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**STATE OF IOWA**

**Senate Journal**

**THURSDAY, APRIL 19, 2007**

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# JOURNAL OF THE SENATE

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ONE HUNDRED SECOND CALENDAR DAY  
SIXTIETH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, April 19, 2007

The Senate met in regular session at 8:50 a.m., President Kibbie presiding.

Prayer was offered by Ken Stuber, pastor of the First Presbyterian Church in Des Moines, Iowa. He was the guest of Senator Dearden.

The Journal of Wednesday, April 18, 2007, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 18, 2007, **passed** the following bills in which the concurrence of the House was asked:

[Senate File 263](#), a bill for an act concerning gambling games on gambling structures.

[Senate File 336](#), a bill for an act allowing certain cities to appoint additional civil service commissioners.

ALSO: That the House has on April 18, 2007, **concurred in the Senate amendment and passed** the following bills in which the concurrence of the House was asked:

[House File 651](#), a bill for an act relating to business corporations, by providing for information required to be filed with the secretary of state and providing for shareholder voting.

**House File 767**, a bill for an act relating to eligible veterans for purposes of the injured veterans grant program.

ALSO: That the House has on April 18, 2007, **amended and passed** the following bills in which the concurrence of the House was asked:

**Senate File 49**, a bill for an act providing for a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses. ([S-3387](#))

**Senate File 430**, a bill for an act relating to a civil judgment, decree, or order of a court of a federally recognized Indian tribe and including an applicability provision. ([S-3386](#))

**Senate File 469**, a bill for an act providing for the sale of motor homes by a manufacturer at a camping rally sponsored by the manufacturer. ([S-3385](#))

**Senate File 485**, a bill for an act requiring consideration of greenhouse gas emissions in issuing specified air quality permits. ([S-3388](#))

**Senate File 546**, a bill for an act relating to a hospital lien and providing an effective date. ([S-3384](#))

ALSO: That the House has on April 18, 2007, **refused to concur in the Senate amendment** to the following bill in which the concurrence of the House was asked:

**House File 808**, a bill for an act concerning accountability requirements for entities, administrators, and boards created for joint exercise of governmental powers and providing effective dates.

ALSO: That the House has on April 18, 2007, **insisted** on its amendment to **Senate File 472**, a bill for an act providing for administrative rules governing close clearance conditions and railroad worker walkways. The Conference Committee members on the part of the House are: The Representative from Scott, Representative Lykam, Chair; the Representative from Cherokee, Representative Huseman; the Representative from Kossuth, Representative Mertz; the Representative from Linn, Representative Todd Taylor; and the Representative from Webster, Representative Tjepkes.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration [Senate Resolution 23](#).

[Senate Resolution 23](#)

On motion of Senator Warnstadt, [Senate Resolution 23](#), a resolution declaring May 2007 Amyotrophic Lateral Sclerosis (ALS) Awareness Month, with report of committee recommending passage, was taken up for consideration.

Senator Warnstadt moved the adoption of [Senate Resolution 23](#), which motion prevailed by a voice vote.

UNFINISHED BUSINESS  
(Deferred April 18, 2007)

[Senate File 590](#)

The Senate resumed consideration of [Senate File 590](#), a bill for an act relating to the state earned income tax credit by increasing the amount of the tax credit and making the tax credit refundable and including effective and retroactive applicability date provisions, deferred April 18, 2007.

Senator McKibben offered amendment [S-3381](#), filed by Senator McKibben, et al., on April 18, 2007, to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-3381](#) be adopted?" ([S.F. 590](#)), the vote was:

Yeas, 20:

Angelo	Hartsuch	McKibben	Seymour
Behn	Houser	McKinley	Ward
Boettger	Johnson	Mulder	Wieck
Gaskill	Kettering	Noble	Zaun
Hahn	Lundby	Putney	Zieman

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirnbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, none.

Amendment [S-3381](#) lost.

Senator Schmitz 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. 590](#)), the vote was:

Yeas, 50:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Mulder	Warnstadt
Connolly	Heckroth	Noble	Wieck
Courtney	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

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 Gronstal asked and received unanimous consent that [Senate File 590](#) be **immediately messaged** to the House.

## APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on [Senate File 472](#) on the part of the Senate: Senators Dearden, Chair; Courtney, Warnstadt, Ward, and Wieck.

## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 472](#) be **immediately messaged** to the House.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Bolkcom, for the day, on request of Senator Gronstal.

## MOTION TO RECONSIDER LOST

[House File 783](#)

Senator Olive called up the following motion to reconsider filed by him from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which [H.F. 783](#) passed the Senate on April 16, 2007.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" ([H.F. 783](#)), the vote was:

Yeas, 4:

Danielson

Dotzler

Dvorsky

Hatch

Nays, 45:

Angelo	Hahn	McCoy	Seng
Appel	Hancock	McKibben	Seymour
Beall	Hartsuch	McKinley	Stewart
Behn	Heckroth	Mulder	Ward
Black	Hogg	Noble	Warnstadt
Boettger	Horn	Olive	Wieck
Connolly	Houser	Putney	Wood
Courtney	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Fraise	Kibbie	Rielly	
Gaskill	Kreiman	Schmitz	
Gronstal	Lundby	Schoenjahn	

Absent, 1:

Bolkcom

The motion lost.

The motion to reconsider [House File 783](#), filed by Senator Dvorsky on April 16, 2007, and found on page 1235 of the Senate Journal, was out of order.

With the failure of the motion to reconsider [House File 783](#), the Chair ruled amendment [S-3372](#), filed by Senators Dvorsky and Bolkcom on April 18, 2007, to page 1 and to the title page of amendment [S-3283](#) to [House File 783](#), out of order.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [House File 783](#) be **immediately messaged** to the House.

#### RECESS

On motion of Senator Gronstal, the Senate recessed at 9:47 a.m. until the completion of a meeting of the committee on Rules and Administration.

#### RECONVENED

The Senate reconvened at 9:52 a.m., President Kibbie presiding.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 9:54 a.m. until the completion of a meeting of the committee on Appropriations.

## RECONVENED

The Senate reconvened at 11:50 a.m., President Kibbie presiding.

## FINAL COMMITTEE REPORT OF BILL ACTION

## RULES AND ADMINISTRATION

**Bill Title:** [SENATE RESOLUTION 41](#), a resolution to recognize Southwest Iowa as the purple martin region of Iowa.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Gronstal, Kibbie, Lundby, Angelo, Courtney, Danielson, Dearden, Dvorsky, Mulder, Ragan, and Wieck. Nays, none. Absent, none.

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

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Resolution 41](#).

[Senate Resolution 41](#)

On motion of Senator Gronstal, [Senate Resolution 41](#), a resolution to recognize Southwest Iowa as the purple martin region of Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved the adoption of [Senate Resolution 41](#), which motion prevailed by a voice vote.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Houser, until he returns, on request of Senator Behn; Senator Hartsuch, until he returns, on request of Senator McKinley; and Senator Seymour, until he returns, on request of Senator Lundby.

## QUORUM CALL

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

The vote revealed 39 present, 11 absent, and a quorum present.

## HOUSE AMENDMENT CONSIDERED

[Senate File 430](#)

Senator Kreiman called up for consideration [Senate File 430](#), a bill for an act relating to a civil judgment, decree, or order of a court of a federally recognized Indian tribe and including an applicability provision, amended by the House in House amendment [S-3386](#), filed April 19, 2007.

Senator Kreiman moved that the Senate concur in the House amendment.

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

Senator Kreiman 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 voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 430](#)), the vote was:

Yeas, 47:

Angelo  
Appel

Fraise  
Gaskill

Kibbie  
Kreiman

Rielly  
Schmitz

Beall	Gronstal	Lundby	Schoenjahn
Behn	Hahn	McCoy	Seng
Black	Hancock	McKibben	Stewart
Boettger	Hatch	McKinley	Ward
Connolly	Heckroth	Mulder	Warnstadt
Courtney	Hogg	Noble	Wieck
Danielson	Horn	Olive	Wood
Dearden	Houser	Putney	Zaun
Dotzler	Johnson	Quirmbach	Zieman
Dvorsky	Kettering	Ragan	

Nays, none.

Absent, 3:

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

#### CONSIDERATION OF BILL (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 455](#).

#### [Senate File 455](#)

On motion of Senator Kreiman, [Senate File 455](#), a bill for an act restricting the presence of a registered sex offender on the real property comprising a school or child care facility and providing a penalty, placed on the Unfinished Business Calendar on April 5, 2007, was taken up for consideration.

