

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, APRIL 8, 2003

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JOURNAL OF THE SENATE

EIGHTY-SIXTH CALENDAR DAY
FIFTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 8, 2003

The Senate met in regular session at 8:30 a.m., Senator Brunkhorst presiding.

Prayer was offered by the Reverend Orville Erickson, pastor of the Greenhill Baptist Church in Cedar Falls, Iowa. He was the guest of Senator Redfern.

The Journal of Monday, April 7, 2003, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Holveck, until he arrives, on request of Senator Dearden; Senator Dvorsky, until he arrives, on request of Senator Connolly; Senator Lundby, until she arrives, on request of Senator Iverson; and Senator McCoy, until he arrives, on request of Senator Gronstal.

CONSIDERATION OF BILL (Regular Calendar)

Senator Lamberti asked and received unanimous consent to take up for consideration [Senate File 362](#).

[Senate File 362](#)

On motion of Senator Putney, [Senate File 362](#), a bill for an act relating to tribal law enforcement officer training at the Iowa law enforcement academy, was taken up for consideration.

Senator Putney offered amendment [S-3148](#), filed by him on April 7, 2003, to page 1 and to the title page of the bill, and moved its adoption.

Amendment [S-3148](#) was adopted by a voice vote.

Senator Putney asked and received unanimous consent that [House File 548](#) be substituted for [Senate File 362](#).

[House File 548](#)

On motion of Senator Putney, [House File 548](#), a bill for an act relating to tribal law enforcement officer training at the Iowa law enforcement academy, was taken up for consideration.

Senator Putney offered amendment [S-3147](#), filed by him on April 7, 2003, to page 1 and to the title page of the bill, and moved its adoption.

Amendment [S-3147](#) was adopted by a voice vote.

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

Yeas, 46:

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

Nays, none.

Absent, 4:

Dvorsky Holveck Lundby McCoy

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

President Kramer took the chair at 8:41 a.m.

WITHDRAWN

Senator Putney asked and received unanimous consent that [Senate File 362](#) be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILL (Regular Calendar)

Senator Lamberti asked and received unanimous consent to take up for consideration [House File 85](#).

[House File 85](#)

On motion of Senator Dearden, [House File 85](#), a bill for an act relating to tip-up fishing in the waters of the Missouri and Big Sioux rivers and subjecting violators to an existing penalty, with report of committee recommending passage, was taken up for consideration.

Senator Dearden 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. 85](#)), the vote was:

Yeas, 47:

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

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

Nays, none.

Absent, 3:

Holveck	Lundby	McCoy
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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 85 and 548** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 439](#).

[Senate File 439](#)

On motion of Senator Miller, [Senate File 439](#), a bill for an act relating to and making appropriations to the justice system and providing an effective date, was taken up for consideration.

Senator Fraise offered amendment [S-3140](#), filed by Senator Fraise, et al., on April 7, 2003, to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-3140](#) be adopted?" ([S.F. 439](#)), the vote was:

Yeas, 21:

Beall	Black	Bolkcom	Connolly
Courtney	Dearden	Dotzler	Drake
Dvorsky	Fraise	Gronstal	Hatch

Holveck Quirnbach Warnstadt	Horn Ragan	Kibbie Seng	Kreiman Stewart
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Nays, 28:

Angelo Gaskill Johnson Larson Miller Schuerer Tinsman	Behn Hosch Kettering Lundby Putney Seymour Veenstra	Boettger Houser Kramer McKibben Redfern Shull Wieck	Brunkhorst Iverson Lamberti McKinley Rehberg Sievers Zieman
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Absent, 1:

McCoy

Amendment [S-3140](#) lost.

Senator Fraise offered amendment [S-3150](#), filed by Senator Fraise, et al., on April 7, 2003, to page 12 of the bill, and moved its adoption.

Amendment [S-3150](#) was adopted by a voice vote.

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

On the question "Shall the bill pass?" ([S.F. 439](#)), the vote was:

Yeas, 49:

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

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 222](#).

[Senate File 222](#)

On motion of Senator Boettger, [Senate File 222](#), a bill for an act relating to anatomical gifts including bone marrow and organ donation by state employees and grants from the anatomical gift public awareness and transplantation fund, was taken up for consideration.

Senator Boettger asked and received unanimous consent that [House File 381](#) be substituted for [Senate File 222](#).

[House File 381](#)

On motion of Senator Boettger, [House File 381](#), a bill for an act relating to anatomical gifts including bone marrow and organ donation by state employees and grants from the anatomical gift public awareness and transplantation fund, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 381](#)), 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 Boettger asked and received unanimous consent that [Senate File 222](#) be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [Senate File 439](#) and [House File 381](#) be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 260](#).

