

**PROOF**

---

---

**STATE OF IOWA**

**Senate Journal**

**TUESDAY, APRIL 22, 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

---

ONE HUNDREDTH CALENDAR DAY  
FIFTY-EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, April 22, 2003

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

Prayer was offered by the Reverend Robert E. Connors, pastor of the Union Park Independent Christian Church in Des Moines, Iowa. He was the guest of Senator Dearden. Reverend Connors, brother of Representative John Connors, sang "I Go to the Rock."

The Journal of Monday, April 21, 2003, was approved.

## QUORUM CALL

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

The vote revealed 33 present, 17 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 21, 2003, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

**House File 319**, a bill for an act permitting written demand via regular mail prior to an action under the uniform commercial code for recovery of civil damages for a dishonored check, draft, or order, when supported by an affidavit of service.

**[House File 387](#)**, a bill for an act relating to mental health and developmental disabilities by revising life safety requirements for intermediate care facilities for persons with mental retardation, expanding an exemption to health care licensing requirements for certain residential programs that receive funding under a medical assistance home and community-based services waiver and approval from the department of human services, and revising membership requirements for the mental health and developmental disabilities commission, and providing an effective date.

**[House File 391](#)**, a bill for an act establishing a pilot program for the development of cogeneration facilities, providing for the development of ratemaking principles and rates for pilot program facilities, and providing for a future repeal.

**[House File 516](#)**, a bill for an act relating to composition and responsibilities of the Iowa comprehensive petroleum underground storage tank fund board.

**[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.

**[House File 547](#)**, a bill for an act providing for evidence of financial responsibility filed by commercial pesticide applicators.

**[House File 548](#)**, a bill for an act relating to tribal law enforcement officer training at the Iowa law enforcement academy.

**[House File 655](#)**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

ALSO: That the House has on April 21, 2003, **passed** the following bills in which the concurrence of the Senate is asked:

**[House File 671](#)**, a bill for an act relating to the recycling property exemption from property tax and including an applicability date.

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

**[House File 682](#)**, a bill for an act relating to wine by providing for native wine permits, providing wine gallonage tax revenue to support grape and wine development, providing for fees, and providing an effective date and retroactive applicability.

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

The Senate stood at ease at 9:00 a.m. until the fall of the gavel for the purpose of party caucuses.

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

#### HOUSE AMENDMENT CONSIDERED

##### **[Senate File 359](#)**

Senator Redfern called up for consideration **[Senate File 359](#)**, a bill for an act relating to landlords, tenants, and actions for forcible entry or detention, amended by the House in House amendment **[S-3251](#)**, filed April 17, 2003.

Senator Holveck asked and received unanimous consent that action on House amendment **[S-3251](#)** and **[Senate File 359](#)** be **deferred**.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

#### HOUSE AMENDMENT CONSIDERED

##### **[Senate File 94](#)**

Senator Kibbie called up for consideration **[Senate File 94](#)**, a bill for an act providing for the confidentiality of certain veterans' records maintained by county recorders, amended by the House in House amendment **[S-3103](#)**, filed March 31, 2003.

Senator Warnstadt offered amendment [S-3152](#), filed by him on April 7, 2003, to page 1 of House amendment [S-3103](#), and moved its adoption.

Amendment [S-3152](#) was adopted by a voice vote.

Senator Warnstadt offered amendment [S-3270](#), filed by him from the floor to page 1 of House amendment [S-3103](#), and moved its adoption.

Amendment [S-3270](#) was adopted by a voice vote.

Senator Kibbie moved that the Senate concur in the House amendment, as amended.

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

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

On the question "Shall the bill pass?" ([S.F. 94](#)), 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.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 442](#).

[Senate File 442](#)

On motion of Senator McKibben, [Senate File 442](#), a bill for an act updating the Iowa Code references to the Internal Revenue Code, providing for decoupling with the Internal Revenue Code for a certain bonus depreciation provision, and providing retroactive applicability dates and an effective date, was taken up for consideration.