Senator Kreiman asked and received unanimous consent that action on [Senate File 455](#) be **deferred**.

#### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Resolution 29](#).

### Senate Resolution 29

On motion of Senator Ragan, Senate Resolution 29, a resolution declaring the trombone Iowa's premier musical instrument, with report of committee recommending passage, was taken up for consideration.

Senator Ragan moved the adoption of Senate Resolution 29, which motion prevailed by a voice vote.

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that Senate File 430 be **immediately messaged** to the House.

### HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 19, 2007, **concurred in the Senate amendment and passed** the following bill in which the concurrence of the House was asked:

House File 608, a bill for an act relating to notice of meetings of the board of township trustees.

### RECESS

On motion of Senator Gronstal, the Senate recessed at 12:10 p.m. until 2:45 p.m.

**APPENDIX—1****CERTIFICATES OF RECOGNITION**

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

Hannah Boehmer, Riverside—For being named a State of Iowa Scholar. Senator Schmitz (4/19/07).

James and Beverly Conklin, Waverly—For celebrating their 50th wedding anniversary. Senator Heckroth (4/19/07).

Lyle and Charlotte Engel, Waverly—For celebrating their 60th wedding anniversary. Senator Heckroth (4/19/07).

Jennifer Flinspach, Fairfield—For being named a State of Iowa Scholar. Senator Schmitz (4/19/07).

Joyce Frank, Sumner—For celebrating her 80th birthday. Senator Heckroth (4/19/07).

Esther Gates, Olewein—For celebrating her 80th birthday. Senator Heckroth (4/19/07).

Jillian Graber, Crawfordsville—For being named a State of Iowa Scholar. Senator Schmitz (4/19/07).

Sara Hess, Washington—For being named a State of Iowa Scholar. Senator Schmitz (4/19/07).

Derek Hofland, Sanborn Christian School—For winning the 2007 Iowa Geographic Bee. Senator Johnson (4/19/07).

Justin Hurley, Fairfield—For being named a State of Iowa Scholar. Senator Schmitz (4/19/07).

Lois Koester, Allison—For celebrating her 80th birthday. Senator Heckroth (4/19/07).

Mary Skaden, Kalona—For being named a State of Iowa Scholar. Senator Schmitz (4/19/07).

Tyler Stockman, Oxford—For being named a State of Iowa Scholar. Senator Schmitz (4/19/07).

Chuck and Betty Struck, Waverly—For celebrating their 50th wedding anniversary. Senator Heckroth (4/19/07).

Roger and Shirley Thurm, Denver—For celebrating their 50th wedding anniversary. Senator Heckroth (4/19/07).

Janelle Vittetoe, Washington—For being named a State of Iowa Scholar. Senator Schmitz (4/19/07).

Rachel Yoder, Kalona—For being named a State of Iowa Scholar. Senator Schmitz (4/19/07).

Alison Wechsler, Fairfield—For being named a State of Iowa Scholar. Senator Schmitz (4/19/07).

Blaine Widmer, Washington—For being named a State of Iowa Scholar. Senator Schmitz (4/19/07).

## REPORT OF COMMITTEE MEETING

### RULES AND ADMINISTRATION

**Convened:** Thursday, April 19, 2007, 9:55 a.m.

**Members Present:** Gronstal, Chair; Kibbie, Vice Chair; Lundby, Ranking Member; Angelo, Courtney, Danielson, Dearden, Dvorsky, Mulder, Ragan, and Wieck.

**Members Absent:** None.

**Committee Business:** Approved [SR 41](#).

**Adjourned:** 10:00 a.m.

### INTRODUCTION OF RESOLUTIONS

[Senate Resolution 42](#), by Dearden, a resolution to recognize April 28, 2007, as Workers Memorial Day.

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

[Senate Resolution 43](#), by Hogg and Hartsuch, a resolution to recognize May 2007 as American Stroke Awareness and National High Blood Pressure Education Month.

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

## INTRODUCTION OF BILL

[Senate File 598](#), by committee on Appropriations, a bill for an act relating to locally administered human services programs involving county mental health, mental retardation, and developmental disabilities services funding and the decategorization of the child welfare and juvenile justice funding initiative by making an appropriation, authorizing nonreversion of certain funding, and providing effective date and retroactive applicability provisions.