Senate File 260

On motion of Senator Houser, **Senate File 260**, a bill for an act relating to certain leaves of absence for local civil service employees and providing for the Act's applicability, 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?" (**S.F. 260**), 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 Iverson asked and received unanimous consent that **Senate File 260** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [House Concurrent Resolution 8](#).

[House Concurrent Resolution 8](#)

On motion of Senator Iverson, [House Concurrent Resolution 8](#), a concurrent resolution relating to a biennial memorial session, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of [House Concurrent Resolution 8](#), which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [House Concurrent Resolution 9](#).

[House Concurrent Resolution 9](#)

On motion of Senator Iverson, [House Concurrent Resolution 9](#), a concurrent resolution relating to Pioneer Lawmakers, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of [House Concurrent Resolution 9](#), which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

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

Senate Joint Resolution 4

On motion of Senator Iverson, **Senate Joint Resolution 4**, a joint resolution proposing redesign of the Medicaid system, with report of committee recommending passage, was taken up for consideration.

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

WHEREAS, Iowa's current medical assistance program cannot be sustained in a manner that provides care for participants at the current rate of growth as demonstrated by cost increases of more than two percent per enrollee per month for the previous two years; and

WHEREAS, Iowans deserve a health care safety net that provides health care that is timely, effective, and responsive to their specific needs; and

WHEREAS, Iowans would be better served if the current medical assistance program were redesigned to create insurance-like products that meets their needs; and

WHEREAS, Iowans would be better served, at a lower cost to taxpayers, if persons who are at risk of becoming medical assistance recipients due to their income, health, and current insurance status could be identified and insured; and

WHEREAS, Iowa's children and families would benefit from the use of a medical home model that links children and families to an ongoing source of medical care that ensures access to and appropriate utilization of medical services including preventive services; and

WHEREAS, Iowa's senior population should have more options available to address their health care needs, including home and community-based services and assisted living; NOW THEREFORE, BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA.

Section 1. A unified group including the governor, the general assembly, and the department of human services shall seek all waivers necessary from the centers for medicare and Medicaid of the United States department of health and human services so that Iowa will become a laboratory for the nation in redesigning the medical assistance program. The redesign shall provide for such measures as state-funded health care spending accounts for families on medical

assistance that provide incentives for effective health care cost management; providing an insurance-like benefit package for those individuals with extensive medical needs that emphasizes flexible and preventive care through case management; moving to an acuity-based reimbursement system for dually eligible seniors; and developing an evidence-based pharmaceutical program.

Sec. 2. The department of human services shall adopt necessary rules to immediately implement the medical assistance program redesign upon receipt of approval from the centers for medicare and Medicaid of the United States department of health and human services.

On the question "Shall the resolution be adopted?" ([S.J.R. 4](#)), 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 resolution, having received a constitutional majority, was declared to have been adopted by the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [Senate Joint Resolution 4](#) and [House Concurrent Resolutions 8 and 9](#) be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [House File 396](#).

[House File 396](#)

On motion of Senator Veenstra, [House File 396](#), a bill for an act relating to disaster preparedness and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Veenstra 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. 396](#)), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Hatch

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [House File 396](#) be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Iverson called up the appointment of Donna M. Mueller, as Chief Executive Officer of the IPERS, placed on the Individual Confirmation Calendar on March 25, 2003, and found on page 650 of the Senate Journal.

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

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

SPECIAL GUEST

Senator Hatch welcomed to the Senate chamber Democratic presidential candidate John Kerry, U.S. Senator from Massachusetts.

The Senate rose and expressed its welcome.

The Senate stood at ease at 9:40 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:06 a.m., Senator Sievers presiding.

RECESS

On motion of Senator Veenstra, the Senate recessed at 11:07 a.m. until the completion of a meeting of the committee on Judiciary.

APPENDIX — 1**PRESENTATION OF VISITORS**

The Chair welcomed the following visitors who were present in the Senate gallery:

Girl Scouts from Elkader, accompanied by Vivian Thompson. Senator Rehberg.

REPORTS OF COMMITTEE MEETINGS**COMMERCE**

Convened: April 8, 2003, 2:35 p.m.

Members Present: Angelo, Chair; Wieck, Vice Chair; Warnstadt, Ranking Member; Beall, Behn, Bolkcom, Brunkhorst, Gronstal, Kettering, McCoy, Redfern, Schuerer, Sievers, and Stewart.

Members Absent: Larson (excused).

