

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, APRIL 23, 2003

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JOURNAL OF THE SENATE

ONE HUNDRED FIRST CALENDAR DAY
FIFTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 23, 2003

The Senate met in regular session at 8:36 a.m., President Kramer presiding.

Prayer was offered by Father John O'Connor, pastor of St. Boniface Catholic and St. Peter and Paul Catholic Churches in New Vienna and Dyersville, Iowa. He was the guest of Senator Hosch.

The Journal of Tuesday, April 22, 2003, was approved.

SPECIAL PRESENTATION

The West Des Moines Valley High School string bass ensemble under the direction of Phil Peters performed their state contest winning piece "Harlequin's Dance." Members of the ensemble included Jason Bahr, Jon Ferguson, Allie Rowedder, Andy Swanson, and Josh Waymire.

The Senate rose and expressed its appreciation.

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 343**](#), a bill for an act relating to operation permits for public disposal systems and providing an effective date.

[Senate File 353](#), a bill for an act requiring establishment of county child protection assistance teams.

[Senate File 405](#), a bill for an act relating to the authority of a city to acquire equity interests in business entities for the purpose of participating in electric energy transmission service.

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

[House File 171](#), a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

[House File 386](#), a bill for an act relating to the department of elder affairs including provisions relating to the elder Iowans Act.

[House File 404](#), a bill for an act authorizing a sentencing court to issue no-contact orders against persons arrested for any public offense.

[House File 565](#), a bill for an act relating to the healthy and well kids in Iowa program.

[House File 594](#), a bill for an act relating to the registration of electrical and mechanical amusement devices and the registration of manufacturers and distributors thereof, making penalties applicable, and providing an effective date.

[House File 644](#), a bill for an act providing for manure application requirements, providing for fees, making penalties applicable, and providing an effective date.

ALSO: That the House has on April 22, 2003, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, **and passed** the following bill in which the concurrence of the House was asked:

[House File 584](#), a bill for an act providing for exceptions to municipal tort liability for certain activities. ([S-3285](#))

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

[House File 358](#), a bill for an act relating to life science enterprises by providing for financing.

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

RECESS

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

RECONVENED

The Senate reconvened at 8:50 a.m., President Kramer presiding.

The Senate stood at ease at 8:51 a.m. until the fall of the gavel for the purposes of party caucuses.

The Senate resumed session at 10:53 a.m., President Kramer presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Behn, until he arrives, on request of Senator Redfern.

HOUSE AMENDMENT CONSIDERED (Deferred April 22, 2003)

[Senate File 359](#)

The Senate resumed consideration of [Senate File 359](#), a bill for an act relating to landlords, tenants, and actions for forcible entry or detention, and House amendment [S-3251](#), deferred April 22, 2003.

Senator Holveck offered amendment [S-3271](#), filed by Senators Holveck and Kreiman on April 22, 2003, to page 2 of House amendment [S-3251](#), and moved its adoption.

Amendment [S-3271](#) lost by a voice vote.

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

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

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

On the question “Shall the bill pass?” ([S.F. 359](#)), the vote was:

Yeas, 49:

Angelo	Beall	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, 1:

Behn

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

UNFINISHED BUSINESS

[Senate File 381](#)

On motion of Senator Hosch, [Senate File 381](#), a bill for an act providing for a waiver of deadline requirements relating to whole-grade sharing agreements in specified school districts, and providing

an effective date, placed on the Unfinished Business Calendar on April 17, 2003, was taken up for consideration.

Senator Hosch asked and received unanimous consent that [House File 577](#) be substituted for [Senate File 381](#).

[House File 577](#)

On motion of Senator Hosch, [House File 577](#), a bill for an act providing for a waiver of deadline requirements relating to whole-grade sharing agreements in specified school districts, and providing an effective date, was taken up for consideration.

Senator Hosch 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. 577](#)), the vote was:

Yeas, 49:

Angelo	Beall	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, 1:

Behn

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

WITHDRAWN

Senator Hosch asked and received unanimous consent that [Senate File 381](#) be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gaskill asked and received unanimous consent to take up for consideration [House File 304](#).

