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**STATE OF IOWA**

**Senate Journal**

**MONDAY, APRIL 21, 2003**

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# JOURNAL OF THE SENATE

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NINETY-NINTH CALENDAR DAY  
FIFTY SEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, April 21, 2003

The Senate met in regular session at 1:11 p.m., President Kramer presiding.

Prayer was offered by the Reverend Darrel Weber, pastor of the Zion Evangelical and Reformed Church in Garner, Iowa. He was the guest of Senator Gaskill.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jaron Rosien.

The Journal of Thursday, April 17, 2003, was approved.

## 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.

Senator Sievers took the chair at 1:15 p.m.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Putney asked and received unanimous consent to take up for consideration [Senate Resolution 31](#).

### Senate Resolution 31

On motion of Senator Redfern, Senate Resolution 31, a resolution congratulating the University of Northern Iowa Panthers Women's Volleyball Team, with report of committee recommending passage, was taken up for consideration.

Senator Redfern moved the adoption of Senate Resolution 31, which motion prevailed by a voice vote.

### SPECIAL GUESTS

Senator Redfern welcomed to the Senate chamber Coach Bobbi Petersen and the 2002 University of Northern Iowa Panthers Women's Volleyball Team and staff. Coach Petersen addressed the chamber with brief remarks.

The Senate rose and expressed its welcome.

The Senate stood at ease at 1:58 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:04 p.m., President Kramer presiding.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McCoy, for the day, on request of Senator Bolcom; and Senators McKinley, Rehberg, and Zieman, until they arrive, on request of Senator Hosch.

### UNFINISHED BUSINESS

### Senate File 407

On motion of Senator Boettger, Senate File 407, a bill for an act relating to mandatory newborn and infant hearing screening, placed on the Unfinished Business Calendar on April 17, 2003, was taken up for consideration.

Senator Boettger offered amendment [S-3124](#), filed by her on April 2, 2003, striking everything after the enacting clause and to the title page of the bill, and moved its adoption.

Amendment [S-3124](#) was adopted by a voice vote.

Senator Boettger asked and received unanimous consent that [House File 454](#) be substituted for [Senate File 407](#).

[House File 454](#)

On motion of Senator Boettger, [House File 454](#), a bill for an act relating to mandatory universal newborn and infant hearing screening, was taken up for consideration.

Senator Boettger offered amendment [S-3125](#), filed by her on April 2, 2003, striking everything after the enacting clause of the bill, and moved its adoption.

Amendment [S-3125](#) was adopted by a voice vote.

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

Yeas, 46:

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

Nays, none.

Absent, 4:

McCoy

McKinley

Rehberg

Zieman

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 407](#) be **withdrawn** from further consideration of the Senate.

#### UNFINISHED BUSINESS

##### [House File 543](#)

On motion of Senator Angelo, [House File 543](#), a bill for an act relating to the provision of certain information for insureds regarding external review of health care coverage decisions, placed on the Unfinished Business Calendar on April 17, 2003, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Angelo offered amendment [S-3196](#), filed by the committee on Commerce on April 10, 2003, striking everything after the enacting clause and to the title page of the bill.

Senator Lundby asked and received unanimous consent that action on amendment [S-3196](#) and [House File 543](#) be **deferred**.

#### HOUSE AMENDMENT CONSIDERED

##### [Senate File 386](#)

Senator Boettger called up for consideration [Senate File 386](#), a bill for an act requiring the insurance division of the department of commerce to establish a school health insurance reform team study and to make recommendations to the general assembly, amended by the House, and moved that the Senate concur in House amendment [S-3250](#), filed April 17, 2003.

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

Senator Boettger 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. 386](#)), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

McCoy	McKinley	Rehberg	Zieman
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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 Boettger asked and received unanimous consent that [Senate File 386](#) and [House File 454](#) be **immediately messaged** to the House.

#### UNFINISHED BUSINESS

#### [House File 400](#)

On motion of Senator Larson, [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, placed on the Unfinished Business Calendar on April 17, 2003, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Larson offered amendment [S-3175](#), filed by the committee on Judiciary on April 8, 2003, to page 1 of the bill, and moved its adoption.

Amendment [S-3175](#) was adopted by a voice vote.

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

On the question "Shall the bill pass?" ([H.F. 400](#)), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

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

## UNFINISHED BUSINESS

[House File 457](#)

On motion of Senator Hatch, [House File 457](#), a bill for an act expanding requirements for the transition of an individual from the child welfare services system to adulthood, placed on the Unfinished Business Calendar on April 17, 2003, with report of committee recommending passage, was taken up for consideration.

Senator Hatch offered amendment [S-3253](#), filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment [S-3253](#) was adopted by a voice vote.

Senator Hatch offered amendment [S-3254](#), filed by Senators Hatch and Kreiman from the floor to page 1 of the bill, and moved its adoption.

Amendment [S-3254](#) was adopted by a voice vote.

Senator Hatch 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. 457](#)), the vote was:

Yeas, 46:

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

Nays, none.



Absent, 4:

McCoy                      McKinley                      Rehberg                      Zieman

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 **House Files 400** and **457** be **immediately messaged** to the House.

#### UNFINISHED BUSINESS (Deferred April 17, 2003)

#### [House File 206](#)

The Senate resumed consideration of [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, deferred April 17, 2003.

