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**STATE OF IOWA**

**Senate Journal**

**TUESDAY, APRIL 12, 2005**

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## JOURNAL OF THE SENATE

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NINETY-THIRD CALENDAR DAY  
FIFTY-FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, April 12, 2005

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

Prayer was offered by Father Douglas Loecke, pastor of St. Francis Xavier Basilica of Dyersville and St. Paul's Catholic Church of Worthington. He was the guest of Senator Hancock.

The Journal of Monday, April 11, 2005, was approved.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 4](#).

#### [Senate Resolution 4](#)

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

Senator Mulder moved the adoption of [Senate Resolution 4](#), which motion prevailed by a voice vote.

The Senate stood at ease at 8:46 a.m. until the fall of the gavel for the purpose of party caucuses.

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

### HOUSE MESSAGE RECEIVED

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 12, 2005, **adopted** the following resolution in which the concurrence of the House was asked:

**Senate Concurrent Resolution 5**, a concurrent resolution urging the United States Congress to appropriate funding for the Historic Barn Preservation Act.

### RECESS

On motion of Senator Iverson, the Senate recessed at 10:11 a.m. until 2:00 p.m.

### AFTERNOON SESSION

The Senate reconvened at 2:10 p.m., President Kibbie 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 12, 2005, **passed** the following bills in which the concurrence of the House was asked:

**Senate File 265**, a bill for an act relating to delinquent property taxes and other duties of the county treasurer and including effective date and applicability date provisions.

**Senate File 283**, a bill for an act relating to the department of public safety by updating references, changing the names of divisions in the department, and changing practices and procedures.

**Senate File 320**, a bill for an act requiring performance of a criminal history check of applicants for real estate broker and salesperson licenses.

ALSO: That the House has on April 12, 2005, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 840**, a bill for an act authorizing the rebate of state sales tax to the owner or operator of a sanctioned automobile racetrack facility.

Read first time and **attached to companion Senate File 393**.

#### QUORUM CALL

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

The vote revealed 39 present, 11 absent, and a quorum present.

#### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration **House File 726**.

#### **House File 726**

On motion of Senator Brunkhorst, **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, 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. 726**), 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 Iverson asked and received unanimous consent that [House File 726](#) be **immediately messaged** to the House.

#### CONFIRMATION OF GOVERNOR'S APPOINTMENTS

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

Mary Kelly, Board of Trustees of the Iowa Cultural Trust

James Grover, Commission on the Deaf

Pamela Dettmann, Iowa Drug Policy Advisory Council

Steven Adams, Iowa Finance Authority

Donna Winburn, Iowa Grain Indemnity Fund Board

Mary Jane McWilliams, Board for the Licensing and Regulation of Hearing Aid Dispensers

Donald Wright, Council on Human Services

Ann Reinhart, Landscape Architectural Examining Board

Patty Link, Iowa Law Enforcement Academy Council

Kathy Spencer-Jensen, Board of Examiners for Massage Therapy

Pauline Taylor, Board of Nursing Examiners

Patricia Moreland, Prevention of Disabilities Policy Council

William Furlong, Renewable Fuels and Coproducts Advisory Committee  
Kevin Lewis, Renewable Fuels and Coproducts Advisory Committee

Noreen Humphrey, Commission on Tobacco Use Prevention and Control

Thomas Hart, State Transportation Commission

David Odekirk, Vision Iowa Board

Senator Iverson 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.

#### CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Iverson called up the appointment of Jeffrey Vonk, as Director of the Department of Natural Resources, placed on the

Individual Confirmation Calendar on April 5, 2005, and found on page 767 of the Senate Journal.

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

On the question "Shall the appointee 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 appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of James E. Forney, as Superintendent of Credit Unions, placed on the Individual Confirmation Calendar on March 30, 2005, and found on page 698 of the Senate Journal.

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

On the question "Shall the appointee 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 appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of Richard G. Moore, as Administrator of the Division of Criminal and Juvenile Justice Planning, placed on the Individual Confirmation Calendar on March 29, 2005, and found on page 678 of the Senate Journal.

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

On the question "Shall the appointee 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 appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Behn called up the appointment of Anita Walker, as Director of the Department of Cultural Affairs, placed on the Individual Confirmation Calendar on March 24, 2005, and found on page 646 of the Senate Journal.

