

PROOF

STATE OF IOWA

Senate Journal

MONDAY, APRIL 28, 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 SIXTH CALENDAR DAY
SIXTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 28, 2003

The Senate met in regular session at 10:04 a.m., President Kramer presiding.

Prayer was offered by the Reverend Dave Heilman, pastor of the Calvary Christian Reformed Church in Orange City, Iowa. He was the guest of Senator Veenstra.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the 2003 Senate Pages.

A moment of silence was observed by the Senate in honor of Workers Memorial Day and the Iowa workers whose lives were lost in 2002.

The Journal of Thursday, April 24, 2003, was approved.

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 25, 2003, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 453](#), a bill for an act relating to state and local government financial and regulatory matters, making and reducing appropriations, providing a fee, and providing applicability and effective dates.

ALSO: That the House has on April 25, 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 94, a bill for an act providing for the confidentiality of certain veterans' records maintained by county recorders.

ALSO: That the House has on April 25, 2003, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 383, a bill for an act relating to the delivery of curriculum via the internet by instructional personnel employed by an accredited postsecondary educational institution under a contract with a school district. (S-3320)

ALSO: That the House has on April 25, 2003, **passed** the following bills in which the concurrence of the Senate is asked:

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.

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

House File 694, a bill for an act relating to the judicial branch including by establishing a judicial district and judicial election district redistricting process, making changes to the nomination, appointment, and retention of judges, expanding magistrate courts, eliminating the position of alternate district associate judge, permitting district judgeships to be apportioned or transferred to another judicial district, requiring the county sheriff to serve a summons in certain delinquency proceedings, eliminating the participation of the foster care review board in voluntary foster care placements, waiving the filing fee and court costs in certain contempt actions, changing the duties of and the procedures related to the clerk of the district court, providing that interest on a judgment be calculated upon the one year treasury constant maturity plus two percent, expanding the access of the deferred judgment docket, prohibiting regional litigation centers, modifying the schedule of the probate court, providing for a fee, and providing for a study.

Read first time and **attached to similar [Senate File 418](#)**.

BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that [House File 631](#) be referred to the committee on **Judiciary**.

SPECIAL GUESTS

The Chair welcomed to the Senate chamber the following former Senate Pages returning for a 20-year reunion and their guests:

Terri Bloyd-Bonar
Curtis Dunlap
Jeff Patterson
Jeff Suntken
Ric Turnquist
Jeffrey Upah

The Senate rose and expressed its welcome.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration [Senate Resolution 35](#).

[Senate Resolution 35](#)

On motion of Senator Courtney, [Senate Resolution 35](#), a resolution calling for the observance of Workers Memorial Day, with report of committee recommending passage, was taken up for consideration.

Senator Courtney moved the adoption of [Senate Resolution 35](#), which motion prevailed by a voice vote.

The Senate stood at ease at 10:20 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 12:02 p.m., Senator Zieman presiding.

RECESS

On motion of Senator Veenstra, the Senate recessed at 12:03 p.m. until 1:30 p.m.

APPENDIX —1

COMMUNICATION RECEIVED

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

April 28, 2003

IOWA CIVIL RIGHTS COMMISSION

Iowa Communications Network (ICN) Usage for FY 2002, pursuant to Iowa Code section 8D.10.

CERTIFICATE OF RECOGNITION

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

Dick and Margot Tighe, Webster City — For celebrating your 50th wedding anniversary. Senator Iverson (4/28/03).

PRESENTATION OF VISITORS

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

Students from Hoover Elementary School in Dubuque, accompanied by Randy Lyon and Katie Ditterman. The students are Iowa History contest winners. Senator Connolly.

REPORTS OF COMMITTEE MEETINGS

GOVERNMENT OVERSIGHT

Convened: April 28, 2003, 1:20 p.m.

Members Present: Lundby, Chair; Brunkhorst, Vice Chair; Courtney, Ranking Member; Dvorsky and Wieck.

Members Absent: None.

Committee Business: Passed HFs 672 and 675.

Adjourned: 1:30 p.m.

RULES AND ADMINISTRATION

Convened: April 28, 2003, 1:30 p.m.

Members Present: Iverson, Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Putney, and Sievers.

Members Absent: Kramer, Vice Chair; and Ragan (both excused).

Committee Business: Passed SRs 37 and 38.