Committee Business: Passed HF's 395 and 586 and approved the Governor's appointees.

Adjourned: 2:45 p.m.

ECONOMIC GROWTH

Convened: April 8, 2003, 1:00 p.m.

Members Present: Rehberg, Chair; Shull, Vice Chair; Hatch, Ranking Member; Beall, Boettger, Dotzler, Larson, McKinley, Putney, Ragan, Seymour, Stewart, and Veenstra.

Members Absent: None.

Committee Business: Passed HF's 390, 392, 397, and 480 and approved the Governor's appointees.

Adjourned: 1:15 p.m.

HUMAN RESOURCES

Convened: April 8, 2003, 11:20 a.m.

Members Present: Veenstra, Chair; Seymour, Vice Chair; Ragan, Ranking Member; Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman.

Members Absent: None.

Committee Business: Passed HF's 206, 457, 529 (as amended), 557, and 560 and approved the Governor's appointees.

Adjourned: 12:55 p.m.

TRANSPORTATION

Convened: April 8, 2003, 11:15 a.m.

Members Present: Drake, Chair; Putney, Vice Chair; McCoy, Ranking Member; Beall, Dearden, Fraise, Houser, Johnson, Kettering, Rehberg, Shull, Warnstadt, and Ziemann.

Members Absent: None.

Committee Business: Passed [HF 502](#).

Adjourned: 11:40 a.m.

STUDY BILLS RECEIVED

[SSB 1195](#) **Government Oversight**

Relating to the regulation of dogs, and providing for penalties.

[SSB 1196](#) **Appropriations**

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.

SUBCOMMITTEE ASSIGNMENTS

[House File 662](#)

APPROPRIATIONS: Schuerer, Chair; Horn and Lamberti

[SSB 1195](#)

GOVERNMENT OVERSIGHT: Dvorsky, Chair; Lundby and Wieck

[SSB 1196](#)

APPROPRIATIONS: Shull, Chair; Lamberti and Warnstadt

COMMITTEE REPORT

STATE GOVERNMENT

Final Bill Action: [HOUSE FILE 593](#), a bill for an act relating to elections and voter registration by providing for nonpartisan election of township offices, allowing nomination petitions to be signed on both sides of paper, removing the requirement that judges' names be rotated on certain ballots, removing certain authority to sign voter registration forms on behalf of the registrant, relating to use of substitute precinct election officials, relating to use of voting machine or paper ballots at certain elections, modifying opening hours and closing hours of the polls at certain elections, providing for destruction of certain ballots, relating to the abstract of votes for county offices, providing for use of certain voting machines at satellite absentee voting stations, relating to observers present when ballots are counted, allowing absentee voting at the commissioner's office for certain elections, and relating to persons nominated for city office by write-in votes.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3162](#).

Final Vote: Ayes, 13: Zieman, Sievers, Kibbie, Black, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, and Veenstra. Nays, none. Absent, 2: Connolly and Lamberti.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 7, 2003, when the votes were taken on Senate Files 237 and 438, House Files 456 and 601, and the En Bloc Confirmation Calendar. Had I been present, I would have voted "Yea" on all. In addition, I was necessarily absent when the vote was taken on [Senate File 399](#). Had I been present, I would have voted "Nay."

MIKE CONNOLLY

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 resolution and 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 8th day of April, 2003:

[Senate Joint Resolution 1.](#)

[Senate File 134.](#)

[Senate File 224.](#)

[Senate File 401.](#)

[Senate File 436.](#)

MICHAEL E. MARSHALL
Secretary of the Senate

EVENING SESSION

The Senate reconvened at 5:23 p.m., President Kramer presiding.

QUORUM CALL

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

The vote revealed 39 present, 11 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 8, 2003, **passed** the following bill in which the concurrence of the House was asked:

Senate File 237, a bill for an act relating to fees charged to certain private water supply contractors, establishing a private water supply system account within the water quality protection fund, and appropriating moneys in the account.

ALSO: That the House has on April 8, 2003, **passed** the following bill in which the concurrence of the Senate is asked:

House File 628, a bill for an act relating to physician assistant licensure, and providing an effective date.

Read first time and referred to committee on **Human Resources**.