Senator McKibben 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. 442](#)), 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 **Senate Files 94 and 442** be **immediately messaged** to the House.

UNFINISHED BUSINESS

**Senate File 370**

On motion of Senator Zieman, **Senate File 370**, a bill for an act relating to elections and voter registration by implementing requirements of federal law, modifying closing hours of the polls and voter identification requirements, transferring duties relating to conduct of elections and voter registration from the office of secretary of state to the Iowa ethics and campaign disclosure board, and making changes relating to absentee voting procedures, including request and delivery of absentee ballot applications, delivery of absentee ballots to the voter, and delivery of completed absentee ballots to the county commissioner of elections, and including effective date provisions, placed on the Unfinished Business Calendar on April 10, 2003, was taken up for consideration.

Senator Zieman offered amendment **S-3143**, filed by him on April 7, 2003, to pages 8, 16, 18, and 28-31 of the bill, and moved its adoption.

Amendment **S-3143** was adopted by a voice vote.

Senator Zieman asked and received unanimous consent that **House File 614** be **substituted** for **Senate File 370**.

**House File 614**

On motion of Senator Zieman, **House File 614**, a bill for an act relating to elections and voter registration by implementing requirements of federal law, modifying closing hours of the polls and voter identification requirements, transferring duties relating to conduct of elections and voter registration from the office of secretary

of state to the Iowa ethics and campaign disclosure board, and making changes relating to absentee voting procedures, including request and delivery of absentee ballot applications, delivery of absentee ballots to the voter, and delivery of completed absentee ballots to the county commissioner of elections, and including effective date provisions, was taken up for consideration.

Senator Kibbie offered amendment [S-3229](#), filed by Senator Kibbie, et al., on April 15, 2003, striking everything after the enacting clause and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3229](#) be adopted?” ([H.F. 614](#)), the vote was:

Yeas, 20:

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

Nays, 29:

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

Absent, 1:

McCoy

Amendment [S-3229](#) lost.

Senator Tinsman offered amendment [S-3269](#), filed by her from the floor to pages 29 and 31 of the bill, and moved its adoption.

A record roll call was requested.



On the question "Shall amendment [S-3269](#) be adopted?" ([H.F. 614](#)), the vote was:

Yeas, 16:

|          |          |         |         |
|----------|----------|---------|---------|
| Angelo   | Behn     | Drake   | Gaskill |
| Hosch    | Houser   | Iverson | Kramer  |
| McKibben | McKinley | Miller  | Redfern |
| Tinsman  | Veenstra | Wieck   | Zieman  |

Nays, 33:

|            |          |          |           |
|------------|----------|----------|-----------|
| Beall      | Black    | Boettger | Bolkcom   |
| Brunkhorst | Connolly | Courtney | Dearden   |
| Dotzler    | Dvorsky  | Fraise   | Gronstal  |
| Hatch      | Holveck  | Horn     | Johnson   |
| Kettering  | Kibbie   | Kreiman  | Lamberti  |
| Larson     | Lundby   | Putney   | Quirmbach |
| Ragan      | Rehberg  | Schuerer | Seng      |
| Seymour    | Shull    | Sievers  | Stewart   |
| Warnstadt  |          |          |           |

Absent, 1:

McCoy

Amendment [S-3269](#) lost.

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

Yeas, 29:

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

Nays, 20:

|          |         |         |          |
|----------|---------|---------|----------|
| Beall    | Black   | Bolkcom | Connolly |
| Courtney | Dearden | Dotzler | Dvorsky  |

|        |          |         |           |
|--------|----------|---------|-----------|
| Fraise | Gronstal | Hatch   | Holveck   |
| Horn   | Kibbie   | Kreiman | Quirnbach |
| Ragan  | Seng     | Stewart | Warnstadt |

Absent, 1:

McCoy

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

#### WITHDRAWN

Senator Zieman asked and received unanimous consent that [Senate File 370](#) be **withdrawn** from further consideration of the Senate.

