

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, APRIL 15, 2003

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

NINETY-THIRD CALENDAR DAY
FIFTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 15, 2003

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

Prayer was offered by Bishop Alan Scarfe, pastor of the Episcopal Church of Iowa in Des Moines, Iowa. He was the guest of Senator Tinsman.

The Journal of Monday, April 14, 2003, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Hatch and McCoy, until they arrive, on request of Senator Gronstal.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [House File 480](#).

[House File 480](#)

On motion of Senator Boettger, [House File 480](#), a bill for an act relating to the shelter assistance fund, with report of committee recommending passage, was taken up for consideration.

Senator Boettger 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. 480](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Hatch McCoy

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

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 446 and 380.

[House File 446](#)

On motion of Senator Behn, [House File 446](#), a bill for an act relating to dealership agreements, and providing for the Act’s applicability, with report of committee recommending passage, was taken up for consideration.

Senator Behn 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. 446](#)), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

McCoy

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

[House File 380](#)

On motion of Senator Johnson, [House File 380](#), a bill for an act providing for the administration of funds for animal agriculture, including moneys transferred from and deposited into these funds, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Johnson 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. 380](#)), the vote was:

Yeas, 49:

Angelo	Beall	Behn	Black
Boettger	Bolkcom	Brunkhorst	Connolly
Courtney	Dearden	Dotzler	Drake
Dvorsky	Fraise	Gaskill	Gronstal
Hatch	Holveck	Horn	Hosch
Houser	Iverson	Johnson	Kettering
Kibbie	Kramer	Kreiman	Lamberti

Larson	Lundby	McKibben	McKinley
Miller	Putney	Quirnbach	Ragan
Redfern	Rehberg	Schuerer	Seng
Seymour	Shull	Sievers	Stewart
Tinsman	Veenstra	Warnstadt	Wieck
Zieman			

Nays, none.

Absent, 1:

McCoy

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 380, 446, and 480** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Iverson called up the appointment of Charlotte Nelson, as Administrator of the Division on the Status of Women, placed on the Individual Confirmation Calendar on April 8, 2003, and found on page 837 of the Senate Journal.

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

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

Yeas, 49:

Angelo	Beall	Behn	Black
Boettger	Bolkcom	Brunkhorst	Connolly
Courtney	Dearden	Dotzler	Drake
Dvorsky	Fraise	Gaskill	Gronstal
Hatch	Holveck	Horn	Hosch
Houser	Iverson	Johnson	Kettering
Kibbie	Kramer	Kreiman	Lamberti
Larson	Lundby	McKibben	McKinley
Miller	Putney	Quirnbach	Ragan

Redfern	Rehberg	Schuerer	Seng
Seymour	Shull	Sievers	Stewart
Tinsman	Veenstra	Warnstadt	Wieck
Zieman			

Nays, none.

Absent, 1:

McCoy

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

The Senate stood at ease at 9:01 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:43 a.m., President Kramer presiding.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 392, 557, 584, and 634.

[House File 392](#)

On motion of Senator Larson, [House File 392](#), a bill for an act relating to economic growth strategic planning, with report of committee recommending passage, was taken up for consideration.

Senator Kreiman offered amendment [S-3214](#), filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment [S-3214](#) lost 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. 392](#)), the vote was:

Yeas, 43:

Angelo	Beall	Behn	Black
Boettger	Brunkhorst	Dearden	Dotzler
Drake	Fraise	Gaskill	Gronstal
Hatch	Horn	Hosch	Houser
Iverson	Johnson	Kettering	Kibbie
Kramer	Kreiman	Lamberti	Larson
Lundby	McCoy	McKibben	McKinley
Miller	Putney	Ragan	Redfern
Rehberg	Schuerer	Seng	Seymour
Shull	Sievers	Stewart	Tinsman
Veenstra	Wieck	Zieman	

Nays, 7:

Bolkcom	Connolly	Courtney	Dvorsky
Holveck	Quirnbach	Warnstadt	

Absent, none.