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

## FINAL COMMITTEE REPORTS OF BILL ACTION

## APPROPRIATIONS

**Bill Title:** \*[SENATE FILE 598](#) (formerly [SF 576](#)), a bill for an act relating to locally administered human services programs involving county mental health, mental retardation, and developmental disabilities services funding and the decategorization of the child welfare and juvenile justice funding initiative by making an appropriation, authorizing nonreversion of certain funding, and providing effective date and retroactive applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 25: Dvorsky, McCoy, Angelo, Behn, Black, Boettger, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Gaskill, Hahn, Hancock, Hatch, Hogg, Johnson, Kettering, Putney, Ragan, Seng, Seymour, Ward, Warnstadt, and Wood. Nays, none. Absent, none.

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

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on [Senate File 598](#), and they were attached to the committee report.

## ALSO:

**Bill Title:** [HOUSE FILE 890](#), a bill for an act relating to assistance for small businesses, making appropriations, and providing an effective date provision.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 24: Dvorsky, McCoy, Angelo, Behn, Black, Boettger, Connolly, Danielson, Dotzler, Fraise, Gaskill, Hahn, Hancock, Hatch, Hogg, Johnson, Kettering, Putney, Ragan, Seng, Seymour, Ward, Warnstadt, and Wood. Nays, none. Absent, 1: Bolkcom.

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

## PETITION

The following petition was presented and placed on file:

From 245 residents supporting a ban on smoking in public establishments. Senator Warnstadt.

## PRESENTATION OF VISITORS

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

Fifty high school students from Sioux City North High School, Sioux City, Iowa, accompanied by Larry Twait and Larry Mason, who were seated in the northwest balcony. This is Mr. Twait's last trip to the Capitol after 30 years of accompanying students. Senator Warnstadt.

## AFTERNOON SESSION

The Senate reconvened at 3:12 p.m., President Kibbie presiding.

## QUORUM CALL

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

The vote revealed 44 present, 6 absent, and a quorum present.

## CONFERENCE COMMITTEE REPORT RECEIVED

[Senate File 277](#)

A conference committee report, signed by the following Senate and House members, was filed April 19, 2007, on [Senate File 277](#), a bill for an act relating to the state's educational standards regarding teacher librarians and qualified guidance counselors, and to teacher and administrator quality, including the student achievement and teacher quality program and an administrator quality program, making appropriations, and providing an effective date:

On the part of the Senate:

FRANK B. WOOD, Chair  
MICHAEL CONNOLLY  
HERMAN C. QUIRMBACH  
DAVE MULDER

On the part of the House:

CINDY LOU WINCKLER, Chair  
DENNIS M. COHOON  
ROGER F. WENDT

## CONFERENCE COMMITTEE REPORT CONSIDERED

Senator Wood called up the conference committee report on [Senate File 277](#) and moved its adoption.

The motion prevailed by a voice vote and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Wood 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. 277](#)), the vote was:

Yeas, 35:

Appel	Fraise	Kreiman	Schoenjahn
Beall	Gaskill	McCoy	Seng
Black	Gronstal	Mulder	Seymour
Cannolly	Hancock	Noble	Stewart
Courtney	Hatch	Olive	Ward
Danielson	Heckroth	Quirnbach	Warnstadt
Dearden	Hogg	Ragan	Wood
Dotzler	Horn	Rielly	Zaun
Dvorsky	Kibbie	Schmitz	

Nays, 14:

Angelo	Hartsuch	Lundby	Wieck
Behn	Houser	McKibben	Zieman
Boettger	Johnson	McKinley	
Hahn	Kettering	Putney	

Absent, 1:

Bolkcom

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

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

### CONSIDERATION OF BILL (Unfinished Business Calendar)

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

### [House File 396](#)

On motion of Senator Schmitz, [House File 396](#), a bill for an act expanding the scope of services under an existing appropriation for the community empowerment initiative involving preschool services and providing effective date and applicability provisions, placed on

the Unfinished Business Calendar on March 15, 2007, with report of committee recommending passage, was taken up for consideration.