[House File 304](#)

On motion of Senator Sievers, [House File 304](#), a bill for an act relating to the payment by a county of the agricultural land tax credit and reimbursement to the county of its payment and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Sievers 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. 304](#)), the vote was:

Yeas, 49:

Angelo	Beall	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, 1:

Behn

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

UNFINISHED BUSINESS

House File 558

On motion of Senator Kreiman, [House File 558](#), a bill for an act authorizing the department of human services to disclose information regarding the listing of an individual in the child or dependent abuse registry or the sex offender registry when it is necessary for the protection of a child or a dependent adult, placed on the Unfinished Business Calendar on April 17, 2003, with report of committee recommending passage, was taken up for consideration.

Senator Kreiman 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. 558](#)), the vote was:

Yeas, 49:

Angelo	Beall	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, 1:

Behn

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 359](#) and **House Files 304, 558, and 577** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

[Senate File 366](#)

Senator Kettering called up for consideration [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, amended by the House, and moved that the Senate concur in House amendment [S-3283](#), filed April 22, 2003.

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

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

On the question “Shall the bill pass?” ([S.F. 366](#)), the vote was:

Yeas, 49:

Angelo	Beall	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, 1:

Behn

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 366](#) be **immediately messaged** to the House.

RECESS

On motion of Senator Gaskill, the Senate recessed at 11:34 a.m. until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:00 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 23, 2003, **adopted** the following resolution in which the concurrence of the House was asked:

[Senate Concurrent Resolution 8](#), a concurrent resolution supporting the completion of U.S. Highway 20 across northern Iowa and requesting federal assistance.

ALSO: That the House has on April 23, 2003, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 681](#), a bill for an act relating to tax credits and associated refunds for cooperatives engaged in the production of value-added agricultural products, and providing for its applicability.

Read first time and **attached to similar** [Senate File 426](#).

The Senate stood at ease at 2:02 p.m. until the fall of the gavel for the purposes of party caucuses.

The Senate resumed session at 3:30 p.m., President Pro Tempore Angelo presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 23, 2003, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 679](#), a bill for an act relating to economic development by modifying the new jobs and income program and the enterprise zone program and providing a tax credit, and providing effective and retroactive applicability dates.

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

QUORUM CALL

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

The vote revealed 31 present, 19 absent, and a quorum present.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration **[Senate File 451](#)**.

[Senate File 451](#)

On motion of Senator Shull, **[Senate File 451](#)**, a bill for an act providing for the jurisdiction and funding of roads by transferring funding for and jurisdiction of certain primary and farm-to-market roads, modifying the procedure for classification of area service "C" roads, and establishing a street construction fund distribution advisory committee, and making appropriations, was taken up for consideration.

Senator Fraise offered amendment [S-3265](#), filed by Senator Fraise, et al., on April 22, 2003, to pages 1-5 and to the title page of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 13, nays 26.

Amendment [S-3265](#) lost.

Senator Fraise asked and received unanimous consent that action on [Senate File 451](#) be deferred.

HOUSE AMENDMENT CONSIDERED

[Senate File 402](#)

Senator McKibben called up for consideration [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, amended by the House, and moved that the Senate concur in House amendment [S-3280](#), filed April 22, 2003.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" ([S.F. 402](#)), 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 motion prevailed and the Senate **concurred** in the House amendment.

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

On the question "Shall the bill pass?" ([S.F. 402](#)), 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, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Boettger asked and received unanimous consent that [Senate File 402](#) be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

[Senate File 354](#)

Senator Veenstra called up for consideration [Senate File 354](#), a bill for an act implementing the federal Indian Child Welfare Act,

amended by the House, and moved that the Senate concur in House amendment [S-3281](#), filed April 22, 2003.

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

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

On the question "Shall the bill pass?" ([S.F. 354](#)), 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.

IMMEDIATELY MESSAGED

Senator Boettger asked and received unanimous consent that [Senate File 354](#) be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration [Senate File 444](#).

[Senate File 444](#)

On motion of Senator Hosch, [Senate File 444](#), a bill for an act relating to the requirements for receiving a property tax exemption for open prairies and wildlife habitats and including an applicability date provision, was taken up for consideration.

Senator Dotzler asked and received unanimous consent that action on [Senate File 444](#) be **deferred**.

UNFINISHED BUSINESS

[House File 650](#)

On motion of Senator Boettger, [House File 650](#), a bill for an act relating to the assessment of a correctional fee by a county or municipality, and to the prosecution of certain criminal offenses committed in a municipality located in two or more counties, placed on the Unfinished Business Calendar on April 17, 2003, with report of committee on Judiciary recommending passage and report of committee on Ways and Means recommending amendment and passage, was taken up for consideration.