The Senate stood at ease at 5:34 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:36 p.m., President Kramer presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

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

Valorie Prael, Board of Chiropractic Examiners

Lorraine Groves, Credit Union Review Board
Roger Reiser, Credit Union Review Board

Eileen Cacioppo, Board of Dental Examiners

Susan Long, Engineering and Land Surveying Examining Board

Leman Olson, Board of Pharmacy Examiners

Rickey Salocker, Board of Podiatry Examiners

Diane Hamilton, State Racing and Gaming Commission

Sally Steffen, State Board for Respiratory Care

Becky Vilda, Board of Speech Pathology and Audiology Examiners

John P. Gillispie, Director of the Iowa Telecommunications and Technology Commission

Marvin Berenstein, Vision Iowa Board

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

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

Yeas, 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 appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Iverson called up the appointment of Ed Stanek, as Commissioner of the Iowa Lottery, placed on the Individual Confirmation Calendar on March 25, 2003, and found on page 650 of the Senate Journal.

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

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

Yeas, 49:

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

Nays, none.

Absent, 1:

McCoy

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

Senator Iverson called up the appointment of Michael Trier, as Workers' Compensation Commissioner, placed on the Individual Confirmation Calendar on April 1, 2003, and found on page 720 of the Senate Journal.

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

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

Yeas, 49:

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

Nays, none.

Absent, 1:

McCoy

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

Senator Iverson called up the appointment of Mollie Anderson, as Director of the Department of Personnel, placed on the Individual

Confirmation Calendar on April 1, 2003, and found on page 720 of the Senate Journal.

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

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

Yeas, 49:

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

Nays, none.

Absent, 1:

McCoy

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

UNFINISHED BUSINESS
(Deferred April 7, 2003)

[Senate File 384](#)

The Senate resumed consideration of **[Senate File 384](#)**, a bill for an act relating to the taxation of activities involving out-of-state qualified state tuition programs and including effective and retroactive applicability date provisions, deferred April 7, 2003.

Senator Kreiman offered amendment **[S-3119](#)**, filed by him on April 1, 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-3119](#) be adopted?” ([S.F. 384](#)), the vote was:

Yeas, 13:

Beall	Black	Courtney	Dearden
Dotzler	Dvorsky	Fraise	Gronstal
Horn	Kreiman	Ragan	Seng
Stewart			

Nays, 36:

Angelo	Behn	Boettger	Bolkcom
Brunkhorst	Connolly	Drake	Gaskill
Hatch	Holveck	Hosch	Houser
Iverson	Johnson	Kettering	Kibbie
Kramer	Lamberti	Larson	Lundby
McKibben	McKinley	Miller	Putney
Quirnbach	Redfern	Rehberg	Schuerer
Seymour	Shull	Sievers	Tinsman
Veenstra	Warnstadt	Wieck	Zieman

Absent, 1:

McCoy

Amendment [S-3119](#) lost.

Senator Larson offered amendment [S-3109](#), filed by him on March 31, 2003, to page 1 and to the title page of the bill, and moved its adoption.

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

Senator Connolly offered amendment [S-3153](#), filed by him on April 7, 2003, to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3153](#) be adopted?” ([S.F. 384](#)), the vote was:

Yeas, 20:

Beall	Black	Bolkcom	Connolly
Courtney	Dearden	Dotzler	Dvorsky
Fraise	Gronstal	Hatch	Holveck
Horn	Kibbie	Kreiman	Quirnbach
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-3153](#) lost.

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

On the question “Shall the bill pass?” ([S.F. 384](#)), the vote was:

Yeas, 32:

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

Nays, 17:

Beall	Black	Bolkcom	Connolly
Dearden	Dotzler	Dvorsky	Fraise
Gronstal	Holveck	Horn	Kibbie
Kreiman	Quirnbach	Ragan	Seng
Stewart			

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
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 300](#).

[Senate File 300](#)

On motion of Senator Zieman, [Senate File 300](#), a bill for an act relating to the registration and regulation of off-highway vehicles, providing fees, and making penalties applicable, with report of committee recommending passage, was taken up for consideration.

Senator Zieman withdrew amendment [S-3142](#), filed by him on April 7, 2003, to pages 4, 12-15, and 23 of the bill.

Senator Zieman withdrew amendment [S-3160](#), filed by him from the floor, to pages 4, 12-15, 23, and 26 of the bill.

Senator Zieman offered amendment [S-3172](#), filed by him from the floor to pages 4, 8, 12-15, and 23 of the bill, and moved its adoption.

Amendment [S-3172](#) was adopted by a voice vote.

With the adoption of amendment [S-3172](#), the Chair ruled amendment [S-3138](#), filed by Senator Zieman on April 3, 2003, to page 26 of the bill, out of order.

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?" ([S.F. 300](#)), 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 Iverson asked and received unanimous consent that **Senate Files 300 and 384** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 393](#).

[Senate File 393](#)

On motion of Senator Gaskill, [Senate File 393](#), a bill for an act relating to the agricultural development authority by providing for its organization and administration, was taken up for consideration.

