

State of Iowa

**JOURNAL
OF THE SENATE**

**SEVENTY-NINTH
GENERAL ASSEMBLY**

**2002 SECOND
EXTRAORDINARY SESSION**

May 28, 2002

**MARY E. KRAMER, President of the Senate
MICHAEL E. MARSHALL, Secretary of the Senate**

JOURNAL OF THE SENATE

FIRST CALENDAR DAY
FIRST SESSION DAY
SECOND EXTRAORDINARY SESSION

State Capitol, Room 22
Des Moines, Iowa, Tuesday, May 28, 2002

Pursuant to the proclamation of the Governor, the Honorable Thomas J. Vilsack, convening the Seventy-ninth General Assembly in Extraordinary Session, the Senate was called to order at 10:07 a.m. by the Honorable Mary E. Kramer, President of the Senate.

Prayer was offered by the Honorable Ken Veenstra, member of the Senate from Sioux County, Orange City, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Nancy J. Boettger, member of the Senate from Shelby County, Harlan, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Flynn and Harper, for the day, on request of Senator Gronstal.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

May 23, 2002

The Honorable Mary Kramer
President of the Senate
State Capitol
LOCAL

The Honorable Brent Siegrist
Speaker of the House
State Capitol
LOCAL

I hereby submit the Proclamation setting the Extraordinary Session of the Iowa Legislature to convene at 10:00 a.m., May 28, 2002.

Sincerely,
THOMAS J. VILSACK
Governor

STATE OF IOWA
Executive Department

In The Name And By The Authority Of The State Of Iowa

PROCLAMATION

Whereas, the 2002 Regular Session of the Seventy-ninth General Assembly adjourned pursuant to House Concurrent Resolution 124, and

Whereas, the 2002 Extraordinary Session of the Seventy-ninth General Assembly adjourned pursuant to House Concurrent Resolution 125, and

Whereas, since the General Assembly approved the state budget for fiscal years 2002 and 2003, the state has experienced a dramatic change in revenue projections, and

Whereas, Iowa along with most states and the federal government experienced a large reduction in final pay income tax returns and a correspondingly large increase in taxpayers due refunds, and

Whereas, as a result of the Revenue Estimating Conference action on May 7th, general fund resources available to the state decreased by \$205.5 million in fiscal year 2002 and \$220.1 million in fiscal year 2003, and

Whereas, by law, both the governor and the legislature must rely on the Revenue Estimating Conference's estimate in preparing and approving the state budget, and

Whereas, due to recent action by the Revenue Estimating Conference in lowering revenue projections, I did not approve most of the budget for fiscal year 2003 as passed by the General Assembly because it was no longer a balanced budget, and

Whereas, we must maintain a balanced budget that funds the vital state services that Iowans rely on everyday.

Now, Therefore, I, Thomas J. Vilsack, Governor of the State of Iowa, in accordance with Article IV, Section XI, of the Constitution of the State of Iowa, do hereby proclaim that the Seventy-ninth General Assembly shall convene in extraordinary session in Des Moines, Iowa, at 10:00 a.m. on the 28th day of May, 2002, and to that end I do call up and direct the members of the House of Representatives to convene in the Supreme Court chamber at the State Capitol and members of the Senate to convene in Room 22 at the State Capitol at 10:00 a.m. on the 28th day of May, 2002, for the purpose which the assembly is convened, namely the matter of revising a fiscal year 2002 and a fiscal year 2003 state budget and matters properly related thereto.

(SEAL)

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines this 23rd day of May in the year of our Lord two thousand two.

THOMAS J. VILSACK, Governor

Attest:

CHESTER J. CULVER
Secretary of State

ORGANIZATION OF THE SENATE

Senator Iverson moved that the determination of mileage of senators and all other organizational or administrative matters not specifically provided for in Joint Rule 3 be the same for this Second Extraordinary Session as for the 2002 Regular Session of the Seventy-ninth General Assembly.

The motion prevailed by a voice vote.

SECRETARY TO NOTIFY THE GOVERNOR AND THE HOUSE

Senator Iverson moved that the Secretary of the Senate be directed to send a written message to the Governor and the House of Representatives informing them that the Senate was organized and ready to transact business and receive any messages that they may transmit.

The motion prevailed by a voice vote.