Adjourned: 1:35 p.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 38](#), by Lamberti, a resolution designating a Whistler Laureate for the Senate during the Eightieth General Assembly and recognizing special rules of decorum.

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

SUBCOMMITTEE ASSIGNMENTS

[Senate Resolution 37](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

[Senate Resolution 38](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

[House File 672](#)

GOVERNMENT OVERSIGHT: Lundby, Chair; Brunkhorst and Dvorsky

[House File 677](#)

WAYS AND MEANS: Angelo, Chair; Bolkcom and McKibben

[House File 689](#)

WAYS AND MEANS: Rehberg, Chair; Angelo and Dotzler

[House File 692](#)

WAYS AND MEANS: McKibben, Chair; Connolly, Shull, Sievers, and Stewart

COMMITTEE REPORTS

RULES AND ADMINISTRATION

Final Bill Action: [SENATE RESOLUTION 37](#), a resolution honoring Mr. Larry Kisor for his success in directing the Sioux City North High School Jazz Band.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [SENATE RESOLUTION 38](#), a resolution designating a Whistler Laureate for the Senate during the Eightieth General Assembly and recognizing special rules of decorum.

Recommendation: DO PASS.

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

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 375](#), the following corrections were made:

1. Page 6, line 11, the number "1." was changed to the letter "a."
2. Page 6, line 14, the number "2." was changed to the letter "b."

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 28th day of April, 2003:

Senate Files 102, 366, 372, 375, 416, and 438.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 25, 2003, the Governor approved and transmitted to the Secretary of State the following bills:

[S.F. 180](#) – Relating to the procedures for handling abandoned property and property presumed to be abandoned.

[S.F. 221](#) – Relating to the criminal offense of sexual exploitation of a minor.

[S.F. 340](#) – Relating to business entities, based on revisions related to the Iowa business corporation Act, including addition of a savings clause and addition of provisions related to director and officer liability, duty, and indemnification for certain insurance companies and indemnification for cooperative associations.

[S.F. 352](#) – Relating to the training of an individual who intends to become certified as a law enforcement officer.

[S.F. 361](#) – Relating to emergency procedures for the temporary detention and treatment of persons who are incapacitated or impaired due to substance abuse or mental health problems.

[S.F. 394](#) – Relating to the regulation of the grain industry, and making penalties applicable.

AFTERNOON SESSION

The Senate reconvened at 1:37 p.m., Senator Putney presiding.

RECESS

On motion of Senator Veenstra, the Senate recessed at 1:38 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:42 p.m., Senator Putney presiding.

QUORUM CALL

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

The vote revealed 32 present, 18 absent, and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Angelo, for the day, on request of Senator Boettger.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 38](#).

[Senate Resolution 38](#)

On motion of Senator Iverson, [Senate Resolution 38](#), a resolution designating a Whistler Laureate for the Senate during the Eightieth General Assembly and recognizing special rules of decorum, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of [Senate Resolution 38](#), 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 Resolution 34](#).

[Senate Resolution 34](#)

On motion of Senator Iverson, [Senate Resolution 34](#), a resolution urging the United States Postal Service to issue a commemorative postage stamp honoring America's coal miners, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of [Senate Resolution 34](#), which motion prevailed by a voice vote.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration [House File 682](#).

[House File 682](#)

On motion of Senator Gaskill, [House File 682](#), a bill for an act relating to wine by providing for native wine permits, providing wine gallonage tax revenue to support grape and wine development, providing for fees, and providing an effective date and retroactive applicability, with report of committee recommending passage, was taken up for consideration.

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?" ([H.F. 682](#)), the vote was:

Yeas, 48:

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

Nays, none.

Present, 1:

Miller

Absent, 1:

Angelo

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

UNFINISHED BUSINESS

[House File 450](#)

On motion of Senator Larson, [House File 450](#), a bill for an act creating an exception to the statutory rule against perpetuities and making related changes, placed on the Unfinished Business Calendar on April 17, 2003, with report of committee recommending passage, was taken up for consideration.

Senator McKibben asked and received unanimous consent to withdraw amendment [S-3277](#), filed by Senator McKibben, et al., on April 22, 2003, to pages 1 and 2 of the bill.

Senator Quirnbach asked and received unanimous consent that action on [House File 450](#) be deferred.