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

[House File 557](#)

On motion of Senator Tinsman, [House File 557](#), a bill for an act relating to liability of certain health care facilities and health care providers participating in the volunteer health care provider program, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 557](#)), the vote was:

Yeas, 50:

Angelo	Beall	Behn	Black
Boettger	Bolkcom	Brunkhorst	Connolly
Courtney	Dearden	Dotzler	Drake
Dvorsky	Fraise	Gaskill	Gronstal
Hatch	Holveck	Horn	Hosch
Houser	Iverson	Johnson	Kettering
Kibbie	Kramer	Kreiman	Lamberti
Larson	Lundby	McCoy	McKibben

McKinley	Miller	Putney	Quirnbach
Ragan	Redfern	Rehberg	Schuerer
Seng	Seymour	Shull	Sievers
Stewart	Tinsman	Veenstra	Warnstadt
Wieck	Zieman		

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 584

On motion of Senator Miller, **House File 584**, a bill for an act providing for exceptions to municipal tort liability for certain activities, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Miller offered amendment **S-3127**, filed by the committee on Judiciary on April 2, 2003, to page 1 of the bill, and moved its adoption.

Amendment **S-3127** was adopted by a voice vote.

Senator Miller 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. 584**), the vote was:

Yeas, 49:

Angelo	Beall	Behn	Black
Boettger	Bolkcom	Brunkhorst	Connolly
Courtney	Dearden	Dotzler	Drake
Dvorsky	Fraise	Gaskill	Gronstal
Hatch	Holveck	Horn	Hosch
Houser	Iverson	Johnson	Kettering
Kibbie	Kramer	Kreiman	Lamberti
Larson	Lundby	McCoy	McKibben
McKinley	Miller	Putney	Ragan
Redfern	Rehberg	Schuerer	Seng
Seymour	Shull	Sievers	Stewart

Tinsman Veenstra Warnstadt Wieck
 Zieman

Nays, 1:

Quirmbach

Absent, none.

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

House File 634

On motion of Senator Zieman, **House File 634**, a bill for an act relating to the conversion of cooperative associations originally organized as business corporations, with report of committee recommending passage, was taken up for consideration.

Senator Zieman 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. 634**), the vote was:

Yeas, 50:

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

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 Gaskill asked and received unanimous consent that **House Files 392, 557, 584, and 634** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gaskill asked and received unanimous consent to take up for consideration [House File 648](#).

[House File 648](#)

On motion of Senator Johnson, [House File 648](#), a bill for an act relating to the consolidation of the management of state archives and records and making conforming changes, with report of committee recommending passage, was taken up for consideration.

Senator Johnson 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. 648](#)), the vote was:

Yeas, 50:

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

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 Gaskill asked and received unanimous consent to take up for consideration [House File 529](#).

[House File 529](#)

On motion of Senator Tinsman, [House File 529](#), a bill for an act directing the mental health and developmental disabilities commission to make recommendations for redesigning the mental health and developmental disabilities services system for adults and children and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Tinsman offered amendment [S-3166](#), filed by the committee on Human Resources on April 8, 2003, to pages 1, 2, 4, and to the title page of the bill, and moved its adoption.

Amendment [S-3166](#) was adopted by a voice vote.

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

On the question "Shall the bill pass?" ([H.F. 529](#)), the vote was:

Yeas, 50:

Angelo	Beall	Behn	Black
Boettger	Bolkcom	Brunkhorst	Connolly
Courtney	Dearden	Dotzler	Drake
Dvorsky	Fraise	Gaskill	Gronstal
Hatch	Holveck	Horn	Hosch
Houser	Iverson	Johnson	Kettering
Kibbie	Kramer	Kreiman	Lamberti
Larson	Lundby	McCoy	McKibben
McKinley	Miller	Putney	Quirnbach
Ragan	Redfern	Rehberg	Schuerer
Seng	Seymour	Shull	Sievers

Stewart
Wieck

Tinsman
Zieman

Veenstra

Warnstadt

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.

President Pro Tempore Angelo took the chair at 11:30 a.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kramer, until she returns, on request of Senator Gaskill.

UNFINISHED BUSINESS

[Senate File 352](#)

On motion of Senator Larson, [Senate File 352](#), a bill for an act relating to the training of an individual who intends to become certified as a law enforcement officer, placed on the Unfinished Business Calendar on April 10, 2003, was taken up for consideration.

Senator Larson offered amendment [S-3213](#), filed by Senators Larson and Warnstadt on April 14, 2003, striking everything after the enacting clause of the bill, and moved its adoption.

Amendment [S-3213](#) was adopted by a voice vote.

