

**PROOF**

---

---

**STATE OF IOWA**

**Senate Journal**

**TUESDAY, APRIL 29, 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 HUNDRED SEVENTH CALENDAR DAY  
SIXTY-SECOND SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, April 29, 2003

The Senate met in regular session at 8:45 a.m., Senator Behn presiding.

Prayer was offered by the Reverend Robert Kunz, pastor of the Marion Christian Church in Marion, Iowa. He was the guest of Senator Lundby.

The Journal of Monday, April 28, 2003, was approved.

### QUORUM CALL

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

The vote revealed 34 present, 16 absent, and a quorum present.

The Senate stood at ease at 9:26 a.m. until the fall of the gavel.

The Senate resumed session at 10:03 a.m., Senator Behn presiding.

### RECESS

On motion of Senator Seymour, the Senate recessed at 10:05 a.m. until the completion of a meeting of the committee on Ways and Means.

### AFTERNOON SESSION

The Senate reconvened at 2:29 p.m., President Pro Tempore Angelo presiding.

### QUORUM CALL

President Kramer requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 36 present, 14 absent, and a quorum present.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Kramer asked and received unanimous consent to take up for consideration [Senate Resolution 36](#).

#### [Senate Resolution 36](#)

On motion of Senator Kramer, [Senate Resolution 36](#), a resolution honoring the Iowa members of the United States Naval Armed Guard who served during World War II, with report of committee recommending passage, was taken up for consideration.

Senator Kramer moved the adoption of [Senate Resolution 36](#), which motion prevailed by a voice vote.

### SPECIAL GUESTS

Senator Kramer welcomed to the Senate chamber Iowa members of the United States Naval Armed Guard.

The Senate rose and expressed its welcome.

The Senate stood at ease at 2:39 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:05 p.m., President Kramer presiding.

### RECESS

On motion of Senator Boettger, the Senate recessed at 5:06 p.m. until the completion of a meeting of the committee on Ways and Means.

## EVENING SESSION

The Senate reconvened at 6:36 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 29, 2003, **passed** the following bill in which the concurrence of the House was asked:

**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.

ALSO: That the House has on April 29, 2003, **concurred** in the Senate amendment to the House amendment, **and passed** the following bill in which the concurrence of the House was asked:

**Senate File 422**, a bill for an act relating to the criminal sentencing and procedure by modifying the penalties for certain offenses related to controlled substances, modifying dissemination of sex offender registry information and residence restrictions for a sex offender, repealing certain determinate sentences, changing the parole and work release eligibility of a person serving a sentence that requires a maximum accumulation of earned time credits of fifteen percent of the total term of confinement and by permitting the reopening of such a sentence, providing a penalty, and providing an effective date.

ALSO: That the House has on April 29, 2003, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

**House File 654**, a bill for an act relating to the exemption of sand handling and core and mold making equipment used in the mold making process from sales and use taxes, providing refunds, and including effective and retroactive applicability date provisions.

ALSO: That the House has on April 29, 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 685**, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund. (**S-3340**)

ALSO: That the House has on April 29, 2003, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 676**, a bill for an act establishing a veterans trust fund under the control of the commission of veterans affairs and providing a contingent appropriation.

Read first time and **passed on file**.

#### ADJOURNMENT

On motion of Senator Putney, the Senate adjourned at 6:37 p.m. until 8:30 a.m. Wednesday, April 30, 2003.

**APPENDIX****CERTIFICATES OF RECOGNITION**

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

Jon Clarridge, Story City — For achieving the rank of Eagle Scout, Boy Scout Troop 101. Senator Iverson (4/29/03).

Elizabeth Dunham, Green Mountain-Garwin High School — For being named in the Top 50 Academic All-State. Senator McKibben (4/29/03).

East Greene High School Jazz Band — For winning the 2003 Class A State Championship Jazz Band Competition. Senator Beall (4/29/03).

2nd Lieutenant Andrea Ehret, Burlington — For graduating from the Air Force Academy at Colorado Springs, Colorado. Senator Courtney (4/29/03).

Michael K. Fermier, Grapevine, Texas — For achieving the rank of Eagle Scout, Boy Scout Troop 28. Senator Drake (4/29/03).

Nancy Foust, Monroe County — For being named Administrator of the Year by the Iowa Reading Association. Senator McKinley (4/29/03).

Ruth Haberkamp, Garner — For celebrating your 100th birthday on August 24, 2003. Senator Gaskill (4/29/03).

Ensign Keris Sirek, Burlington — For graduating from the Naval Academy at Annapolis, Maryland. Senator Courtney (4/29/03).