HOUSE MESSAGE RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has, pursuant to the May 23, 2002, proclamation of the Governor, **duly organized** for the 2002 Second Extraordinary Session of the Seventy-ninth General Assembly and is ready to receive communications from the Senate.

The Senate stood at ease at 10:14 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:21 p.m., President Kramer presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 3:23 p.m. until the completion of meetings of the committees on Appropriations and Ethics.

APPENDIX

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau since the adjournment of the 2002 First Extraordinary Session:

May 9, 2002

CITIZENS' AIDE/OMBUDSMAN

Annual report for calendar year 2001, pursuant to Iowa Code chapter 2C.

May 10, 2002

DEPARTMENT OF PUBLIC HEALTH

2001 Iowa Termination of Pregnancy Report, pursuant to Iowa Code section 144.29A.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: May 28, 2002, 3:43 p.m.

Members Present: Lamberti, Chair; Kramer, Vice Chair; Angelo, Black, Bolkom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, McKinley, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Ziemann.

Members Absent: Flynn, Ranking Member (excused).

Committee Business: Passed LSBs 7300sv, 7302sv, and 7314sv.

Adjourned: 4:10 p.m.

ETHICS

Convened: May 28, 2002, 3:25 p.m.

Members Present: Drake, Chair; McKean, Vice Chair; Kibbie, Ranking Member; Connolly, Dearden, and Rittmer.

Members Absent: None.

Committee Business: Review of ethics complaint.

Adjourned: 3:35 p.m.

SUBCOMMITTEE ASSIGNMENTS

LSB 7300sv

APPROPRIATIONS: Jensen, Chair; Lamberti and Soukup

LSB 7302sv

APPROPRIATIONS: Lamberti, Chair; Connolly and Kramer

LSB 7314sv

APPROPRIATIONS: Lamberti, Chair; Connolly and Kramer

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: SENATE FILE 2332 (LSB 7300sv), 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 and providing effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Lamberti, Kramer, Angelo, Gaskill, Jensen, King, Lundby, McKibben, McKinley, Redfern, Rehberg, Schuerer, Tinsman, Veenstra, and Zieman. Nays, 8: Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Hammond, Horn, and Soukup. Absent or not voting, 2: Flynn and Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2333 (LSB 7302sv), a bill for an act addressing public funding provisions and properly related matters by making, reducing, and transferring appropriations, adjusting other expenditures for the fiscal year beginning July 1, 2001, and including other appropriations, cooperative tax credits, and effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 24: Lamberti, Kramer, Angelo, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, McKinley, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman. Nays, none. Absent or not voting, 1: Flynn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2334 (LSB 7314sv), a bill for an act making, reducing, and transferring appropriations, and providing for other properly related matters, providing penalties, and including effective and applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Lamberti, Kramer, Angelo, Gaskill, Jensen, King, Lundby, McKibben, McKinley, Rehberg, Schuerer, Tinsman, Veenstra, and Zieman. Nays, 10: Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Hammond, Horn, Redfern, and Soukup. Absent or not voting, 1: Flynn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., President Kramer presiding.

INTRODUCTION OF BILLS

Senate File 2332, by committee on Appropriations, 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 and providing effective dates.

Read first time and **placed on Appropriations calendar.**

Senate File 2333, by committee on Appropriations, a bill for an act addressing public funding provisions and properly related matters by making, reducing, and transferring appropriations, adjusting other expenditures for the fiscal year beginning July 1, 2001, and including other appropriations, cooperative tax credits, and effective and retroactive applicability date provisions.

Read first time and **placed on Appropriations calendar**.

Senate File 2334, by committee on Appropriations, a bill for an act making, reducing, and transferring appropriations, and providing for other properly related matters, providing penalties, and including effective and applicability date provisions.

Read first time and **placed on Appropriations calendar**.

HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 28, 2002, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2626, 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 and providing effective dates.

Read first time and **attached to companion Senate File 2332**.

The Senate stood at ease at 4:32 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:58 p.m., President Kramer presiding.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2332.

Senate File 2332

On motion of Senator Jensen, **Senate File 2332**, 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 and providing effective dates, was taken up for consideration.

Senator Jensen asked and received unanimous consent that **House File 2626** be **substituted** for **Senate File 2332**.