Senator Schmitz 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, 48:

Angelo	Fraise	Kettering	Rielly
Appel	Gaskill	Kibbie	Schmitz
Beall	Gronstal	Kreiman	Schoenjahn
Behn	Hahn	Lundby	Seng
Black	Hancock	McCoy	Seymour
Boettger	Hartsuch	McKibben	Stewart
Connolly	Hatch	McKinley	Ward
Courtney	Heckroth	Mulder	Warnstadt
Danielson	Hogg	Noble	Wieck
Dearden	Horn	Olive	Wood
Dotzler	Houser	Quirmbach	Zaun
Dvorsky	Johnson	Ragan	Zieman

Nays, none.

Absent, 2:

Bolkcom                      Putney

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

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 277](#) and [House File 396](#) be **immediately messaged** to the House.

The Senate stood at ease at 3:37 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:45 p.m., President Kibbie presiding.

CONSIDERATION OF BILLS  
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 596, 593, 592, and 591.

**Senate File 596**

On motion of Senator Stewart, **Senate File 596**, a bill for an act relating to the policy and technical administration of the tax and related laws by the department of revenue, including administration of income, sales, use, cigarette, and tobacco taxes, the administration and budgeting for tax increment financing by cities and counties, and creating a reporting committee, providing an effective date and providing for retroactive applicability, was taken up for consideration.

Senator Zieman asked and received unanimous consent that action on **Senate File 596** be **deferred**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hartsuch, until he returns, on request of Senator McKinley.

**Senate File 593**

On motion of Senator Seng, **Senate File 593**, a bill for an act relating to the assessment of civil and criminal court fees and penalties, was taken up for consideration.

Senator Seng 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. 593**), the vote was:

Yeas, 48:

Angelo	Fraise	Kibbie	Rielly
Appel	Gaskill	Kreiman	Schmitz
Beall	Gronstal	Lundby	Schoenjahn
Behn	Hahn	McCoy	Seng
Black	Hancock	McKibben	Seymour

Boettger	Hatch	McKinley	Stewart
Connolly	Heckroth	Mulder	Ward
Courtney	Hogg	Noble	Warnstadt
Danielson	Horn	Olive	Wieck
Dearden	Houser	Putney	Wood
Dotzler	Johnson	Quirnbach	Zaun
Dvorsky	Kettering	Ragan	Zieman

Nays, none.

Absent, 2:

Bolkcom                      Hartsuch

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

### [Senate File 592](#)

On motion of Senator Dotzler, [Senate File 592](#), a bill for an act relating to the streamlined sales and use tax agreement and administration of the tax and related laws by the department of revenue, including administration of sales and use taxes, and providing an effective date, was taken up for consideration.

Senator Dotzler 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. 592](#)), the vote was:

Yeas, 48:

Angelo	Fraise	Kibbie	Rielly
Appel	Gaskill	Kreiman	Schmitz
Beall	Gronstal	Lundby	Schoenjahn
Behn	Hahn	McCoy	Seng
Black	Hancock	McKibben	Seymour
Boettger	Hatch	McKinley	Stewart
Connolly	Heckroth	Mulder	Ward
Courtney	Hogg	Noble	Warnstadt
Danielson	Horn	Olive	Wieck
Dearden	Houser	Putney	Wood
Dotzler	Johnson	Quirnbach	Zaun
Dvorsky	Kettering	Ragan	Zieman

Nays, none.

Absent, 2:

Bolkcom

Hartsuch

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

### Senate File 591

On motion of Senator Seng, Senate File 591, a bill for an act relating to regulation of the harvesting of commercial fish, turtles, and freshwater mussels and providing for fees and penalties, was taken up for consideration.

Senator Seng 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. 591), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Cannolly	Heckroth	Noble	Wieck
Courtney	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Bolkcom

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

## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 591, 592, and 593** be **immediately messaged** to the House.

## INTRODUCTION OF BILL

[Senate File 599](#), by committee on Appropriations, a bill for an act establishing the office of energy independence and the Iowa power fund and related provisions, making appropriations, and providing an effective date.

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

## FINAL COMMITTEE REPORT OF BILL ACTION

## APPROPRIATIONS

**Bill Title:** \*[SENATE FILE 599 \(SSB 1348\)](#), a bill for an act establishing the office of energy independence and the Iowa power fund and related provisions, making appropriations, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 22: Dvorsky, McCoy, Angelo, Black, Boettger, Connolly, Danielson, Dotzler, Fraise, Gaskill, Hahn, Hancock, Hatch, Hogg, Johnson, Kettering, Putney, Ragan, Seng, Ward, Warnstadt, and Wood. Nays, 2: Behn and Seymour. Absent, 1: Bolkcom.