Adam Weis, Maquoketa — For being named to the Academic All-State Team as one of the Top 50 Students in the state of Iowa. Senator Stewart (4/29/03).

**REPORT OF COMMITTEE MEETINGS****APPROPRIATIONS**

**Convened:** April 29, 2003, 1:50 p.m.

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

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

**Committee Business:** Approved [SSB 1207](#).

**Recessed:** 2:20 p.m.

**Reconvened:** 6:50 p.m.

**Adjourned:** 6:55 p.m.

**WAYS AND MEANS**

**Convened:** April 29, 2003, 5:10 p.m.

**Members Present:** McKibben, Chair; Shull, Vice Chair; Bolkom, Ranking Member; Angelo, Connolly, Dotzler, Hosch, Lamberti, Larson, McCoy, McKinley, Miller, Quirmbach, Rehberg, Seng, Sievers, and Stewart.

**Members Absent:** None.

**Committee Business:** Passed HF's 677, 679 (as amended), 686, and 689.

**Adjourned:** 6:30 p.m.

**INTRODUCTION OF BILL**

**Senate File 458**, by committee on Appropriations, a bill for an act relating to public expenditure and regulatory matters, compensating public employees, making and reducing appropriations, providing for related matters, making penalties applicable, and providing effective dates.

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

**STUDY BILLS RECEIVED**

**SSB 1208      Appropriations**

Relating to Iowa agricultural industry finance corporations, by providing for the assignment of an Iowa agricultural industry finance loan, and providing an effective date.

**SSB 1209      Ways and Means**

Relating to the issuance of tax credit certificates and related tax credits to designated investors in the Iowa fund of funds.

## SUBCOMMITTEE ASSIGNMENTS

House File 688

WAYS AND MEANS: Sievers, Chair; Dotzler and Rehberg

SSB 1208

APPROPRIATIONS: Zieman, Chair; Fraise and McKibben

SSB 1209

WAYS AND MEANS: McKibben, Chair; Connolly and Rehberg

## COMMITTEE REPORTS

## APPROPRIATIONS

**Final Bill Action:** SENATE FILE 458 (SSB 1207), a bill for an act relating to public expenditure and regulatory matters, compensating public employees, making and reducing appropriations, providing for related matters, making penalties applicable, and providing effective dates.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 18: Lamberti, Kramer, Behn, Gaskill, Hatch, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Zieman. Nays, 6: Dvorsky, Bolkom, Connolly, Dotzler, Fraise, and Horn. Absent, 1: Black.

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

## WAYS AND MEANS

**Final Bill Action:** HOUSE FILE 677, a bill for an act relating to new capital investment for businesses and new jobs by creating a new capital investment program, creating tax incentives, and amending the new jobs and income program.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 17: McKibben, Shull, Bolkom, Angelo, Connolly, Dotzler, Hosch, Lamberti, Larson, McCoy, McKinley, Miller, Quirnbach, Rehberg, Seng, Sievers, and Stewart. Nays, none. Absent, none.

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

## ALSO:

**Final Bill Action:** HOUSE FILE 686, a bill for an act relating to urban renewal and tax increment financing and including effective and retroactive applicability date provisions.



**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: McKibben, Shull, Bolkcom, Angelo, Connolly, Hosch, McKinley, Miller, Quirnbach, Rehberg, and Sievers. Nays, 3: Dotzler, McCoy, and Seng. Present, 2: Lamberti and Stewart. Absent, 1: Larson.

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

**ALSO:**

**Final Bill Action:** [HOUSE FILE 689](#), a bill for an act relating to ethanol blended gasoline, by providing for tax credits and for their retroactive applicability, providing for refunds, and providing for an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 16: McKibben, Shull, Bolkcom, Angelo, Connolly, Dotzler, Hosch, Lamberti, Larson, McKinley, Miller, Quirnbach, Rehberg, Seng, Sievers, and Stewart. Nays, none. Absent, 1: McCoy.

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

### REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 368](#), the following correction was made:

1. Page 4, lines 14 and 15, the words and numbers "subparagraphs (1) through (6)" were changed to the words and letters "subparagraphs (1) through (7)".

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 29th day of April, 2003:

Senate Files 275, 353, 368, and 402.

MICHAEL E. MARSHALL  
Secretary of the Senate

## AMENDMENTS FILED

<u>S-3339</u>	<u>S.F. 445</u>	Steve Warnstadt
<u>S-3340</u>	<u>H.F. 685</u>	House
<u>S-3341</u>	<u>H.F. 549</u>	Nancy J. Boettger
<u>S-3342</u>	<u>H.F. 549</u>	Nancy J. Boettger