House File 2626

On motion of Senator Jensen, **House File 2626**, 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 and providing effective dates, was taken up for consideration.

Senator Jensen 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. 2626), the vote was:

Ayes, 30:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg

Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 18:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Fraise	Gronstal	Hammond	Hansen
Holveck	Horn	Kibbie	Ragan
Shearer	Soukup		

Absent or not voting, 2:

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

WITHDRAWN

Senator Jensen asked and received unanimous consent that **Senate File 2332** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2626** be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 5:05 p.m. until the completion of a meeting of the committee on Rules and Administration.

APPENDIX

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: May 28, 2002, 5:06 p.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Dvorsky, Fink, Gaskill, Lord, and Rittmer.

Members Absent: Harper and McKean (both excused).

Committee Business: Passed resolutions regarding Mr. Thompson, no new taxes in FY 2004, and sine die.

Adjourned: 5:08 p.m.

COMMITTEE REPORTS

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 121, a concurrent resolution to provide for adjournment sine die.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Lord, and Rittmer. Nays, none. Absent or not voting, 2: Harper and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 168, a Senate resolution honoring Mr. Harold "Tommy" Thompson upon his retirement as the Executive Director of the Iowa Communications Network.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Lord, and Rittmer. Nays, none. Absent or not voting, 2: Harper and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 169, a Senate resolution pledging that the Senate will not raise taxes in order to balance the state budget for fiscal year 2004.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Lord, and Rittmer. Nays, none. Absent or not voting, 2: Harper and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RECONVENED

The Senate reconvened session at 5:10 p.m., President Kramer presiding.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2333.

Senate File 2333

On motion of Senator Lamberti, **Senate File 2333**, a bill for an act addressing public funding provisions and properly related matters by making, reducing, and transferring appropriations, adjusting other expenditures for the fiscal year beginning July 1, 2001, and including other appropriations, cooperative tax credits, and effective and retroactive applicability date provisions, was taken up for consideration.

Senator Lamberti offered amendment S-5518, filed by him from the floor to pages 2, 3, 12, 14, 15, and 19 of the bill, and moved its adoption.

Amendment S-5518 was adopted by a voice vote.

Senator Lamberti asked and received unanimous consent that action on **Senate File 2333** be **deferred**.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 168, by committee on Rules and Administration, a Senate resolution honoring Mr. Harold "Tommy" Thompson upon his retirement as the Executive Director of the Iowa Communications Network.

Read first time and **placed on calendar**.

Senate Resolution 169, by committee on Rules and Administration, a Senate resolution pledging that the Senate will not raise taxes in order to balance the state budget for fiscal year 2004.

Read first time and **placed on calendar**.

Senate Concurrent Resolution 121, by committee on Rules and Administration, a Senate concurrent resolution to provide for adjournment sine die.

Read first time and **placed on calendar**.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 168.

Senate Resolution 168

On motion of Senator Iverson, **Senate Resolution 168**, a Senate resolution honoring Mr. Harold “Tommy” Thompson upon his retirement as the Executive Director of the Iowa Communications Network, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 168, which motion prevailed by a voice vote.

The Senate stood at ease at 5:25 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 6:28 p.m., President Kramer presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 28, 2002, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2625, a bill for an act addressing public funding provisions and properly related matters by making, reducing, and transferring appropriations, adjusting other expenditures for the fiscal year beginning July 1, 2001, and including other appropriations, cooperative tax credits, and effective and retroactive applicability date provisions.

Read first time and **attached to companion Senate File 2333**.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 169.

Senate Resolution 169

On motion of Senator Iverson, **Senate Resolution 169**, a Senate resolution pledging that the Senate will not raise taxes in order to balance the state budget for fiscal year 2004, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **Senate Resolution 169** be **deferred**.

BUSINESS PENDING

Senate File 2333

The Senate resumed consideration of **Senate File 2333**, a bill for an act addressing public funding provisions and properly related matters by making, reducing, and transferring appropriations, adjusting other expenditures for the fiscal year beginning July 1, 2001, and including other appropriations, cooperative tax credits, and effective and retroactive applicability date provisions, previously deferred.

Senator Lamberti asked and received unanimous consent that **House File 2625** be **substituted** for **Senate File 2333**.