Senator Gaskill offered amendment [S-3158](#), filed by him from the floor striking everything after the enacting clause of the bill, and moved its adoption.

Amendment [S-3158](#) was adopted by a voice vote.

Senator Gaskill 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. 393](#)), 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 (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 422](#).

[Senate File 422](#)

On motion of Senator Redfern, [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, by creating a criminal offense of robbery in the third degree, 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, was taken up for consideration.

Senator Redfern offered amendment [S-3173](#), filed by him from the floor to pages 1, 2, 5, 7, 9, and to the title page of the bill, and moved its adoption.

Amendment [S-3173](#) was adopted by a voice vote.

With the adoption of amendment [S-3173](#), the Chair ruled the following amendments out of order:

[S-3077](#), filed by Senator Redfern on March 24, 2003, to pages 1, 2, 5, 7, and 9 of the bill;

[S-3084](#), filed by Senator Lundby on March 25, 2003, to page 1 of amendment [S-3077](#); and

[S-3161](#), filed by Senator Larson, et al., from the floor to page 1 of amendment [S-3077](#).

Senator Kreiman withdrew amendment [S-3106](#), filed by him on March 31, 2003, to pages 6 and 9 of the bill.

Senator Kreiman offered amendment [S-3157](#), filed by him from the floor to pages 6 and 9 of the bill, and moved its adoption.

Amendment [S-3157](#) was adopted by a voice vote.

Senator Larson offered amendment [S-3171](#), filed by Senator Larson, et al., from the floor to page 8 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-3171](#) be adopted?" ([S.F. 422](#)), the vote was:

Yeas, 36:

Beall	Behn	Black	Boettger
Brunkhorst	Courtney	Gaskill	Gronstal
Holveck	Horn	Hosch	Houser
Johnson	Kettering	Kibbie	Kreiman

Lamberti	Larson	Lundby	McCoy
McKibben	McKinley	Miller	Putney
Ragan	Rehberg	Schuerer	Seng
Seymour	Shull	Sievers	Stewart
Veenstra	Warnstadt	Wieck	Zieman

Nays, 14:

Angelo	Bolkcom	Connolly	Dearden
Dotzler	Drake	Dvorsky	Fraise
Hatch	Iverson	Kramer	Quirmbach
Redfern	Tinsman		

Absent, none.

Amendment [S-3171](#) was adopted.

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

On the question “Shall the bill pass?” ([S.F. 422](#)), the vote was:

Yeas, 47:

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

Nays, 3:

Connolly	Hatch	Larson
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Absent, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 393 and 422** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 405](#) and [House File 623](#).

[Senate File 405](#)

On motion of Senator Sievers, [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, was taken up for consideration.

Senator Sievers offered amendment [S-3167](#), filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment [S-3167](#) was adopted by a voice vote.

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?" ([S.F. 405](#)), the vote was:

Yeas, 50:

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

Nays, none.

Absent, none.

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

House File 623

On motion of Senator Shull, **House File 623**, a bill for an act relating to registration with the United States selective service system by application for a driver's license or nonoperator's identification card or for renewal of a driver's license or nonoperator's identification card, with report of committee recommending passage, was taken up for consideration.

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?" (**H.F. 623**), the vote was:

Yeas, 48:

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

Nays, 2:

Holveck	Quirnbach
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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 405](#) and [House File 623](#) be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 655 and 652.

[House File 655](#)

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

Senator Holveck offered amendment [S-3163](#), filed by Senators Holveck and Warnstadt from the floor to pages 1, 11-14, and 22 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-3163](#) be adopted?" ([H.F. 655](#)), the vote was:

Yeas, 20:

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

Nays, 30:

Angelo	Behn	Boettger	Brunkhorst
Drake	Gaskill	Hosch	Houser
Iverson	Johnson	Kettering	Kramer
Kreiman	Lamberti	Larson	Lundby
McKibben	McKinley	Miller	Putney
Redfern	Rehberg	Schuerer	Seymour

Shull
Wieck

Sievers
Zieman

Tinsman

Veenstra

Absent, none.

Amendment [S-3163](#) lost.

Senator Holveck asked and received unanimous consent to withdraw amendment [S-3165](#), filed by Senators Holveck and Warnstadt from the floor to pages 1 and 11 of the bill.

Senator Sievers asked and received unanimous consent to withdraw amendment [S-3156](#), filed by Senator Sievers, et al., from the floor to page 3 of the bill.

Senator Sievers asked and received unanimous consent to withdraw amendment [S-3176](#), filed by Senator Sievers, et al., from the floor to page 3 of the bill.