#### WITHDRAWN

Senator Iverson asked and received unanimous consent that [Senate File 147](#) be **withdrawn** from further consideration of the Senate.

#### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 441](#).

#### [Senate File 441](#)

On motion of Senator Bolkcom, [Senate File 441](#), a bill for an act relating to the transfer of certain property-related tax credits, was taken up for consideration.

Senator Bolkcom offered amendment [S-3226](#), filed by Senators Bolkcom, McKibben, and Warnstadt on April 15, 2003, to pages 1, 2, and to the title page of the bill, and moved its adoption.

Amendment [S-3226](#) was adopted by a voice vote.

Senator Bolkcom 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. 441](#)), 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, as amended, was agreed to.

#### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [House File 541](#).

#### [House File 541](#)

On motion of Senator Connolly, [House File 541](#), a bill for an act relating to the fee and use of fee for a certificate of birth, with report of committee recommending passage, was taken up for consideration.

Senator Connolly 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. 541](#)), 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 [Senate File 441](#) and [House File 541](#) be **immediately messaged** to the House.

#### RECESS

On motion of Senator Iverson, the Senate recessed at 11:16 a.m. until 2:00 p.m.

**APPENDIX — 1****COMMUNICATION RECEIVED**

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

April 22, 2003

**DEPARTMENT OF MANAGEMENT**

Denied general claims by the State Appeal Board submitted during April 2003.

**CERTIFICATES OF RECOGNITION**

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

Coach Cheryl Clark and Stunt Team Members, Iowa Falls High School — For being named the National Stunt Team Champions. Senator McKibben (4/22/03).

Gerald and Dorothy Hall, Madrid — For celebrating your 65th wedding anniversary. Senator Quirnbach (4/22/03).

Principal Kenneth Hayes and VIM Participants, East Marshall High School — For receiving a 2003 Peace Project Award. Senator McKibben (4/22/03).

Gail Rich, West Des Moines — For your support and encouragement of United States troops overseas during Operation Iraqi Freedom. Senator Kramer (4/22/03).

Matt Ring, Clarion — For achieving the rank of Eagle Scout, Boy Scout Troop 47. Senator Iverson (4/22/03).

Lloyd and Lois Rohmiller, Sioux City — For celebrating your 50th wedding anniversary on April 18, 2003. Senator Warnstadt (4/22/03).

**REPORT OF COMMITTEE MEETING****APPROPRIATIONS**

**Convened:** April 22, 2003, 1:05 p.m.

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

**Members Absent:** None.

**Committee Business:** Approved [SSB 1203](#) (as amended).

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

### INTRODUCTION OF RESOLUTION

[Senate Resolution 36](#), by Kramer, a resolution honoring the Iowa members of the United States Naval Armed Guard who served during World War II.

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

### SUBCOMMITTEE ASSIGNMENT

#### [House File 671](#)

WAYS AND MEANS: Stewart, Chair; McKibben and Shull

### REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 340](#), the following correction was made:

1. Page 6, line 34, the words "amended to read as" were changed to the words "is amended to read as".

MICHAEL E. MARSHALL  
Secretary of the Senate

### BILLS 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 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 22nd day of April, 2003:

Senate Files 180, 221, 340, 352, 361, and 394.

MICHAEL E. MARSHALL  
Secretary of the Senate

## AFTERNOON SESSION

The Senate reconvened at 2:05 p.m., Senator Behn presiding.

The Senate stood at ease at 2:06 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:17 p.m., President Kramer presiding.

## QUORUM CALL

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

The vote revealed 29 present, 21 absent, and a quorum present.

## UNFINISHED BUSINESS

**Senate File 403**

On motion of Senator Putney, **Senate File 403**, a bill for an act regulating organic agricultural products, providing for fees and penalties, and providing an effective date, placed on the Unfinished Business Calendar on April 17, 2003, was taken up for consideration.

Senator Putney offered amendment **S-3146**, filed by him on April 7, 2003, to pages 6 and 7 of the bill, and moved its adoption.