With the adoption of amendment [S-3213](#), the Chair ruled amendment [S-3054](#), filed by Senator Kreiman on March 18, 2003, to page 1 of the bill, out of order.

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?" ([S.F. 352](#)), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Kramer

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

IMMEDIATELY MESSAGED

Senator Gaskill asked and received unanimous consent that [Senate File 352](#) and **House Files 529** and **648** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gaskill asked and received unanimous consent to take up for consideration House Files 551, 604, and 616.

[House File 551](#)

On motion of Senator Tinsman, [House File 551](#), a bill for an act providing for a fee for transporting an inmate for medical or dental care, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 551](#)), the vote was:

Yeas, 48:

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

Nays, 1:

Holveck

Absent, 1:

Kramer

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

[House File 604](#)

On motion of Senator Johnson, [House File 604](#), a bill for an act requiring state government annual reports made to the general assembly to include certain financial information, with report of committee recommending passage, was taken up for consideration.

Senator Johnson 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. 604](#)), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Kramer

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

[House File 616](#)

On motion of Senator Stewart, [House File 616](#), a bill for an act prohibiting a cancellation penalty upon cancellation of a purchase agreement for cemetery merchandise, funeral merchandise, and funeral services, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 616](#)), the vote was:

Yeas, 49:

Angelo	Beall	Behn	Black
Boettger	Bolkcom	Brunkhorst	Connolly
Courtney	Dearden	Dotzler	Drake
Dvorsky	Fraise	Gaskill	Gronstal
Hatch	Holveck	Horn	Hosch
Houser	Iverson	Johnson	Kettering
Kibbie	Kreiman	Lamberti	Larson

Lundby	McCoy	McKibben	McKinley
Miller	Putney	Quirnbach	Ragan
Redfern	Rehberg	Schuerer	Seng
Seymour	Shull	Sievers	Stewart
Tinsman	Veenstra	Warnstadt	Wieck
Zieman			

Nays, none.

Absent, 1:

Kramer

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

IMMEDIATELY MESSAGED

Senator Sievers asked and received unanimous consent that **House Files 551, 604, and 616** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Sievers asked and received unanimous consent to take up for consideration [House File 583](#).

[House File 583](#)

On motion of Senator Drake, [House File 583](#), a bill for an act relating to governmental ethics disclosure reports, including reports related to receptions for members of the general assembly during session detailing food, beverage, and entertainment received by public officials and public employees, and reports filed by clients of lobbyists before the general assembly and the executive branch pertaining to moneys paid for lobbying purposes, with report of committee recommending passage, was taken up for consideration.

Senator Holveck asked and received unanimous consent that action on [House File 583](#) be **deferred**.

RECESS

On motion of Senator Boettger, the Senate recessed at 11:58 a.m. until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., President Pro Tempore Angelo presiding.

QUORUM CALL

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

The vote revealed 40 present, 10 absent, and a quorum present.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 15, 2003, **passed** the following bills in which the concurrence of the House was asked:

Senate File 3, a bill for an act relating to the inclusion of certain information in a termination of pregnancy report.

Senate File 119, a bill for an act relating to real estate appraiser certification.

Senate File 201, a bill for an act relating to a review of statistical information compiled by the board of educational examiners from Praxis II examinations administered to initial, provisional teaching license applicants.

Senate File 236, a bill for an act relating to the time periods that unclaimed demutualization proceeds and wages are presumed to be abandoned and providing an effective date.

Senate File 303, a bill for an act relating to the contents of certain child abuse assessment reports.

ALSO: That the House has on April 15, 2003, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 19, a concurrent resolution urging congressional adoption of a free trade agreement between Taiwan and the United States.

Read first time and **attached to companion Senate Concurrent Resolution 14**.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Holveck and McCoy, until they return, on request of Senator Gronstal.

CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Iverson called up the interim appointment of Neala Arnold, as a member of the State Board of Regents, placed on the Individual Confirmation Calendar on March 12, 2003, and found on page 468 of the Senate Journal.

Senator Redfern moved that the foregoing interim appointment be confirmed by the Senate.