Senator Holveck asked and received unanimous consent to withdraw amendment [S-3164](#), filed by Senator Holveck and Warnstadt from the floor to page 12 of the bill.

Senator Zieman asked and received unanimous consent that action on [House File 655](#) be deferred.

[House File 652](#)

On motion of Senator Miller, [House File 652](#), a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, and providing for the nonreversion of certain moneys, with report of committee recommending passage, was taken up for consideration.

Senator Kibbie offered amendment [S-3141](#), filed by him on April 7, 2003, to page 1 and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3141](#) be adopted?” ([H.F. 652](#)), the vote was:

Yeas, 24:

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

Nays, 26:

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

Absent, none.

Amendment [S-3141](#) lost.

President Pro Tempore Angelo took the chair at 9:15 p.m.

Senator Warnstadt offered amendment [S-3159](#), filed by him from the floor to page 5 of the bill.

Senator Drake raised the point of order that amendment [S-3159](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-3159](#) out of order.

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

On the question “Shall the bill pass?” ([H.F. 652](#)), the vote was:

Yeas, 48:

Angelo	Beall	Behn	Black
Boettger	Bolkcom	Brunkhorst	Connolly

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

Nays, 2:

Kibbie Kreiman

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 9:40 p.m.

BUSINESS PENDING

[House File 655](#)

The Senate resumed consideration of [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, previously deferred.

Senator Sievers offered amendment [S-3178](#), filed by Senator Sievers, et al., from the floor to page 3 of the bill, and moved its adoption.

Amendment [S-3178](#) was adopted by a voice vote.

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

Yeas, 33:

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

Nays, 17:

Beall	Bolkcom	Connolly	Dearden
Dotzler	Dvorsky	Fraise	Gronstal
Hatch	Holveck	Horn	Kibbie
Kreiman	Quirnbach	Ragan	Stewart
Warnstadt			

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 652 and 655** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:47 p.m. until 8:30 a.m. Wednesday, April 9, 2003.

APPENDIX — 2**REPORTS OF COMMITTEE MEETINGS****ETHICS**

Convened: April 8, 2003, 3:35 p.m.

Members Present: Drake, Chair; Redfern, Vice Chair; Kibbie, Ranking Member; Connolly, Dearden, and McKibben.

Members Absent: None.

Committee Business: Passed [HF 583](#).

Adjourned: 3:40 p.m.

JUDICIARY

Convened: April 8, 2003, 4:00 p.m.

Members Present: Redfern, Chair; Larson, Vice Chair; Kreiman, Ranking Member; Boettger, Fraise, Holveck, Horn, Kettering, Lamberti, McCoy, McKibben, Miller, Putney, Quirnbach, and Tinsman.

Members Absent: None.

Committee Business: Passed HFs 349, 400 (as amended), 450, 455, 551, and 585 (as amended) and approved the Governor's appointees.

Adjourned: 5:10 p.m.

SUBCOMMITTEE ASSIGNMENTS**[House File 394](#)**

ECONOMIC GROWTH: Shull, Chair; Putney and Stewart

[House File 401](#)

ECONOMIC GROWTH: Veenstra, Chair; Dotzler and Seymour

COMMITTEE REPORTS**COMMERCE**

Final Bill Action: [HOUSE FILE 395](#), a bill for an act relating to the extension of credit without discrimination under the consumer credit code.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Angelo, Wieck, Warnstadt, Beall, Behn, Bolkcom, Brunkhorst, Gronstal, Kettering, Redfern, Schuerer, Sievers, and Stewart. Nays, none. Absent, 2: Larson and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [HOUSE FILE 586](#), a bill for an act relating to notice of rate increases for group health insurance coverage.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Angelo, Wieck, Warnstadt, Beall, Behn, Bolkcom, Brunkhorst, Kettering, Redfern, Schuerer, and Stewart. Nays, none. Absent, 4: Gronstal, Larson, McCoy, and Sievers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ECONOMIC GROWTH

Final Bill Action: [HOUSE FILE 390](#), a bill for an act relating to economic development programs for targeted small businesses.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Rehberg, Shull, Hatch, Beall, Boettger, Dotzler, Larson, McKinley, Putney, Ragan, Seymour, Stewart, and Veenstra. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [HOUSE FILE 392](#), a bill for an act relating to economic growth strategic planning.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Rehberg, Shull, Hatch, Beall, Boettger, Dotzler, Larson, McKinley, Putney, Ragan, Seymour, Stewart, and Veenstra. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [HOUSE FILE 397](#), a bill for an act relating to community development block grants to the department of economic development and including effective and retroactive applicability dates.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Rehberg, Shull, Hatch, Beall, Boettger, Dotzler, Larson, McKinley, Putney, Ragan, Seymour, Stewart, and Veenstra. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [HOUSE FILE 480](#), a bill for an act relating to the shelter assistance fund.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Rehberg, Shull, Hatch, Beall, Boettger, Dotzler, Larson, McKinley, Putney, Ragan, Seymour, Stewart, and Veenstra. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ETHICS