HOUSE AMENDMENT CONSIDERED

Senate File 422

Senator Redfern called up for consideration **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, amended by the House in House amendment **S-3301**, filed April 24, 2003.

Senator Redfern offered amendment **S-3325**, filed by him from the floor to pages 1 and 2 of House amendment **S-3301**.

Senator Redfern asked and received unanimous consent that action on amendment **S-3325** to House amendment **S-3301**, House amendment **S-3301**, and **Senate File 422** be deferred.

UNFINISHED BUSINESS

House File 329

On motion of Senator Seymour, **House File 329**, a bill for an act relating to site preparation for targeted economic development, placed on the Unfinished Business Calendar on April 17, 2003, with report of committee recommending passage, was taken up for consideration.

Senator Seymour 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. 329**), the vote was:

Yeas, 49:

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, 1:

Angelo

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 329** and **682** be **immediately messaged** to the House.

UNFINISHED BUSINESS

[House File 576](#)

On motion of Senator Shull, [House File 576](#), a bill for an act relating to the enterprise zone program and including effective date provisions, placed on the Unfinished Business Calendar on April 17, 2003, 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. 576](#)), the vote was:

Yeas, 49:

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, 1:

Angelo

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

MOTION TO RECONSIDER WITHDRAWN

[Senate File 452](#)

Senator Lamberti withdrew the motion to reconsider 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, filed by him on April 23, 2003, and found on page 1080 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [Senate File 452](#) and [House File 576](#) be **immediately messaged** to the House.

The Senate stood at ease at 2:38 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:13 p.m., Senator Sievers 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, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 445, a bill for an act relating to the establishment of a school infrastructure financing program by providing for the sharing of revenues from local option sales and services taxes for school infrastructure purposes and providing for the use of the revenues from the local option tax for school infrastructure or property tax relief purposes and including an effective date. (**S-3324**)

ALSO: That the House has on April 25, 2003, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

House File 624, a bill for an act regulating farm deer, providing for penalties, and providing an effective date.

ALSO: That the House has on April 25, 2003, **passed** the following bill in which the concurrence of the Senate is asked:

House File 686, a bill for an act relating to urban renewal and tax increment financing and including effective and retroactive applicability date provisions.

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

COMMITTEE REPORTS

GOVERNMENT OVERSIGHT

Final Bill Action: **HOUSE FILE 672**, a bill for an act relating to the regulation of adult day services, providing for penalties, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 5: Lundby, Brunkhorst, Courtney, Dvorsky, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [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.

Recommendation: DO PASS.

Final Vote: Ayes, 5: Lundby, Brunkhorst, Courtney, Dvorsky, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [House File 672](#).

[House File 672](#)

On motion of Senator Lundby, [House File 672](#), a bill for an act relating to the regulation of adult day services, providing for penalties, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Lundby 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. 672](#)), the vote was:

Yeas, 49:

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, 1:

Angelo

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 [House File 675](#).

[House File 675](#)

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

Senator Lundby offered amendment [S-3329](#), filed by her from the floor to page 16 of the bill, and moved its adoption.

Amendment [S-3329](#) was adopted by a voice vote.

Senator Lundby 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. 675](#)), the vote was:

Yeas, 49:

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, 1:

Angelo

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 454](#).

[Senate File 454](#)

On motion of Senator Kramer, [Senate File 454](#), a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, was taken up for consideration.

Senator Bolkcom asked and received unanimous consent to withdraw amendment [S-3322](#), filed by Senator Bolkcom, et al., from the floor to page 3 of the bill.

Senator Kramer offered amendment [S-3321](#), filed by her from the floor to pages 5 and 6 of the bill, and moved its adoption.

Amendment [S-3321](#) was adopted by a voice vote.

With the adoption of amendment [S-3321](#), the Chair ruled amendment [S-3323](#), filed by Senator Bolkcom, et al., from the floor to page 6 of the bill, out of order.

Senator Kramer asked and received unanimous consent that [House File 685](#) be substituted for [Senate File 454](#).

[House File 685](#)

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

Senator Bolkcom offered amendment [S-3326](#), filed by Senator Bolkcom, et al., from the floor to page 3 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-3326](#) be adopted?" ([H.F. 685](#)), the vote was:

Yeas, 22:

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

Nays, 27:

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

Absent, 1:

Angelo

Amendment [S-3326](#) lost.