Amendment **S-3146** was adopted by a voice vote.

Senator Putney asked and received unanimous consent that **House File 600** be substituted for **Senate File 403**.

**House File 600**

On motion of Senator Putney, **House File 600**, a bill for an act regulating organic agricultural products, providing for fees and penalties, and providing an effective date, was taken up for consideration.

Senator Putney 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. 600](#)), 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.

#### WITHDRAWN

Senator Putney asked and received unanimous consent that [Senate File 403](#) be **withdrawn** from further consideration of the Senate.

#### UNFINISHED BUSINESS

#### [House File 599](#)

On motion of Senator Kettering, [House File 599](#), a bill for an act relating to property insurance, including establishment of a mandatory plan to assure fair access to insurance requirements, and providing for an effective date and retroactive applicability, placed on



the Unfinished Business Calendar on April 17, 2003, with report of committee recommending passage, was taken up for consideration.

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. 599](#)), 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 599** and **600** be **immediately messaged** to the House.

#### UNFINISHED BUSINESS

#### [House File 492](#)

On motion of Senator Houser, [House File 492](#), a bill for an act relating to soil conservation by providing for the acquisition of land by soil and water conservation districts, and eliminating certain

reporting requirements, placed on the Unfinished Business Calendar on April 17, 2003, 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. 492](#)), 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.

#### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [House File 667](#).

#### [House File 667](#)

On motion of Senator Tinsman, [House File 667](#), a bill for an act relating to and making appropriations for health and human services to the department of elder affairs, the Iowa department of public

health, the department of inspections and appeals, the department of human services, and the commission of veterans affairs, and providing effective dates, with report of committee recommending passage, was taken up for consideration.

Senator Iverson asked and received unanimous consent that action on [House File 667](#) be deferred.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 27](#).

[Senate Resolution 27](#)

On motion of Senator Dvorsky, [Senate Resolution 27](#), a resolution honoring the University of Iowa Football Team and Coach Kirk Ferentz, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved the adoption of [Senate Resolution 27](#), which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Dvorsky welcomed to the Senate chamber Coach Kirk Ferentz and five senior members of the University of Iowa Hawkeyes Football Team. Coach Ferentz addressed the chamber with brief remarks.

The Senate rose and expressed its welcome.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Sievers, until he returns, on request of Senator Gaskill.

## BUSINESS PENDING

[House File 667](#)

The Senate resumed consideration [House File 667](#), a bill for an act relating to and making appropriations for health and human services to the department of elder affairs, the Iowa department of public health, the department of inspections and appeals, the department of human services, and the commission of veterans affairs, and providing effective dates, previously deferred.

Senator Putney offered amendment [S-3276](#), filed by Senator Putney, et al., from the floor to page 9 of the bill.

Senator Putney asked and received unanimous consent that action on amendment [S-3276](#) be deferred.

Senator Shull withdrew amendment [S-3266](#), filed by him from the floor to pages 9 and 10 of the bill.

Senator Tinsman offered amendment [S-3272](#), filed by her from the floor to pages 15 and 16 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 2, nays 28.

Amendment [S-3272](#) lost.

The Senate resumed consideration of amendment [S-3276](#), previously deferred.

Senator Putney asked and received unanimous consent to withdraw amendment [S-3276](#).

Senator Shull withdrew amendment [S-3267](#), filed by him from the floor to page 42 of the bill.

Senator Tinsman offered amendment [S-3274](#), filed by her from the floor to pages 53, 60, 67, 69, and 75 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 22, nays 25.

Amendment [S-3274](#) lost.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Redfern, until he returns, on request of Senator Drake.

#### BUSINESS PENDING

#### [House File 667](#)

The Senate resumed consideration of [House File 667](#).

Senator Tinsman offered amendment [S-3273](#), filed by her from the floor to page 63 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3273](#) be adopted?” ([H.F. 667](#)), the vote was:

Yeas, 5:

|         |        |      |         |
|---------|--------|------|---------|
| Iverson | Putney | Seng | Seymour |
| Tinsman |        |      |         |

Nays, 44:

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

Absent, 1:

Redfern

Amendment [S-3273](#) lost.