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

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on [Senate File 599](#), and they were attached to the committee report.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 599](#).

### Senate File 599

On motion of Senator Dotzler, [Senate File 599](#), a bill for an act establishing the office of energy independence and the Iowa power fund and related provisions, making appropriations, and providing an effective date, was taken up for consideration.

Senator Dotzler asked and received unanimous consent that action on [Senate File 599](#) be **deferred**.

### HOUSE AMENDMENT CONSIDERED

### Senate File 254

Senator Schmitz called up for consideration [Senate File 254](#), a bill for an act revising family investment program requirements, amended by the House in House amendment [S-3382](#), filed April 18, 2007.

Senator Schmitz moved that the Senate concur in the House amendment.

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

Senator Schmitz 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 voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 254](#)), the vote was:

Yeas, 30:

Appel	Dvorsky	Horn	Schmitz
Beall	Fraise	Kibbie	Schoenjahn
Black	Gaskill	Kreiman	Seng
Connolly	Gronstal	McCoy	Stewart
Courtney	Hancock	Olive	Warnstadt
Danielson	Hatch	Quirnbach	Wood
Dearden	Heckroth	Ragan	
Dotzler	Hogg	Rielly	

Nays, 19:

Angelo	Houser	McKinley	Ward
Behn	Johnson	Mulder	Wieck
Boettger	Kettering	Noble	Zaun
Hahn	Lundby	Putney	Zieman
Hartsuch	McKibben	Seymour	

Absent, 1:

Bolkcom

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

### HOUSE AMENDMENT CONSIDERED

#### Senate File 212

Senator Stewart called up for consideration Senate File 212, a bill for an act relating to the salary of deputy officers in certain county offices and providing an applicability date, amended by the House in House amendment S-3361, filed April 18, 2007.

Senator Stewart moved that the Senate concur in the House amendment.

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

Senator Stewart 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 voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 212), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Connolly	Heckroth	Noble	Wieck

Courtney	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Bolkcom

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

### HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

#### [House File 368](#)

Senator Dearden called up for consideration [House File 368](#), a bill for an act relating to the boiler and pressure vessel safety program enforced by the division of labor services of the department of workforce development, amended by the Senate and further amended by the House in House amendment [S-3362](#) to Senate amendment [H-1429](#), filed April 18, 2007.

Senator Dearden moved that the Senate concur in the House amendment to the Senate amendment.

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

Senator Dearden moved that the bill, as amended by the Senate, further 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 voice vote and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 368](#)), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng

Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Connolly	Heckroth	Noble	Wieck
Courtney	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Bolkcom

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

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 212** and **254** and [House File 368](#) be **immediately messaged** to the House.

#### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 586](#).

#### [Senate File 586](#)

On motion of Senator Schmitz, [Senate File 586](#), a bill for an act creating a special gold star motor vehicle registration plate and providing fees, was taken up for consideration.

Senator Beall offered amendment [S-3355](#), filed by him on April 17, 2007, striking and replacing everything after the enacting clause and amending the title of the bill, and moved its adoption.

Amendment [S-3355](#) was adopted by a voice vote.

Senator Schmitz 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. 586](#)), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Connolly	Heckroth	Noble	Wieck
Courtney	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Bolkcom

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

## HOUSE AMENDMENT CONSIDERED

### [Senate File 546](#)

Senator Hogg called up for consideration [Senate File 546](#), a bill for an act relating to a hospital lien and providing an effective date, amended by the House in House amendment [S-3384](#), filed April 19, 2007.

Senator Hogg offered amendment [S-3390](#), filed by him from the floor to page 1 of House amendment [S-3384](#), and moved its adoption.

Amendment [S-3390](#) was adopted by a voice vote.