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

On the question "Shall the appointee 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 appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Behn called up the appointment of Judy Jeffrey, as Director of the Department of Education, placed on the Individual Confirmation Calendar on March 24, 2005, and found on page 646 of the Senate Journal.

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

On the question "Shall the appointee 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 appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Behn called up the appointment of Walter Reed, Jr., as Director of the Department of Human Rights, placed on the Individual Confirmation Calendar on March 31, 2005, and found on page 710 of the Senate Journal.

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

On the question "Shall the appointee 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 appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Behn called up the appointment of David Neil, as Labor Commissioner, placed on the Individual Confirmation Calendar on March 30, 2005, and found on page 697 of the Senate Journal.

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

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

Yeas, 48:

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

Nays, 2:

Tinsman	Zaun
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Absent, none.

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

Senator Behn called up the appointment of Michael Tramontina, as the Director of the Department of Management, placed on the Individual Confirmation Calendar on April 4, 2005, and found on page 724 of the Senate Journal.

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

On the question "Shall the appointee 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 appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Behn called up the appointment of Thomas Bedell, as a member of the State Board of Regents, placed on the Individual Confirmation Calendar on March 24, 2005, and found on page 646 of the Senate Journal.

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

On the question "Shall the appointee 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 appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Behn called up the appointment of Michael Gartner, as a member of the State Board of Regents, placed on the Individual Confirmation Calendar on March 24, 2005, and found on page 646 of the Senate Journal.

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

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

Yeas, 42:

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

Nays, 7:

Angelo	Black	Iverson	Zaun
Behn	Hahn	Miller	

Present, 1:

Hatch

Absent, none.

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

Senator Behn called up the appointment of Teresa Wahlert, as a member of the State Board of Regents, placed on the Individual Confirmation Calendar on March 24, 2005, and found on page 646 of the Senate Journal.

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

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

Yeas, 49:

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	Zieman
Dearden	Kettering	Ragan	
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, 1:

Zaun

Absent, none.

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

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lamberti, until he returns, on request of Senator Iverson.

**CONFIRMATION OF GOVERNOR'S APPOINTMENTS  
(Individual Confirmation Calendar)**

Senator Behn called up the appointment of Ruth Harkin, as a member of the State Board of Regents, placed on the Individual Confirmation Calendar on March 24, 2005, and found on page 646 of the Senate Journal.

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

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

Yeas, 34:

Angelo	Dotzler	Kibbie	Schoenjahn
Beall	Dvorsky	Kreiman	Seng
Black	Fraise	Larson	Shull
Bolkcom	Gronstal	McCoy	Stewart
Brunkhorst	Hancock	Mulder	Tinsman
Connolly	Hatch	Putney	Warnstadt
Courtney	Horn	Quirnbach	Wood
Danielson	Houser	Ragan	
Dearden	Johnson	Rielly	

Nays, 15:

Behn	Iverson	McKinley	Wieck
Boettger	Kettering	Miller	Zaun
Gaskill	Lundby	Seymour	Zieman
Hahn	McKibben	Ward	

Absent, 1:

Lamberti

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

Senator Behn called up the appointment and reappointment of John Norris, as a member of the Utilities Board, placed on the Individual Confirmation Calendar on March 30, 2005, and found on page 698 of the Senate Journal.

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

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

Yeas, 49:

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

Nays, none.

Absent, 1:

Lamberti

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

Senator Behn called up the appointment and reappointment of John Norris, as Chair of the Utilities Board, placed on the Individual Confirmation Calendar on March 30, 2005, and found on page 698 of the Senate Journal.

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

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

Yeas, 49:

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



Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Lamberti

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

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 717 and 764.

#### House File 717

On motion of Senator Kettering, [House File 717](#), a bill for an act prohibiting the unauthorized sale, ownership, possession, or use of traffic signal preemption devices and providing a penalty, with report of committee recommending passage, was taken up for consideration.

Senator Putney withdrew amendment [S-3111](#) filed by him from the floor to page 1 and to the title page of the bill.

Senator Kettering 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. 717](#)), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood

Courtney	Iverson	Quirnbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Lamberti

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

### [House File 764](#)

On motion of Senator Wieck, [House File 764](#), a bill for an act relating to the unemployment rate of contribution of a person who acquires an organization, trade, or business and providing penalties, 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. 764](#)), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Lamberti

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 717 and 764** be **immediately messaged** to the House.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 276 and 375.