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

Yeas, 47:

Angelo	Beall	Behn	Black
Boettger	Bolkcom	Brunkhorst	Connolly
Courtney	Dearden	Dotzler	Drake
Dvorsky	Fraise	Gaskill	Gronstal
Hatch	Horn	Hosch	Houser
Iverson	Johnson	Kettering	Kibbie
Kramer	Kreiman	Lamberti	Lundby
McKibben	McKinley	Miller	Putney
Quirnbach	Ragan	Redfern	Rehberg
Schuerer	Seng	Seymour	Shull

Sievers Stewart Tinsman Veenstra
Warnstadt Wieck Ziemann

Nays, 1:

Larson

Absent, 2:

Holveck McCoy

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

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [House File 65](#).

[House File 65](#)

On motion of Senator Redfern, [House File 65](#), a bill for an act relating to motor vehicle operating while intoxicated offenses, with report of committee recommending passage, was taken up for consideration.

Senator Miller withdrew amendment [S-3036](#), filed by him on March 17, 2003, to page 1 and to the title page of the bill.

Senator Miller offered amendment [S-3177](#), filed by him on April 8, 2003, to page 1 and to the title page of the bill.

Senator Redfern raised the point of order that amendment [S-3177](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-3177](#) out of order.

Senator Miller asked and received unanimous consent to withdraw amendment [S-3037](#), filed by Senators Miller and Brunkhorst on March 17, 2003, to pages 1, 2, and 6 of the bill.

Senator Miller offered amendment [S-3074](#), filed by Senators Miller and Brunkhorst on March 20, 2003, to pages 1 and 2 of the bill.

Senator Redfern raised the point of order that amendment [S-3074](#) was not germane to the bill.

The Chair ruled the point not well-taken and amendment [S-3074](#) in order.

Senator Miller moved the adoption of amendment [S-3074](#).

A record roll call was requested.

On the question "Shall amendment [S-3074](#) be adopted?" ([H.F. 65](#)), the vote was:

Yeas, 22:

Black	Brunkhorst	Courtney	Dearden
Dotzler	Dvorsky	Fraise	Hatch
Horn	Houser	Kibbie	Lamberti
Lundby	McCoy	McKinley	Miller
Rehberg	Seng	Seymour	Tinsman
Veenstra	Wieck		

Nays, 28:

Angelo	Beall	Behn	Boettger
Bolkcom	Connolly	Drake	Gaskill
Gronstal	Holveck	Hosch	Iverson
Johnson	Kettering	Kramer	Kreiman
Larson	McKibben	Putney	Quirnbach
Ragan	Redfern	Schuerer	Shull
Sievers	Stewart	Warnstadt	Zieman

Absent, none.

Amendment [S-3074](#) lost.

President Kramer took the chair at 2:15 p.m.

Senator Redfern offered amendment [S-3218](#), filed by him from the floor to pages 1–6 of the bill.

Senator Redfern asked and received unanimous consent that action on amendment [S-3218](#) be deferred.

Senator Redfern offered amendment [S-3215](#), filed by him from the floor to pages 1–5 of the bill.

Senator Redfern asked and received unanimous consent that action on amendment [S-3215](#) be deferred.

Senator Redfern withdrew amendment [S-3216](#), filed by him from the floor to pages 1–5 of the bill.

Senator McCoy offered amendment [S-3028](#), filed by him on March 5, 2003, to pages 2 and 6 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3028](#) be adopted?” ([H.F. 65](#)), the vote was:

Yeas, 4:

Dearden	Horn	McCoy	Miller
---------	------	-------	--------

Nays, 46:

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

Absent, none.

Amendment [S-3028](#) lost.

Senator Brunkhorst offered amendment [S-3204](#), filed by Senator Brunkhorst, et al., on April 14, 2003, to page 2 of the bill.

Senator Redfern raised the point of order that amendment [S-3204](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-3204](#) out of order.

The Senate resumed consideration of amendment [S-3218](#), previously deferred.

Senator Redfern withdrew amendment [S-3218](#).

The Senate resumed consideration of amendment [S-3215](#), previously deferred.

Senator Redfern withdrew amendment [S-3215](#).

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

Yeas, 46:

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

Nays, 4:

Black	Dotzler	Horn	Schuerer
-------	---------	------	----------

Absent, none.

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

CONSIDERATION OF BILLS

Senator Iverson asked and received unanimous consent to take up for consideration House Files 656 and 489.

House File 656

(Appropriations Calendar)

On motion of Senator Zieman, **House File 656**, a bill for an act relating to fees charged for special fire fighter motor vehicle registration plates, with report of committee recommending passage, was taken up for consideration.