Senator McKibben asked and received unanimous consent to withdraw amendment [S-3245](#), filed by the committee on Ways and Means on April 16, 2003, to page 4 of the bill.

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. 650](#)), 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.

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

Senator Boettger asked and received unanimous consent to take up for consideration [Senate File 443](#).

[Senate File 443](#)

On motion of Senator McKinley, [Senate File 443](#), a bill for an act relating to criteria for community-based seed capital funds and providing a retroactive applicability date, 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?" ([S.F. 443](#)), 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 Boettger asked and received unanimous consent that [Senate File 443](#) and [House File 650](#) be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration [Senate Resolution 30](#).

[Senate Resolution 30](#)

On motion of Senator Iverson, [Senate Resolution 30](#), a resolution relating to the shortage of nursing home administrators and requesting the State Board of Examiners for Nursing Home Administrators to make recommendations for addressing the shortage, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of [Senate Resolution 30](#), which motion prevailed by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

BUSINESS PENDING

Senate File 451

The Senate resumed consideration of **Senate File 451**, a bill or an act providing for the jurisdiction and funding of roads by transferring funding for and jurisdiction of certain primary and farm-to-market roads, modifying the procedure for classification of area service "C" roads, and establishing a street construction fund distribution advisory committee, and making appropriations, previously deferred.

Senator Fraise offered amendment **S-3293**, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment **S-3293** be adopted?" (**S.F. 451**), the vote was:

Yeas, 14:

Bolkcom	Connolly	Courtney	Dvorsky
Fraise	Hatch	Horn	Houser
Kibbie	Kreiman	McKinley	Quirnbach
Stewart	Tinsman		

Nays, 35:

Angelo	Beall	Behn	Black
Boettger	Brunkhorst	Dearden	Dotzler
Drake	Gaskill	Gronstal	Holveck
Hosch	Iverson	Johnson	Kettering
Kramer	Lamberti	Larson	Lundby
McCoy	McKibben	Miller	Putney
Ragan	Rehberg	Schuerer	Seng
Seymour	Shull	Sievers	Veenstra
Warnstadt	Wieck	Zieman	

Absent, 1:

Redfern

Amendment [S-3293](#) lost.

Senator Courtney offered amendment [S-3257](#), filed by him on April 21, 2003, to page 2 of the bill, and moved its adoption.

Amendment [S-3257](#) lost by a voice vote.

Senator Courtney offered amendment [S-3258](#), filed by him on April 21, 2003, to page 2 of the bill, and moved its adoption.

Amendment [S-3258](#) lost by a voice vote.

Senator Houser offered amendment [S-3286](#), filed by Senators Houser and McKinley from the floor to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-3286](#) be adopted?" ([S.F. 451](#)), the vote was:

Yeas, 16:

Bolkcom	Courtney	Dvorsky	Fraise
Hatch	Horn	Houser	Kettering
Kibbie	Kreiman	McKinley	Miller
Ragan	Rehberg	Seymour	Tinsman

Nays, 34:

Angelo	Beall	Behn	Black
Boettger	Brunkhorst	Connolly	Dearden
Dotzler	Drake	Gaskill	Gronstal
Holveck	Hosch	Iverson	Johnson
Kramer	Lamberti	Larson	Lundby
McCoy	McKibben	Putney	Quirnbach
Redfern	Schuerer	Seng	Shull
Sievers	Stewart	Veenstra	Warnstadt
Wieck	Zieman		

Absent, none.

Amendment [S-3286](#) lost.

Senator Kreiman asked and received unanimous consent that action on [Senate File 451](#) be deferred.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

UNFINISHED BUSINESS

House File 225

On motion of Senator Schuerer, **House File 225**, a bill for an act modifying workers' compensation laws and providing an effective date, placed on the Unfinished Business Calendar on April 17, 2003, with report of committee recommending passage, was taken up for consideration.

Senator Schuerer 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. 225**), 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 [Senate File 452](#).

[Senate File 452](#)

On motion of Senator McKibben, [Senate File 452](#), 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, was taken up for consideration.

Senator McKibben offered amendment [S-3288](#), filed by him from the floor to pages 1, 4, and 12 of the bill, and moved its adoption.