Senator Lamberti offered amendment [S-3328](#), filed by Senators Lamberti and Kramer from the floor to pages 4-7 of the bill, and moved its adoption.

Amendment [S-3328](#) was adopted by a voice vote.

Senator Bolkcom offered amendment [S-3327](#), filed by Senator Bolkcom, et al., from the floor to page 6 of the bill, and moved its adoption.

Amendment [S-3327](#) lost by a voice vote.

Senator Kramer 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. 685](#)), the vote was:

Yeas, 49:

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, 1:

Angelo

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

WITHDRAWN

Senator Kramer asked and received unanimous consent that [Senate File 454](#) be **withdrawn** from further consideration of the Senate.

President Kramer took the chair at 5:47 p.m.

BUSINESS PENDING

[Senate File 422](#)

The Senate resumed consideration of [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, House amendment [S-3301](#), and amendment [S-3325](#) to House amendment [S-3301](#), previously deferred.

Senator Brunkhorst offered amendment [S-3330](#), filed by Senators Brunkhorst and Black from the floor to page 1 of amendment [S-3325](#) to House amendment [S-3301](#), and moved its adoption.

Amendment [S-3330](#) lost by a voice vote.

Senator Redfern moved the adoption of amendment [S-3325](#) to House amendment [S-3301](#).

Amendment [S-3325](#) was adopted by a voice vote.

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

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

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

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

Yeas, 49:

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, 1:

Angelo

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 File 422](#) and **House Files 672, 675, and 685** be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 6:25 p.m. until 8:00 p.m.

EVENING SESSION

The Senate reconvened at 8:18 p.m., Senator Larson presiding.

QUORUM CALL

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

The vote revealed 40 present, 10 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 28, 2003, **amended and passed** the following bills in which the concurrence of the House was asked.

Senate File 341, a bill for an act regulating the balance of competitive forces in swine and beef production by enhancing the welfare of the farming community and by preventing processors from gaining control of beef or swine production, providing for the transfer of provisions, making a penalty applicable, and providing for an effective date. (**S-3333**)

Senate File 344, a bill for an act concerning regulatory and statutory requirements impacting business relating to liability reform, unemployment compensation benefits eligibility and employer contributions, workers' compensation, occupational safety and health administration training and compliance requirements, financial services and restrictions on property rights, environmental regulatory requirements, and public project contractor requirements. (**S-3334**)

ALSO: That the House has on April 28, 2003, **passed** the following bill in which the concurrence of the Senate is asked:

House File 688, a bill for an act relating to biodiesel fuel, including by providing for financing, and providing for the Act's effectiveness.

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

Senator Putney took the chair at 8:28 p.m.

BUSINESS PENDING

House File 450

The Senate resumed consideration of **House File 450**, a bill for an act creating an exception to the statutory rule against perpetuities and making related changes, previously deferred.

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. 450**), the vote was:

Yeas, 46:

Beall	Behn	Black	Boettger
Bolkcom	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	Putney
Ragan	Redfern	Rehberg	Schuerer
Seng	Seymour	Shull	Sievers
Stewart	Tinsman	Veenstra	Warnstadt
Wieck	Zieman		

Nays, 3:

Brunkhorst	Miller	Quirmbach
------------	--------	-----------

Absent, 1:

Angelo

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

UNFINISHED BUSINESS
(Deferred April 24, 2003)

Senate Joint Resolution 5

The Senate resumed consideration of **Senate Joint Resolution 5**, a joint resolution nullifying amendments to administrative rules of the environmental protection commission of the department of natural resources relating to ammonia and hydrogen sulfide ambient air regulations and providing an effective date, deferred April 24, 2003.

President Kramer took the chair at 8:47 p.m.

Senator Wieck 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.

Senate Joint Resolution 5, a joint resolution nullifying amendments to administrative rules of the environmental protection commission of the department of natural resources relating to ammonia and hydrogen sulfide ambient air regulations and providing an effective date.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. The amendments to 567 Iowa administrative code, rule 28.1, adopted on April 21, 2003, are nullified.

Sec. 2. 567 Iowa administrative code, rule 28.2, adopted on April 21, 2003, is nullified.

Sec. 3. EFFECTIVE DATE. This Joint Resolution, being deemed of immediate importance, takes effect upon enactment.