Senator Zieman 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. 656**), the vote was:

Yeas, 50:

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

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 489
(Regular Calendar)

On motion of Senator McKinley, **House File 489**, a bill for an act relating to programs and services under the purview of the department of human services, and providing for retroactive applicability and effective dates, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (**H.F. 489**), the vote was:

Yeas, 50:

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

Nays, none.

Absent, none.

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

BUSINESS PENDING

House File 583

The Senate resumed consideration of **House File 583**, a bill for an act relating to governmental ethics disclosure reports, including reports related to receptions for members of the general assembly during session detailing food, beverage, and entertainment received

by public officials and public employees, and reports filed by clients of lobbyists before the general assembly and the executive branch pertaining to moneys paid for lobbying purposes, previously deferred.

Senator Drake 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. 583](#)), the vote was:

Yeas, 42:

Angelo	Behn	Black	Boettger
Bolkcom	Brunkhorst	Courtney	Dearden
Dotzler	Drake	Dvorsky	Fraise
Gaskill	Hatch	Horn	Hosch
Houser	Iverson	Johnson	Kettering
Kibbie	Kramer	Lamberti	Lundby
McCoy	McKibben	McKinley	Miller
Putney	Redfern	Rehberg	Schuerer
Seng	Seymour	Shull	Sievers
Stewart	Tinsman	Veenstra	Warnstadt
Wieck	Zieman		

Nays, 8:

Beall	Connolly	Gronstal	Holveck
Kreiman	Larson	Quirnbach	Ragan

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 65, 489, 583, and 656** be **immediately messaged** to the House.

The Senate stood at ease at 3:35 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:25 p.m., President Kramer presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 15, 2003, **passed** the following bills in which the concurrence of the House was asked:

Senate File 394, a bill for an act relating to the regulation of the grain industry, and making penalties applicable.

Senate File 395, a bill for an act relating to assistance services provided to the department of agriculture and land stewardship, including for the filing of documents and the payment of fees and civil penalties, and the authorization to assess additional charges.

ALSO: That the House has on April 15, 2003, **amended and passed** the following bills in which the concurrence of the House was asked:

Senate File 351, a bill for an act relating to child care requirements involving prohibitions against involvement with child care, record checks and evaluations performed by the department of human services, eligibility for state assistance, and child care fraud program sanctions, and making penalties applicable. (**S-3219**)

Senate File 379, a bill for an act relating to certain agricultural liens. (**S-3220**)

Senate File 393, a bill for an act relating to the agricultural development authority by providing for its organization and administration. (**S-3225**)

Senate File 396, a bill for an act providing for the animal unit capacity of pullets for purposes of regulation under the animal agriculture compliance Act. (**S-3224**)

Senate File 416, a bill for an act relating to an emergency shelter and support services demonstration project relating to dependent adults. (**S-3223**)

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration House Files 204 and 386.

House File 204

On motion of Senator Johnson, **House File 204**, a bill for an act relating to massage therapy by providing for a study regarding the modalities associated with massage therapy and providing a temporary exemption from licensure requirements, with report of committee recommending passage, was taken up for consideration.

Senator Johnson 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. 204**), the vote was:

Yeas, 50:

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

Nays, none.

Absent, none.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, until he returns, on request of Senator Gronstal.

House File 386

On motion of Senator Behn, **House File 386**, a bill for an act relating to the department of elder affairs including provisions relating to the elder Iowans Act, with report of committee recommending passage, was taken up for consideration.

Senator Tinsman asked and received unanimous consent to withdraw amendment **S-3208**, filed by Senators Tinsman and Behn on April 14, 2003, to page 5 of the bill.

Senator Tinsman offered amendment **S-3222**, filed by Senators Tinsman and Behn from the floor to page 5 of the bill, and moved its adoption.

Amendment **S-3222** was adopted by a voice vote.

Senator Holveck offered amendment **S-3203**, filed by Senators Holveck and Behn on April 14, 2003, to page 10 of the bill, and moved its adoption.

Amendment **S-3203** was adopted by a voice vote.