Final Bill Action: [HOUSE FILE 583](#), a bill for an act relating to governmental ethics disclosure reports, including reports related to receptions for members of the general assembly during session detailing food, beverage, and entertainment received by public officials and public employees, and reports filed by clients of lobbyists before the general assembly and the executive branch pertaining to moneys paid for lobbying purposes.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Drake, Redfern, Kibbie, Connolly, Dearden, and McKibben. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Final Bill Action: [HOUSE FILE 206](#), a bill for an act increasing the child age applicable to mandatory reporting of suspected child sexual abuse perpetrated by a person other than the person responsible for the care of the child.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Veenstra, Seymour, Ragan, Behn, Boettger, Holveck, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, 2: Hatch and Horn. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [HOUSE FILE 457](#), a bill for an act expanding requirements for the transition of an individual from the child welfare services system to adulthood.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Veenstra, Seymour, Ragan, Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [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.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3166](#).

Final Vote: Ayes, 13: Veenstra, Seymour, Ragan, Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [HOUSE FILE 557](#), a bill for an act relating to liability of certain health care facilities and health care providers participating in the volunteer health care provider program.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Veenstra, Seymour, Ragan, Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [HOUSE FILE 560](#), a bill for an act relating to medical assistance home and community-based services waivers.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Veenstra, Seymour, Ragan, Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: [HOUSE FILE 349](#), a bill for an act relating to the representation of indigent persons and indigent defense claims.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Redfern, Larson, Kreiman, Boettger, Fraise, Holveck, Horn, Kettering, Lamberti, McCoy, McKibben, Miller, Putney, Quirnbach, and Tinsman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *[HOUSE FILE 400](#), a bill for an act relating to providing probationer and parolee information to local law enforcement agencies and the state department of transportation.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3175](#).

Final Vote: Ayes, 15: Redfern, Larson, Kreiman, Boettger, Fraise, Holveck, Horn, Kettering, Lamberti, McCoy, McKibben, Miller, Putney, Quirnbach, and Tinsman. 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 Judiciary Committee on [House File 400](#), and they were attached to the committee report.

ALSO:

Final Bill Action: [HOUSE FILE 450](#), a bill for an act creating an exception to the statutory rule against perpetuities and making related changes.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Redfern, Larson, Kreiman, Holveck, Horn, Kettering, McCoy, Putney, and Tinsman. Nays, 1: Fraise. Present, 5: Boettger, Lamberti, McKibben, Miller, and Quirnbach. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [HOUSE FILE 455](#), a bill for an act requiring licensed health-related professionals to report certain burn injuries to a law enforcement agency.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Redfern, Larson, Kreiman, Boettger, Horn, McCoy, Putney, and Tinsman. Nays, 3: Kettering, Lamberti, and Quirmbach. Present, 4: Fraise, Holveck, McKibben, and Miller. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [HOUSE FILE 551](#), a bill for an act providing for a fee for transporting an inmate for medical or dental care.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Redfern, Larson, Kreiman, Boettger, Fraise, Horn, Kettering, Lamberti, McCoy, McKibben, Miller, Putney, Quirmbach, and Tinsman. Nays, 1: Holveck. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *[HOUSE FILE 585](#), a bill for an act relating to maintaining a magistrate court in a city other than the county seat.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3174](#).

Final Vote: Ayes, 13: Redfern, Larson, Boettger, Fraise, Holveck, Horn, Kettering, McCoy, McKibben, Miller, Putney, Quirmbach, and Tinsman. Nays, 2: Kreiman and Lamberti. 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 Judiciary Committee on [House File 585](#), and they were attached to the committee report.