Amendment [S-3288](#) was adopted by a voice vote.

Senator Lundby offered amendment [S-3295](#), filed by Senator Lundby, et al., from the floor to page 3 of the bill, and moved its adoption.

Amendment [S-3295](#) was adopted by a voice vote.

Senator Connolly offered amendment [S-3296](#), filed by him from the floor to page 5 of the bill, and moved its adoption.

Amendment [S-3296](#) was adopted by a voice vote.

Senator Zieman asked and received unanimous consent to withdraw amendment [S-3289](#), filed by Senator Zieman, et al., from the floor to page 5 of the bill.

With the withdrawal of amendment [S-3289](#), the Chair ruled amendment [S-3297](#), filed by Senator Dotzler from the floor to page 1 of amendment [S-3289](#) out of order.

Senator Zieman offered amendment [S-3292](#), filed by Senators Zieman and Lamberti from the floor to page 5 of the bill.

Senator Dotzler offered amendment [S-3298](#), filed by him from the floor to page 1 of amendment [S-3292](#), and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-3298](#) to amendment [S-3292](#) be adopted?" ([S.F. 452](#)), the vote was:

Yeas, 22:

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

Nays, 28:

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

Absent, none.

Amendment [S-3298](#) lost.

Senator Zieman moved the adoption of amendment [S-3292](#).

A record roll call was requested.

On the question "Shall amendment [S-3292](#) be adopted?" ([S.F. 452](#)), 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.

Amendment [S-3292](#) was adopted.

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. 452](#)), 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	Quirnbach	Ragan
Redfern	Rehberg	Schuerer	Seng
Seymour	Shull	Sievers	Stewart
Tinsman	Veenstra	Warnstadt	Wieck
Zieman			

Nays, none.

Present, 1:

Putney

Absent, none.

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

President Kramer took the chair at 7:04 p.m.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [House File 225](#) be **immediately messaged** to the House.

BUSINESS PENDING

[Senate File 451](#)

The Senate resumed consideration of [Senate File 451](#), a bill for an act providing for the jurisdiction and funding of roads by transferring funding for and jurisdiction of certain primary and farm-to-market roads, modifying the procedure for classification of area service "C" roads, and establishing a street construction fund distribution advisory committee, and making appropriations, previously deferred.

Senator Kreiman offered amendment [S-3299](#), filed by him from the floor to page 5 of the bill, and moved its adoption.

Amendment [S-3299](#) lost by a voice vote.

Senator Shull 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. 451](#)), the vote was:

Yeas, 43:

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

Nays, 7:

Bolkcom	Courtney	Dvorsky	Fraise
Houser	Kreiman	McKinley	

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 [Senate File 451](#) be **immediately messaged** to the House.

HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 23, 2003, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 675](#), a bill for an act relating to the regulation of elder family homes, elder group homes, and assisted living programs, providing for fees, and providing penalties.

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

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 7:20 p.m. until 8:30 a.m. Thursday, April 24, 2003.

APPENDIX**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 23, 2003

AUDITOR OF STATE

Single Audit Report of the State of Iowa for the FY ended June 30, 2002.

CERTIFICATES OF RECOGNITION

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

Myrtle Alsin, Madrid — For celebrating your 103rd birthday on April 18, 2003. Senator Quirmbach (4/23/03).

Nancy Chapmen, Creston — For being named the Wal-Mart 2003 Teacher of the Year. Senator Angelo (4/23/03).

Donald and Betty Hanson, Roland — For celebrating your 60th wedding anniversary on April 25, 2003. Senator Iverson (4/23/03).

REPORT OF COMMITTEE MEETING**RULES AND ADMINISTRATION**

Convened: April 23, 2003, 8:30 a.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Courtney, Dvorsky, Gaskill, Putney, Ragan, and Sievers.

Members Absent: Boettger and Drake (both excused).

Committee Business: Passed [SCR 17](#) and SRs 33, 34, 35, and 36.

Adjourned: 8:35 a.m.

STUDY BILLS RECEIVED

SSB 1204 **Appropriations**

Relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund.