House File 2625

On motion of Senator Lamberti, **House File 2625**, a bill for an act addressing public funding provisions and properly related matters by making, reducing, and transferring appropriations, adjusting other expenditures for the fiscal year beginning July 1, 2001, and including other appropriations, cooperative tax credits, and effective and retroactive applicability date provisions, was taken up for consideration.

Senator Lamberti offered amendment S-5520, filed by him from the floor to pages 9, 13, 15-18, 26, and 27 of the bill, and moved its adoption.

Amendment S-5520 was adopted by a voice vote.

Senator Lamberti 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. 2625), the vote was:

Ayes, 28:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	Maddox
McKean	McKibben	McKinley	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Nays, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Fraise	Gronstal	Hammond	Hansen
Holveck	Horn	Kibbie	McCoy
Miller	Ragan	Shearer	Soukup

Absent or not voting, 2:

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

WITHDRAWN

Senator Lamberti asked and received unanimous consent that **Senate File 2333** be **withdrawn** from further consideration of the Senate.

The Senate stood at ease at 7:04 p.m. until the fall of the gavel.

The Senate resumed session at 7:29 p.m., President Kramer presiding.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2625** 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 2334.

Senate File 2334

On motion of Senator Lamberti, **Senate File 2334**, a bill for an act relating to a bill for an act making, reducing, and transferring appropriations, and providing for other properly related matters, providing penalties, and including effective and applicability date provisions, was taken up for consideration.

(Action on Senate File 2334 was deferred.)

HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 28, 2002, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2627, a bill for an act making, reducing, and transferring appropriations, and providing for other properly related matters, providing penalties, and including effective and applicability date provisions.

Read first time and **attached to companion Senate File 2334**.

BUSINESS PENDING

Senate File 2334

The Senate resumed consideration of **Senate File 2334**, a bill for an act making, reducing, and transferring appropriations, and providing for other properly related matters, providing penalties, and including effective and applicability date provisions, previously deferred.

Senator Lamberti asked and received unanimous consent that **House File 2627** be **substituted** for **Senate File 2334**.

House File 2627

On motion of Senator Lamberti, **House File 2627**, a bill for an act making, reducing, and transferring appropriations, and providing for other properly related matters, providing penalties, and including effective and applicability date provisions, was taken up for consideration.

Senator McCoy offered amendment S-5519, filed by Senator McCoy, et al., from the floor to pages 37-39, 45, 49, 50, 61, 65, 78, 87, 108, 120, 121, 141, 142, 150-152, 156-159, 161, and 181 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5519 be adopted?" (H.F. 2627), the vote was:

Ayes, 20:

Black
Deluhery

Bolkcom
Dvorsky

Connolly
Fiegen

Dearden
Fink

Fraise	Gronstal	Hammond	Hansen
Holveck	Horn	Kibbie	Lundby
McCoy	Ragan	Shearer	Soukup

Nays, 28:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Maddox	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 2:

Flynn	Harper
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Amendment S-5519 lost.

Senator Lamberti 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. 2627), the vote was:

Ayes, 26:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Houser
Iverson	Jensen	King	Kramer
Lamberti	Lord	Lundby	McKean
McKibben	McKinley	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Fraise	Gronstal	Hammond	Hansen
Holveck	Horn	Kibbie	Maddox
McCoy	Miller	Ragan	Redfern
Shearer	Soukup		

Absent or not voting, 2:

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

WITHDRAWN

Senator Lamberti asked and received unanimous consent that **Senate File 2334** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2627** be **immediately messaged** to the House.

BUSINESS PENDING

Senate Resolution 169

The Senate resumed consideration of **Senate Resolution 169**, a Senate resolution pledging that the Senate will not raise taxes in order to balance the state budget for fiscal year 2004, previously deferred.

Senator Shearer offered amendment S-5521, filed by him from the floor to page 1 of the resolution, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5521 be adopted?" (S.R. 169), the vote was:

Ayes, 37:

Angelo	Behn	Black	Boettger
Deluhery	Drake	Fiegen	Fink
Freeman	Gaskill	Greiner	Gronstal
Holveck	Horn	Houser	Iverson
Jensen	King	Kramer	Lamberti
Lord	Maddox	McKean	McKibben
McKinley	Miller	Ragan	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Tinsman	Veenstra
Zieman			

Nays, 11:

Bolkcom	Connolly	Dearden	Dvorsky
Fraise	Hammond	Hansen	Kibbie
Lundby	McCoy	Soukup	

Absent or not voting, 2:

Flynn	Harper
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Amendment S-5521 was adopted.