Senator Behn 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. 386**), the vote was:

Yeas, 49:

Angelo	Beall	Behn	Black
Boettger	Bolkcom	Brunkhorst	Connolly
Courtney	Dearden	Dotzler	Drake
Dvorsky	Fraise	Gaskill	Gronstal
Hatch	Holveck	Horn	Hosch
Houser	Iverson	Johnson	Kettering
Kibbie	Kramer	Kreiman	Lamberti

Larson	Lundby	McKibben	McKinley
Miller	Putney	Quirnbach	Ragan
Redfern	Rehberg	Schuerer	Seng
Seymour	Shull	Sievers	Stewart
Tinsman	Veenstra	Warnstadt	Wieck
Zieman			

Nays, none.

Absent, 1:

McCoy

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

IMMEDIATELY MESSAGED

Senator Veenstra asked and received unanimous consent that **House Files 204** and **386** be **immediately messaged** to the House.

BILL PLACED ON UNFINISHED BUSINESS CALENDAR

Senator Veenstra asked and received unanimous consent that [Senate File 445](#) be placed on the Unfinished Business Calendar.

ADJOURNMENT

On motion of Senator Veenstra, the Senate adjourned at 4:44 p.m. until 8:30 a.m. Wednesday, April 16, 2003.

APPENDIX**WITHDRAWAL OF GOVERNOR'S APPOINTEES**

The following letters from the Governor were received in the office of the Secretary of the Senate on April 15, 2003:

I submitted the name of Neala Arnold to serve on the State Board of Regents on March 11, 2003. I am withdrawing her name from further consideration by the Senate.

I submitted the name of Janet Carl to serve on the Iowa Ethics and Campaign Disclosure Board on March 15, 2003. I am withdrawing her name from further consideration by the Senate.

Thank you.

Sincerely,
THOMAS J. VILSACK
Governor

GOVERNOR'S DEFERRAL LETTERS

The following letters from the Governor were received in the office of the Secretary of the Senate on April 15, 2003:

Pursuant to Iowa Code section 2.32(4), the reappointment for the State Board of Regents vacancy, formerly held by Neala Arnold, is being deferred because no appropriate candidate has been found for this position at this time.

Pursuant to Iowa Code section 2.32(4), the appointment for the Iowa Ethics and Campaign Disclosure Board vacancy, formerly held by Julie Boeke, is being deferred because no appropriate candidate has been found for this position at this time.

Sincerely,
THOMAS J. VILSACK
Governor

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM 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, 2003:

[Senate File 272.](#)

MICHAEL E. MARSHALL
Secretary of the Senate

SUBCOMMITTEE ASSIGNMENTS

House File 541

WAYS AND MEANS: Connolly, Chair; McKibben and Shull

House File 650

WAYS AND MEANS: McCoy, Chair; Lamberti and Larson

House File 654

WAYS AND MEANS: Miller, Chair; Dotzler and McKinley

House File 667

APPROPRIATIONS: Tinsman, Chair; Hatch and Lamberti

AMENDMENTS FILED

<u>S-3214</u>	<u>H.F. 392</u>	Keith A. Kreiman
<u>S-3215</u>	<u>H.F. 65</u>	Donald B. Redfern
<u>S-3216</u>	<u>H.F. 65</u>	Donald B. Redfern
<u>S-3217</u>	<u>S.F. 445</u>	Jeff Angelo
<u>S-3218</u>	<u>H.F. 65</u>	Donald B. Redfern
<u>S-3219</u>	<u>S.F. 351</u>	House
<u>S-3220</u>	<u>S.F. 379</u>	House
<u>S-3221</u>	<u>H.F. 565</u>	Jack Hatch
<u>S-3222</u>	<u>H.F. 386</u>	Maggie Tinsman
		Jerry Behn
<u>S-3223</u>	<u>S.F. 416</u>	House
<u>S-3224</u>	<u>S.F. 396</u>	House
<u>S-3225</u>	<u>S.F. 393</u>	House
<u>S-3226</u>	<u>S.F. 441</u>	Joe Bolkcom
		Larry McKibben
		Steve Warnstadt
<u>S-3227</u>	<u>S.F. 445</u>	Jeff Angelo
<u>S-3228</u>	<u>H.F. 560</u>	Maggie Tinsman
<u>S-3229</u>	<u>H.F. 614</u>	John P. Kibbie
		Mike Connolly
		Dick L. Dearden
		Dennis H. Black
		Amanda Ragan
		Thomas G. Courtney