SSB 1205 **Appropriations**

Relating to state and local government financial and regulatory matters, making and reducing appropriations, providing a fee, and providing applicability and effective dates.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 35

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

House File 665

WAYS AND MEANS: Connolly, Chair; McKinley and Shull

House File 680

WAYS AND MEANS: Dotzler, Chair; McKibben and Rehberg

House File 682

APPROPRIATIONS: Gaskill, Chair; Connolly and Houser

House File 684

APPROPRIATIONS: Lamberti, Chair; Dvorsky and Kramer

SSB 1204

APPROPRIATIONS: Kramer, Chair; Bolckcom and Lamberti

SSB 1205

APPROPRIATIONS: Lamberti, Chair; Dvorsky and Kramer

COMMITTEE REPORTS

RULES AND ADMINISTRATION

Final Bill Action: [SENATE CONCURRENT RESOLUTION 17](#), a concurrent resolution supporting the widening, improvement, and enhancement of U.S. Highway 30 across central Iowa and requesting federal assistance.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Kramer, Gronstal, Courtney, Dvorsky, Gaskill, Putney, Ragan, and Sievers. Nays, none. Absent, 2: Boettger and Drake.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [SENATE RESOLUTION 33](#), a resolution honoring the city of St. Ansgar and the First Lutheran Church on their sesquicentennial year.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Kramer, Gronstal, Courtney, Dvorsky, Gaskill, Putney, Ragan, and Sievers. Nays, none. Absent, 2: Boettger and Drake.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [SENATE RESOLUTION 34](#), a resolution urging the United States Postal Service to issue a commemorative postage stamp honoring America's coal miners.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Kramer, Gronstal, Courtney, Dvorsky, Gaskill, Putney, Ragan, and Sievers. Nays, none. Absent, 2: Boettger and Drake.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [SENATE RESOLUTION 35](#), a resolution calling for the observance of Workers Memorial Day.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Kramer, Gronstal, Courtney, Dvorsky, Gaskill, Putney, Ragan, and Sievers. Nays, none. Absent, 2: Boettger and Drake.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [SENATE RESOLUTION 36](#), a resolution honoring the Iowa members of the United States Naval Armed Guard who served during World War II.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Kramer, Gronstal, Courtney, Dvorsky, Gaskill, Putney, Ragan, and Sievers. Nays, none. Absent, 2: Boettger and Drake.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

MOTION TO RECONSIDER FILED

MADAM PRESIDENT: I move to reconsider the vote by which [Senate File 452](#) passed the Senate on April 23, 2003.

JEFF LAMBERTI

AMENDMENTS FILED

S-3285	H.F. 584	House
S-3286	S.F. 451	Hubert Houser
		Paul McKinley
S-3287	S.F. 426	Joe M. Seng
S-3288	S.F. 452	Larry McKibben
S-3289	S.F. 452	Mark Zieman
		Mary Kramer
		Stewart Iverson, Jr.
		Nancy J. Boettger
		Jeff Angelo
		Ron Wieck
		Kenneth Veenstra
		Steve Kettering
		James Seymour
		Larry McKibben
		Charles W. Larson, Jr.
		David Johnson
		John Putney
		Neal Schuerer
		Paul McKinley
		Julie Hosch
		Bryan J. Sievers
		E. Thurman Gaskill

		Richard F. Drake
		Doug Shull
		Donald B. Redfern
		Kitty Rehberg
		Jeff Lamberti
<u>S-3290</u>	<u>H.F. 543</u>	Mary A. Lundby
<u>S-3291</u>	<u>H.F. 543</u>	Mary A. Lundby
<u>S-3292</u>	<u>S.F. 452</u>	Mark Zieman
		Jeff Lamberti
<u>S-3293</u>	<u>S.F. 451</u>	Eugene S. Fraise
<u>S-3294</u>	<u>S.F. 449</u>	Daryl Beall
		John P. Kibbie
		Joe Bolkcom
		Jack Hatch
		Bryan J. Sievers
<u>S-3295</u>	<u>S.F. 452</u>	Mary A. Lundby
		Robert E. Dvorsky
		Wally E. Horn
		Charles W. Larson, Jr.
<u>S-3296</u>	<u>S.F. 452</u>	Mike Connolly
<u>S-3297</u>	<u>S.F. 452</u>	William Dotzler
<u>S-3298</u>	<u>S.F. 452</u>	William Dotzler
<u>S-3299</u>	<u>S.F. 451</u>	Keith A. Kreiman
<u>S-3300</u>	<u>S.F. 448</u>	Charles W. Larson, Jr.
		Robert E. Dvorsky
		Keith A. Kreiman