**House File 276**

On motion of Senator Mulder, **House File 276**, a bill for an act requiring that meetings relating to postsecondary school registration held by the Iowa coordinating council for post-high school education be open to the public, with report of committee recommending passage, was taken up for consideration.

Senator Mulder 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. 276**), 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 375

On motion of Senator Beall, [House File 375](#), a bill for an act relating to the duties imposed on a real estate broker by a brokerage agreement, with report of committee recommending passage, was taken up for consideration.

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?" ([H.F. 375](#)), 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 Iverson asked and received unanimous consent that **House Files 276 and 375** be **immediately messaged** to the House.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 438 and 469.

**House File 438**

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

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. 438**), 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 469**

On motion of Senator Wieck, **House File 469**, a bill for an act increasing the membership of the real estate commission, 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. 469**), 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 Iverson asked and received unanimous consent that **House Files 438 and 469** be **immediately messaged** to the House.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 685 and 716.

[House File 685](#)

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

Senator Kreiman asked and received unanimous consent that action on [House File 685](#) be deferred.

[House File 716](#)

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

Senator Hancock offered amendment [S-3109](#), filed by Senators Hancock, Wood, and Mulder from the floor to page 3 of the bill, and moved its adoption.

Amendment [S-3109](#) was adopted by a voice vote.

Senator Hancock 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. 716](#)), 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 Iverson asked and received unanimous consent to take up for consideration [House File 683](#).

#### [House File 683](#)

On motion of Senator Larson, [House File 683](#), a bill for an act authorizing the appointment of an attorney to represent an indigent parole violator, and providing effective and retroactive applicability date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Kreiman offered amendment [S-3066](#), filed by the committee on Judiciary on March 29, 2005, to pages 1 and 4 and to the title page of the bill.

Senator Kreiman offered amendment [S-3112](#), filed by him from the floor to pages 1 and 2 of amendment [S-3066](#), and moved its adoption.



Amendment [S-3112](#) was adopted by a voice vote.

Senator Kreiman moved the adoption of amendment [S-3066](#), as amended, which motion prevailed by a voice vote.

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. 683](#)), 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, as amended, was agreed to.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 683** and **716** be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:11 p.m. until 8:30 a.m., Wednesday, April 13, 2005.

**APPENDIX****CERTIFICATE OF RECOGNITION**

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

Pastor Roger Kurtenbach, Epworth United Methodist Church—For being Chaplain of the Day. Senator Beall (4/12/05).

**REPORT OF COMMITTEE MEETING****WAYS AND MEANS**

**Convened:** April 12, 2005, 1:05 p.m.

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

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

**Committee Business:** Passed [SF 334](#) and [HF 589](#).

**Adjourned:** 1:20 p.m.

**INTRODUCTION OF RESOLUTION**

[Senate Resolution 37](#), by Ragan, a resolution honoring the city of Riceville on its sesquicentennial.

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

**INTRODUCTION OF BILL**

[Senate File 405](#), by committee on Ways and Means, a bill for an act establishing an interior design examining board, providing for the registration of interior designers, and providing fees and penalties.

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

## SUBCOMMITTEE ASSIGNMENT

Senate Resolution 37

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

## EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 7, 2005, when the votes were taken on Senate File 390 and the "En Bloc Confirmation Calendar" (SJ p. 791). Had I been present, I would have voted "Yea" on both.

E. THURMAN GASKILL

## FINAL COMMITTEE REPORTS OF BILL ACTION

## WAYS AND MEANS

**Bill Title:** SENATE FILE 405 (formerly SF 334), a bill for an act establishing an interior design examining board, providing for the registration of interior designers, and providing fees and penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

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

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

## ALSO:

**Bill Title:** HOUSE FILE 589, a bill for an act relating to the property taxation of nursing facilities and including effective and applicability date provisions.

**Recommendation:** DO PASS.

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

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

## AMENDMENTS FILED

<u>S-3109</u>	<u>H.F. 716</u>	Tom Hancock
		Frank B. Wood
		Dave Mulder

<u>S-3110</u>	<u>H.F. 826</u>	Joe Bolkcom
<u>S-3111</u>	<u>H.F. 717</u>	John Putney
<u>S-3112</u>	<u>H.F. 683</u>	Keith A. Kreiman
<u>S-3113</u>	<u>H.F. 745</u>	Keith A. Kreiman Brad Zaun