S-3084</u></a>	<a href="#"><u>S.F. 349</u></a>	James Seymour
<a href="#"><u>S-3085</u></a>	<a href="#"><u>H.F. 742</u></a>	John Putney
<a href="#"><u>S-3086</u></a>	<a href="#"><u>H.F. 645</u></a>	State Government
<a href="#"><u>S-3087</u></a>	<a href="#"><u>S.F. 220</u></a>	John Putney
<a href="#"><u>S-3088</u></a>	<a href="#"><u>H.F. 253</u></a>	State Government
<a href="#"><u>S-3089</u></a>	<a href="#"><u>S.F. 341</u></a>	Michael Connolly