Senator Hatch offered amendment [S-3255](#), filed by him from the floor 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-3255](#) be adopted?" ([H.F. 206](#)), the vote was:

Yeas, 15:

Beall	Black	Bolkcom	Connolly
Courtney	Dearden	Dotzler	Dvorsky
Fraise	Gronstal	Hatch	Horn
Quirnbach	Ragan	Stewart	

Nays, 32:

Angelo	Behn	Boettger	Brunkhorst
Drake	Gaskill	Holveck	Hosch
Houser	Iverson	Johnson	Kettering
Kibbie	Kramer	Kreiman	Lamberti
Larson	Lundby	McKibben	Miller
Putney	Redfern	Schuerer	Seng

Seymour Veenstra	Shull Warnstadt	Sievers Wieck	Tinsman Zieman
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Absent, 3:

McCoy	McKinley	Rehberg
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Amendment [S-3255](#) lost.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

#### BUSINESS PENDING

#### [House File 206](#)

The Senate resumed consideration of [House File 206](#).

Senator Hatch offered amendment [S-3256](#), filed by him from the floor to pages 1 and 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3256](#) be adopted?” ([H.F. 206](#)), the vote was:

Yeas, 18:

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

Nays, 28:

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

Absent, 4:

McCoy

McKinley

Redfern

Rehberg

Amendment [S-3256](#) lost.

Senator Fraise offered amendment [S-3260](#), filed by Senators Fraise and Hatch from the floor to page 2 and to the title page of the bill.

Senator Fraise called for the following division of amendment [S-3260](#):

Division [S-3260A](#): Page 2, lines 5-14; and

Division [S-3260B](#): Page 1, lines 3-5 and page 2, lines 1-4 and 15-18.

Senator Fraise asked and received unanimous consent to withdraw division [S-3260A](#).

Senator Veenstra raised the point of order that division [S-3260B](#) was not germane to the bill.

The Chair ruled the point well-taken and division [S-3260B](#) out of order.

Senator Kreiman offered amendment [S-3262](#), filed by him from the floor to pages 1 and 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-3262](#) be adopted?" ([H.F. 206](#)), the vote was:

Yeas, 19:

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

Nays, 27:

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

Absent, 4:

McCoy	McKinley	Redfern	Rehberg
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Amendment [S-3262](#) lost.

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

Yeas, 33:

Angelo	Behn	Black	Boettger
Brunkhorst	Connolly	Drake	Gaskill
Holveck	Horn	Hosch	Houser
Iverson	Johnson	Kettering	Kibbie
Kramer	Kreiman	Lamberti	Larson
Lundby	McKibben	Miller	Putney
Schuerer	Seng	Shull	Sievers
Tinsman	Veenstra	Warnstadt	Wieck
Zieman			

Nays, 12:

Beall	Bolkcom	Courtney	Dearden
Dotzler	Dvorsky	Fraise	Gronstal
Hatch	Quirnbach	Ragan	Stewart

Absent, 5:

McCoy	McKinley	Redfern	Rehberg
Seymour			

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

## HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 21, 2003, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 102](#), a bill for an act relating to the chief executive officer of the Iowa public employees' retirement system and providing an effective and retroactive applicability date.

ALSO: That the House has on April 21, 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 534](#), a bill for an act providing for the reorganization of certain state departments by establishing a department of administrative services, making related changes, providing penalties, making appropriations, and providing an effective date. ([S-3263](#))

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:40 p.m. until 8:30 a.m. Tuesday, April 22, 2003.

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

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

James Bowman, Perry — For 25 years of dedication and service at the Medical Center at the Woodward Resource Center. Senator Kramer (4/21/03).

Mayor's Youth Employment Program, Iowa City — For 35 years of youth employment services to Johnson County. Senator Dvorsky (4/21/03).

Scranton Betterment Committee, Scranton — For exceptional voluntary community service. Senator Beall (4/21/03).

**INTRODUCTION OF RESOLUTION**

[\*\*Senate Resolution 35\*\*](#), by Courtney, a resolution calling for the observance of Workers Memorial Day.

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

**STUDY BILL RECEIVED****[SSB 1203](#) Appropriations**

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, authorizing fees, and providing an effective date.

**SUBCOMMITTEE ASSIGNMENTS****[Senate Resolution 34](#)**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

**[SSB 1203](#)**

APPROPRIATIONS: McKibben, Chair; Lamberti and Warnstadt

**BILL SIGNED BY THE GOVERNOR**

A communication was received announcing that on April 17, 2003, the Governor approved and transmitted to the Secretary of State the following bill:

[S.F. 272](#) – Relating to conflicts of interest in public contracts.

**AMENDMENTS FILED**

<a href="#"><u>S-3253</u></a>	<a href="#"><u>H.F. 457</u></a>	Jack Hatch
<a href="#"><u>S-3254</u></a>	<a href="#"><u>H.F. 457</u></a>	Jack Hatch
		Keith A. Kreiman
<a href="#"><u>S-3255</u></a>	<a href="#"><u>H.F. 206</u></a>	Jack Hatch
<a href="#"><u>S-3256</u></a>	<a href="#"><u>H.F. 206</u></a>	Jack Hatch
<a href="#"><u>S-3257</u></a>	<a href="#"><u>S.F. 451</u></a>	Thomas G. Courtney
<a href="#"><u>S-3258</u></a>	<a href="#"><u>S.F. 451</u></a>	Thomas G. Courtney
<a href="#"><u>S-3259</u></a>	<a href="#"><u>H.F. 654</u></a>	David P. Miller
		Eugene S. Fraise
		William Dotzler
		Thomas G. Courtney
<a href="#"><u>S-3260</u></a>	<a href="#"><u>H.F. 206</u></a>	Eugene S. Fraise
		Jack Hatch
<a href="#"><u>S-3261</u></a>	<a href="#"><u>H.F. 593</u></a>	Mark Zieman
<a href="#"><u>S-3262</u></a>	<a href="#"><u>H.F. 206</u></a>	Keith A. Kreiman
<a href="#"><u>S-3263</u></a>	<a href="#"><u>H.F. 534</u></a>	House