Senator Shull asked and received unanimous consent to withdraw amendment [S-3268](#), filed by Senator Shull, et al., from the floor to page 68 of the bill.

Senator Hatch offered amendment [S-3279](#), filed by Senator Hatch, et al., from the floor to pages 1, 3-5, 7, 15, 24, 37, and 71 of the bill.

Senator Hatch called for the following division of amendment [S-3279](#):

Division [S-3279A](#): Page 1, lines 13-22 and 35-36; and

Division [S-3279B](#): Page 1, lines 3-12, 23-34, and 37-50; and page 2, lines 1-6.

Senator Hatch asked and received unanimous consent to withdraw division [S-3279A](#).

Senator Hatch moved the adoption of division [S-3279B](#).

A record roll call was requested.

On the question "Shall division [S-3279B](#) be adopted?" ([H.F. 667](#)), the vote was:

Yeas, 22:

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

Nays, 27:

|          |         |           |            |
|----------|---------|-----------|------------|
| Angelo   | Behn    | Boettger  | Brunkhorst |
| Drake    | Gaskill | Hosch     | Houser     |
| Iverson  | Johnson | Kettering | Kramer     |
| Lamberti | Larson  | McKibben  | McKinley   |
| Miller   | Putney  | Rehberg   | Schuerer   |
| Seymour  | Shull   | Sievers   | Tinsman    |
| Veenstra | Wieck   | Zieman    |            |

Absent, 1:

Redfern

Division [S-3279B](#) lost.

Senator Hatch offered amendment [S-3278](#), filed by him from the floor to page 9 of the bill.

Senator Seymour raised the point of order that amendment [S-3278](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-3278](#) out of order.

Senator Holveck offered amendment [S-3282](#), filed by Senator Holveck, et al., from the floor to page 74 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-3282](#) be adopted?" ([H.F. 667](#)), the vote was:

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

Yeas, 22:

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

Nays, 28:

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

Absent, none.

Amendment [S-3282](#) lost.

Senator Holveck offered amendment [S-3284](#), filed by Senator Holveck, et al., from the floor to page 15 of the bill.

Senator Holveck asked and received unanimous consent to withdraw amendment [S-3284](#).

President Pro Tempore Angelo took the chair at 6:07 p.m.

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

Yeas, 29:

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

Nays, 21:

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

Absent, none.

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

#### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Concurrent Resolution 14](#).



### Senate Concurrent Resolution 14

On motion of Senator Behn, Senate Concurrent Resolution 14, a concurrent resolution urging congressional adoption of a free trade agreement between Taiwan and the United States, with report of committee recommending passage, was taken up for consideration.

Senator Behn asked and received unanimous consent that House Concurrent Resolution 19 be **substituted** for Senate Concurrent Resolution 14.

### House Concurrent Resolution 19

On motion of Senator Behn, House Concurrent Resolution 19, a concurrent resolution urging congressional adoption of a free trade agreement between Taiwan and the United States, was taken up for consideration.

Senator Behn moved the adoption of House Concurrent Resolution 19, which motion prevailed by a voice vote.

WITHDRAWN

Senator Behn asked and received unanimous consent that Senate Concurrent Resolution 14 be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that House Concurrent Resolution 19 and House File 492 be **immediately messaged** to the House.

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 22, 2003, **passed** the following bills in which the concurrence of the House was asked:

**Senate File 173**, a bill for an act authorizing school districts to deduct and pay fees for membership in not-for-profit professional education associations.

**Senate File 375**, a bill for an act relating to enforcement enhancements relative to certain tobacco product manufacturers, providing appropriations and penalties, and providing effective dates.

**Senate File 438**, a bill for an act relating to the establishment of the office of grants enterprise management in the department of management to assist the state in receiving more nonstate funds and providing a standing limited appropriation.