TRANSPORTATION

Final Bill Action: [HOUSE FILE 502](#), a bill for an act relating to damage disclosure statements required for transfer of ownership of motor vehicles and providing a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Drake, Putney, Beall, Dearden, Fraise, Houser, Johnson, Kettering, Rehberg, Shull, Warnstadt, and Ziemann. Nays, 1: McCoy. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

**GOVERNOR'S APPOINTEES PLACED ON
EN BLOC CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

COMMERCE

John R. Perkins – Consumer Advocate

Michael Harvey – Credit Union Review Board

Diane Munns – Chair of the Utilities Board

Diane Munns – Utilities Board

ECONOMIC GROWTH

Carol Garrett – Iowa Capital Investment Board

Linda Bloodsworth – Iowa Economic Development Board

HUMAN RESOURCES

Robert Martin – Commission for the Blind

Lionel Foster – Child Advocacy Board

Thomas Letsche – Commission on Community Action Agencies

John Matthews – Commission on the Deaf

John Lowe – Commission of Elder Affairs

Jane Paulsen – Commission of Elder Affairs

**GOVERNOR'S APPOINTEES PLACED ON
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendations for confirmation:

HUMAN RESOURCES

William Brand – Administrator of the Division of Community Action Agencies

Mark Haverland – Director of the Department of Elder Affairs

Kevin Concannon – Director of the Department of Human Services

Ruth Mosher – Council on Human Services

Mary Mincer Hansen – Director of Public Health

Charlotte Nelson – Administrator of the Division on the Status of Women

AMENDMENTS FILED

<u>S-3154</u>	<u>H.F. 404</u>	Keith A. Kreiman
<u>S-3155</u>	<u>S.F. 388</u>	Paul McKinley
		Kitty Rehberg
		Jack Hatch
<u>S-3156</u>	<u>H.F. 655</u>	Bryan J. Sievers
		Mark Zieman
		Michael E. Gronstal
		William Dotzler
		Donald B. Redfern
<u>S-3157</u>	<u>S.F. 422</u>	Keith A. Kreiman
<u>S-3158</u>	<u>S.F. 393</u>	E. Thurman Gaskill
<u>S-3159</u>	<u>H.F. 652</u>	Steve Warnstadt
<u>S-3160</u>	<u>S.F. 300</u>	Mark Zieman
<u>S-3161</u>	<u>S.F. 422</u>	Charles W. Larson, Jr.
		Mary A. Lundby
		Larry McKibben
		Kitty Rehberg
		Mark Zieman
		John Putney
		Matt McCoy
		Ron Wieck
		Jerry Behn
		Bryan J. Sievers
		Nancy Boettger
		James Seymour
		Julie Hosch
		Neal Schuerer
		David Johnson
		Doug Shull
		Ken Veenstra
		Steve Kettering
		Steve Warnstadt

<u>S-3162</u>	<u>H.F. 593</u>	State Government
<u>S-3163</u>	<u>H.F. 655</u>	Jack Holveck
		Steve Warnstadt
<u>S-3164</u>	<u>H.F. 655</u>	Jack Holveck
		Steve Warnstadt
<u>S-3165</u>	<u>H.F. 655</u>	Jack Holveck
		Steve Warnstadt
<u>S-3166</u>	<u>H.F. 529</u>	Human Resources
<u>S-3167</u>	<u>S.F. 405</u>	Bryan J. Sievers
<u>S-3168</u>	<u>H.F. 567</u>	Ron Wieck
<u>S-3169</u>	<u>H.F. 534</u>	Bob Brunkhorst
		Robert E. Dvorsky
<u>S-3170</u>	<u>H.F. 593</u>	John P. Kibbie
		Dennis H. Black
		Mike Connolly
		Thomas G. Courtney
		Dick L. Dearden
		Amanda Ragan
<u>S-3171</u>	<u>S.F. 422</u>	Charles W. Larson, Jr.
		Mary A. Lundby
		Larry McKibben
		Kitty Rehberg
		Mark Zieman
		John Putney
		Matt McCoy
		Ron Wieck
		Jerry Behn
		Bryan J. Sievers
		Nancy Boettger
		James Seymour
		Julie Hosch
		Neal Schuerer
		David Johnson
		Doug Shull
		Ken Veenstra
		Steve Kettering
		Steve Warnstadt
		E. Thurman Gaskill
<u>S-3172</u>	<u>S.F. 300</u>	Mark Zieman
<u>S-3173</u>	<u>S.F. 422</u>	Donald B. Redfern
<u>S-3174</u>	<u>H.F. 585</u>	Judiciary

<u>S-3175</u>	<u>H.F. 400</u>	Judiciary
<u>S-3176</u>	<u>H.F. 655</u>	Bryan J. Sievers
		Mark Zieman
		Michael E. Gronstal
		William Dotzler
		Donald B. Redfern
<u>S-3177</u>	<u>H.F. 65</u>	David Miller
<u>S-3178</u>	<u>H.F. 655</u>	Bryan J. Sievers
		Mark Zieman
		Michael E. Gronstal
		William Dotzler
		Donald B. Redfern