Senator Iverson moved the adoption of Senate Resolution 169.

A record roll call was requested.

On the question “Shall the resolution be adopted?” (S.R. 169), the vote was:

Ayes, 35:

Angelo	Behn	Black	Boettger
Deluhery	Drake	Fiegen	Fink
Freeman	Gaskill	Greiner	Gronstal
Horn	Houser	Iverson	Jensen
King	Kramer	Lamberti	Lord
Maddox	McKean	McKibben	McKinley
Miller	Ragan	Redfern	Redwine
Rehberg	Schuerer	Sexton	Shearer
Tinsman	Veenstra	Zieman	

Nays, 12:

Bolkcom	Connolly	Dearden	Dvorsky
Fraise	Hammond	Hansen	Holveck
Kibbie	Lundby	McCoy	Soukup

Present, 1:

Rittmer

Absent or not voting, 2:

Flynn	Harper
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The motion prevailed and the resolution, as amended, was adopted.

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 May 28, 2002, **concurred** in the Senate Amendment **and passed** the following bill in which the concurrence of the House was asked:

House File 2625, a bill for an act addressing public funding provisions and properly related matters by making, reducing, and transferring appropriations, adjusting other expenditures for the fiscal year beginning July 1, 2001, and including other appropriations, cooperative tax credits, and effective and retroactive applicability date provisions.

ALSO: That the House has on May 28, 2002, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 126, a concurrent resolution to provide for adjournment sine die.

Read first time and **attached to companion Senate Concurrent Resolution 121**.

ALSO: That the House is **prepared to adjourn** the 2002 Second Extraordinary Session of the Seventy-ninth General Assembly pursuant to House Concurrent Resolution 126, duly adopted.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 121.

Senate Concurrent Resolution 121

On motion of Senator Iverson, **Senate Concurrent Resolution 121**, a concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Iverson asked and received unanimous consent that **House Concurrent Resolution 126** be **substituted** for **Senate Concurrent Resolution 121**.

House Concurrent Resolution 126

On motion of Senator Iverson, **House Concurrent Resolution 126**, a concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 126, which motion prevailed by a voice vote.

WITHDRAWN

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 121** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Concurrent Resolution 126** be **immediately messaged** to the House.

SECRETARY TO NOTIFY THE GOVERNOR AND THE HOUSE

Senator Iverson moved that the Secretary of the Senate be directed to send a written message to the Governor and the House of Representatives informing them that the Senate was prepared to adjourn sine die pursuant to House Concurrent Resolution 126.

The motion prevailed by a voice vote.

FINAL ADJOURNMENT

By virtue of House Concurrent Resolution 126, duly adopted, the day of May 28, 2002, having arrived, President Kramer declared the 2002 Second Extraordinary Session of the Seventy-ninth General Assembly adjourned sine die at 9:26 p.m.

APPENDIX

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on May 28, 2002, when the votes were taken on House File 2626, amendment S-5519 to House File 2627, and amendment S-5521 to Senate Resolution 169. Had I been present, I would have voted "Aye" on all. In addition, I was necessarily absent from the Senate chamber on May 28, 2002, when the votes were taken on Senate Resolution 169 and House Files 2625 and 2627. Had I been present, I would have voted "Nay" on all.

TOM FLYNN

AMENDMENTS FILED

S-5518	S.F.	2333	Jeff Lamberti
S-5519	H.F.	2627	Matt McCoy
			John P. Kibbie
			Dennis H. Black
			Steven D. Hansen
			Wally E. Horn
			Dick L. Dearden
			Eugene S. Fraise
			Patrick J. Deluhery
			Jack Holveck
			Joe Bolkcom
			Thomas Fiegen
			Mark Shearer
			Amanda Ragan
			Robert E. Dvorsky
			Johnie Hammond
			Betty A. Soukup
			Bill Fink
			Mike Connolly
			Michael E. Gronstal
S-5520	H.F.	2625	Jeff Lamberti
S-5521	S.R.	169	Mark Shearer