On the question "Shall the resolution be adopted?" (**S.J.R. 5**), the vote was:

Yeas, 30:

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

Sievers Wieck	Tinsman Zieman	Veenstra	Warnstadt
------------------	-------------------	----------	-----------

Nays, 19:

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

Absent, 1:

Angelo

The resolution, having received a constitutional majority, was declared to have been adopted by the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 341

Senator Zieman called up for consideration **Senate File 341**, a bill for an act regulating the balance of competitive forces in swine and beef production by enhancing the welfare of the farming community and by preventing processors from gaining control of beef or swine production, providing for the transfer of provisions, making a penalty applicable, and providing for an effective date, amended by the House, and moved that the Senate concur in House amendment **S-3333**, filed April 28, 2003.

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

Senator Zieman 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. 341**), the vote was:

Yeas, 49:

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, 1:

Angelo

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 Joint Resolution 5](#), [Senate File 341](#), and [House File 450](#) be **immediately messaged** to the House.

UNFINISHED BUSINESS

[Senate File 418](#)

On motion of Senator Redfern, [Senate File 418](#), a bill for an act relating to the judicial branch by changing procedures for appointing or nominating a judge, or magistrate, by authorizing the voluntary transfer of a district judge, by prohibiting members of a judicial nominating commission from voting on certain nominees, and by apportioning judgeships among the judicial election districts, placed on the Unfinished Business Calendar on April 17, 2003, was taken up for consideration.

Senator Redfern offered amendment [S-3331](#), filed by him from the floor striking everything after the enacting clause and to the title page of the bill, and moved its adoption.

Amendment [S-3331](#) was adopted by a voice vote.

Senator Redfern asked and received unanimous consent that [House File 694](#) be substituted for [Senate File 418](#).

[House File 694](#)

On motion of Senator Redfern, [House File 694](#), a bill for an act relating to the judicial branch including by establishing a judicial district and judicial election district redistricting process, making changes to the nomination, appointment, and retention of judges, expanding magistrate courts, eliminating the position of alternate district associate judge, permitting district judgeships to be apportioned or transferred to another judicial district, requiring the county sheriff to serve a summons in certain delinquency proceedings, eliminating the participation of the foster care review board in voluntary foster care placements, waiving the filing fee and court costs in certain contempt actions, changing the duties of and the procedures related to the clerk of the district court, providing that interest on a judgment be calculated upon the one year treasury constant maturity plus two percent, expanding the access of the deferred judgment docket, prohibiting regional litigation centers, modifying the schedule of the probate court, providing for a fee, and providing for a study, was taken up for consideration.

Senator Kreiman offered amendment [S-3336](#), filed by him from the floor to pages 12 and 13 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3336](#) be adopted?” ([H.F. 694](#)), the vote was:

Yeas, 8:

Beall	Courtney	Dotzler	Fraise
Horn	Kibbie	Kreiman	Ragan

Nays, 41:

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

Absent, 1:

Angelo

Amendment [S-3336](#) lost.

Senator Kreiman offered amendment [S-3335](#), filed by him from the floor to page 13 of the bill, and moved its adoption.

Amendment [S-3335](#) lost by a voice vote.

Senator Kreiman offered amendment [S-3338](#), filed by him from the floor to page 15 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3338](#) be adopted?” ([H.F. 694](#)), the vote was:

Yeas, 5:

Beall	Fraise	Kibbie	Kreiman
Ragan			

Nays, 44:

Behn	Black	Boettger	Bolkcom
Brunkhorst	Connolly	Courtney	Dearden
Dotzler	Drake	Dvorsky	Gaskill
Gronstal	Hatch	Holveck	Horn
Hosch	Houser	Iverson	Johnson
Kettering	Kramer	Lamberti	Larson
Lundby	McCoy	McKibben	McKinley
Miller	Putney	Quirnbach	Redfern

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

Absent, 1:

Angelo

Amendment [S-3338](#) lost.

Senator Kreiman offered amendment [S-3337](#), filed by him from the floor to page 32 of the bill, and moved its adoption.

Amendment [S-3337](#) lost by a voice vote.

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?" ([H.F. 694](#)), the vote was:

Yeas, 47:

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, 1:

Angelo

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

WITHDRAWN

Senator Redfern asked and received unanimous consent that [Senate File 418](#) be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [House File 694](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 10:00 p.m. until 8:30 a.m. Tuesday, April 29, 2003.