ALSO: That the House has on April 22, 2003, **amended and passed** the following bills in which the concurrence of the House was asked:

**Senate File 354**, a bill for an act implementing the federal Indian Child Welfare Act. (**S-3281**)

**Senate File 366**, a bill for an act relating to the Iowa probate code, including provisions relating to state inheritance, gift taxes, and trusts and including an applicability date provision. (**S-3283**)

**Senate File 402**, a bill for an act relating to the admissibility of prior criminal offenses into evidence in the prosecution of certain sexual offenses. (**S-3280**)

ALSO: That the House has on April 22, 2003, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 665**, a bill for an act relating to property taxation of certain lands leased to others by the department of corrections or department of human services and providing for the Act's applicability.

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

**House File 680**, a bill for an act relating to licenses for bait dealers by creating resident and nonresident wholesale bait dealer licenses, providing reciprocity, and providing an effective date.

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

[House File 684](#), a bill for an act relating to the revenue estimating conference's responsibilities and authority.

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

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:43 p.m. until 8:30 a.m. Wednesday, April 23, 2003.

**APPENDIX — 2****REPORT OF COMMITTEE MEETING****APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,  
INFRASTRUCTURE, AND CAPITALS**

**Convened:** April 21, 2003, 12:35 p.m.

**Members Present:** McKibben, Chair; Lamberti, Vice Chair; Warnstadt, Ranking Member; Beall and Kettering.

**Members Absent:** None.

**Committee Business:** Passed the subcommittee appropriations bill (as amended).

**Adjourned:** 1:25 p.m.

**INTRODUCTION OF BILL**

**[Senate File 452](#)**, by committee on Appropriations, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, and tobacco settlement trust fund, relating to the capitol complex parking structure, and authorizing fees.

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

**SUBCOMMITTEE ASSIGNMENT****[Senate Resolution 36](#)**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

**COMMITTEE REPORT****APPROPRIATIONS**

**Final Bill Action:** \***[SENATE FILE 452 \(SSB 1203\)](#)**, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, and tobacco settlement trust fund, relating to the capitol complex parking structure, and authorizing fees.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 25: Lamberti, Kramer, Dvorsky, Behn, Black, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Ziemann. Nays, none. Absent, none.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Appropriations Committee on [Senate File 452](#), and they were attached to the committee report.

### EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 21, 2003, when the votes were taken on [Senate File 386](#) and House Files 206, 400, 454, and 457. Had I been present, I would have voted "Yea" on all.

PAUL MCKINLEY

### MOTIONS TO RECONSIDER FILED

MADAM PRESIDENT: I move to reconsider the vote by which [House File 667](#) passed the Senate on April 22, 2003.

JEFF LAMBERTI

ALSO:

MADAM PRESIDENT: I move to reconsider the vote by which [House File 614](#) passed the Senate on April 22, 2003.

MARK ZIEMAN

### BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 21, 2003, the Governor approved and transmitted to the Secretary of State the following bills:

[S.F. 3](#) – Relating to the inclusion of certain information in a termination of pregnancy report.

[S.F. 119](#) – Relating to real estate appraiser certification.

[S.F. 155](#) – Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

[S.F. 201](#) – 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.

[S.F. 236](#) – Relating to the time periods that unclaimed demutualization proceeds and wages are presumed to be abandoned and providing an effective date.

[S.F. 303](#) – Relating to the contents of certain child abuse assessment reports.

[S.F. 395](#) – 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.