APPENDIX — 2**INTRODUCTION OF RESOLUTION**

Senate Concurrent Resolution 18, by Dotzler, a concurrent resolution relating to federal funding for fire and emergency services and homeland security costs.

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

INTRODUCTION OF BILL

Senate File 457, by Iverson and Gronstal, a bill for an act establishing a new century learning technology initiative, commission, and fund, and providing an effective date and for contingent implementation.

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

STUDY BILL RECEIVED**SSB 1207 Appropriations**

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.

SUBCOMMITTEE ASSIGNMENTS**House File 686**

WAYS AND MEANS: Sievers, Chair; Rehberg and Stewart

SSB 1207

APPROPRIATIONS: Lamberti, Chair; Dvorsky and Kramer

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 28, 2003, the Governor approved and transmitted to the Secretary of State the following bills:

[S.F. 172](#) – Relating to the establishment of a public charter school pilot program and providing effective and applicability dates.

[S.F. 230](#) – Relating to the procedure for reducing the number of members of a city council from five to three in certain cities.

[S.F. 351](#) – Relating to child care requirements involving prohibitions against involvement with child care, record checks and evaluations performed by the department of human services, eligibility for state assistance, and child care fraud program sanctions, and making penalties applicable.

[S.F. 379](#) – Relating to certain agricultural liens.

[S.F. 386](#) – 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.

[S.F. 392](#) – Relating to the animal agriculture compliance Act, providing for penalties, and providing an effective date.

[S.F. 397](#) – Relating to the issuance of free hunting licenses for antlerless deer, providing for the disposition of harvested deer meat to public institutions, and providing a penalty.

AMENDMENTS FILED

<u>S-3320</u>	<u>S.F. 383</u>	House
<u>S-3321</u>	<u>S.F. 454</u>	Mary E. Kramer
<u>S-3322</u>	<u>S.F. 454</u>	Joe Bolkcom
		Dennis H. Black
		Robert E. Dvorsky
		Jack Holveck
		Amanda Ragan
		Jack Hatch
		Herman C. Quirnbach
		Keith Kreiman
		Daryl Beall
		Roger Stewart
		Joe M. Seng
		John P. Kibbie

<u>S-3323</u>	<u>S.F. 454</u>	Joe Bolkcom Dennis H. Black Robert E. Dvorsky Jack Holveck Jack Hatch Herman C. Quirmbach
<u>S-3324</u>	<u>S.F. 445</u>	House
<u>S-3325</u>	<u>S.F. 422</u>	Donald B. Redfern
<u>S-3326</u>	<u>H.F. 685</u>	Joe Bolkcom Jack Hatch Robert E. Dvorsky Mike Connolly Wally E. Horn Dick L. Dearden Jack Holveck Joe M. Seng Matt McCoy Herman C. Quirmbach William Dotzler Roger Stewart Daryl Beall Keith Kreiman Amanda Ragan Dennis H. Black Eugene S. Fraise John P. Kibbie
<u>S-3327</u>	<u>H.F. 685</u>	Joe Bolkcom Jack Hatch Robert E. Dvorsky Jack Holveck Matt McCoy Herman C. Quirmbach Dennis H. Black Eugene S. Fraise
<u>S-3328</u>	<u>H.F. 685</u>	Jeff Lamberti
<u>S-3329</u>	<u>H.F. 675</u>	Mary E. Kramer
<u>S-3330</u>	<u>S.F. 422</u>	Mary A. Lundby Bob Brunkhorst
<u>S-3331</u>	<u>S.F. 418</u>	Dennis H. Black
<u>S-3332</u>	<u>H.F. 549</u>	Donald B. Redfern Nancy J. Boettger

<u>S-3333</u>	<u>S.F. 341</u>	House
<u>S-3334</u>	<u>S.F. 344</u>	House
<u>S-3335</u>	<u>H.F. 694</u>	Keith A. Kreiman
<u>S-3336</u>	<u>H.F. 694</u>	Keith A. Kreiman
<u>S-3337</u>	<u>H.F. 694</u>	Keith A. Kreiman
<u>S-3338</u>	<u>H.F. 694</u>	Keith A. Kreiman