#### AMENDMENTS FILED

|                        |                          |                     |
|------------------------|--------------------------|---------------------|
| <a href="#">S-3264</a> | <a href="#">H.F. 549</a> | Mike Connolly       |
| <a href="#">S-3265</a> | <a href="#">S.F. 451</a> | Eugene S. Fraise    |
|                        |                          | Hubert Houser       |
|                        |                          | Thomas G. Courtney  |
|                        |                          | Keith A. Kreiman    |
|                        |                          | Paul McKinley       |
|                        |                          | John P. Kibbie      |
| <a href="#">S-3266</a> | <a href="#">H.F. 667</a> | Doug Shull          |
| <a href="#">S-3267</a> | <a href="#">H.F. 667</a> | Doug Shull          |
| <a href="#">S-3268</a> | <a href="#">H.F. 667</a> | Doug Shull          |
|                        |                          | Maggie Tinsman      |
|                        |                          | Joe Bolkcom         |
|                        |                          | Ken Veenstra        |
|                        |                          | Jack Hatch          |
| <a href="#">S-3269</a> | <a href="#">H.F. 614</a> | Maggie Tinsman      |
| <a href="#">S-3270</a> | <a href="#">S.F. 94</a>  | Steve Warnstadt     |
| <a href="#">S-3271</a> | <a href="#">S.F. 359</a> | Jack Holveck        |
|                        |                          | Keith A. Kreiman    |
| <a href="#">S-3272</a> | <a href="#">H.F. 667</a> | Maggie Tinsman      |
| <a href="#">S-3273</a> | <a href="#">H.F. 667</a> | Maggie Tinsman      |
| <a href="#">S-3274</a> | <a href="#">H.F. 667</a> | Maggie Tinsman      |
| <a href="#">S-3275</a> | <a href="#">H.F. 595</a> | Keith A. Kreiman    |
| <a href="#">S-3276</a> | <a href="#">H.F. 667</a> | John Putney         |
|                        |                          | Michael E. Gronstal |

|                               |                                 |   |
|-------------------------------|---------------------------------|---|
| <a href="#"><u>S-3277</u></a> | <a href="#"><u>H.F. 450</u></a> | Mary A. Lundby<br>John P. Kibbie<br>Larry McKibben<br>Nancy Boettger<br>Herman C. Quirnbach<br>Jeff Lamberti<br>Donald B. Redfern   |
| <a href="#"><u>S-3278</u></a> | <a href="#"><u>H.F. 667</u></a> | Jack Hatch  |
| <a href="#"><u>S-3279</u></a> | <a href="#"><u>H.F. 667</u></a> | Jack Hatch<br>Amanda Ragan<br>Joe Bolkcom<br>Jack Holveck<br>Keith A. Kreiman   |
| <a href="#"><u>S-3280</u></a> | <a href="#"><u>S.F. 402</u></a> | House   |
| <a href="#"><u>S-3281</u></a> | <a href="#"><u>S.F. 354</u></a> | House   |
| <a href="#"><u>S-3282</u></a> | <a href="#"><u>H.F. 667</u></a> | Jack Holveck<br>Keith A. Kreiman<br>Mike Connolly<br>John P. Kibbie<br>Eugene S. Fraise<br>Michael E. Gronstal<br>Amanda Ragan<br>Dennis H. Black<br>Joe Bolkcom<br>Roger Stewart<br>Herman C. Quirnbach<br>Thomas G. Courtney<br>Daryl Beall<br>Wally E. Horn<br>Robert E. Dvorsky<br>Dick L. Dearden<br>Joe M. Seng<br>William Dotzler<br>Jack Hatch<br>Steve Warnstadt<br>Matt McCoy |
| <a href="#"><u>S-3283</u></a> | <a href="#"><u>S.F. 366</u></a> | House   |
| <a href="#"><u>S-3284</u></a> | <a href="#"><u>H.F. 667</u></a> | Jack Holveck<br>Eugene S. Fraise<br>Mike Connolly<br>Michael E. Gronstal  |

**Keith A. Kreiman  
Amanda Ragan  
Dennis H. Black  
Roger Stewart  
Herman C. Quirnbach  
Daryl Beall  
John P. Kibbie  
Steve Warnstadt  
Robert E. Dvorsky  
Joe M. Seng  
Thomas G. Courtney  
Jack Hatch  
Joe Bolkom  
William Dotzler  
Wally E. Horn  
Dick L. Dearden  
Matt McCoy**