Senator Hogg 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 Hogg 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 voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 546](#)), the vote was:

Yeas, 35:

Angelo	Dotzler	Johnson	Schmitz
Appel	Dvorsky	Kibbie	Schoenjahn
Beall	Fraise	Kreiman	Seng
Black	Gronstal	McCoy	Stewart
Boettger	Hancock	Mulder	Ward
Connolly	Hatch	Olive	Warnstadt
Courtney	Heckroth	Quirnbach	Wood
Danielson	Hogg	Ragan	Zieman
Dearden	Horn	Rielly	

Nays, 14:

Behn	Houser	McKinley	Wieck
Gaskill	Kettering	Noble	Zaun
Hahn	Lundby	Putney	
Hartsuch	McKibben	Seymour	

Absent, 1:

Bolkcom

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 Gronstal asked and received unanimous consent to take up for consideration [House File 890](#).

## [House File 890](#)

On motion of Senator Hatch, [House File 890](#), a bill for an act relating to assistance for small businesses, making appropriations, and providing an effective date provision, with report of committee recommending passage, was taken up for consideration.

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

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Connolly	Heckroth	Noble	Wieck
Courtney	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Bolkcom

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

BUSINESS PENDING

## [Senate File 596](#)

The Senate resumed consideration of [Senate File 596](#), a bill for an act relating to the policy and technical administration of the tax and related laws by the department of revenue, including administration of income, sales, use, cigarette, and tobacco taxes, the

administration and budgeting for tax increment financing by cities and counties, and creating a reporting committee, providing an effective date and providing for retroactive applicability, was taken up for consideration, previously deferred.

Senator Zieman withdrew amendment [S-3393](#), filed by him from the floor to page 10, and to the title page of the bill.

Senator Stewart 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. 596](#)), the vote was:

Yeas, 29:

Appel	Dvorsky	Kibbie	Schoenjahn
Beall	Fraise	Kreiman	Seng
Black	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirnbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	
Dotzler	Horn	Schmitz	

Nays, 20:

Angelo	Hartsuch	McKibben	Seymour
Behn	Houser	McKinley	Ward
Boettger	Johnson	Mulder	Wieck
Gaskill	Kettering	Noble	Zaun
Hahn	Lundby	Putney	Zieman

Absent, 1:

Bolkcom

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

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 546, 586, and 596** and [House File 890](#) be **immediately messaged** to the House.

## BUSINESS PENDING

[Senate File 599](#)

The Senate resumed consideration of [Senate File 599](#), a bill for an act establishing the office of energy independence and the Iowa power fund and related provisions, making appropriations, and providing an effective date, previously deferred.

Senator Angelo offered amendment [S-3395](#), filed by him from the floor striking and replacing everything after the enacting clause of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3395](#) be adopted?” ([S.F. 599](#)), the vote was:

Yeas, 20:

Angelo	Hartsuch	McKibben	Seymour
Behn	Houser	McKinley	Ward
Boettger	Johnson	Mulder	Wieck
Gaskill	Kettering	Noble	Zaun
Hahn	Lundby	Putney	Zieman

Nays, 29:

Appel	Dvorsky	Kibbie	Schoenjahn
Beall	Fraise	Kreiman	Seng
Black	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirnbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	
Dotzler	Horn	Schmitz	

Absent, 1:

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Amendment [S-3395](#) lost.

Senator McKibben offered amendment [S-3396](#), filed by Senator McKibben, et al., from the floor to pages 9, 10, 14, and 16 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3396](#) be adopted?” ([S.F. 599](#)), the vote was:

Yeas, 21:

Angelo	Hartsuch	McKinley	Wieck
Behn	Houser	Mulder	Zaun
Boettger	Johnson	Noble	Zieman
Fraise	Kettering	Putney	
Gaskill	Lundby	Seymour	
Hahn	McKibben	Ward	

Nays, 28:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Gronstal	Kreiman	Schoenjahn
Connolly	Hancock	McCoy	Seng
Courtney	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wood

Absent, 1:

Bolkcom

Amendment [S-3396](#) lost.

Senator Dotzler 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. 599](#)), the vote was:

Yeas, 36:

Appel	Dvorsky	Houser	Quirmbach
Beall	Fraise	Kibbie	Ragan
Black	Gaskill	Kreiman	Rielly
Boettger	Gronstal	Lundby	Schmitz
Connolly	Hancock	McCoy	Schoenjahn
Courtney	Hatch	Mulder	Seng
Danielson	Heckroth	Noble	Stewart
Dearden	Hogg	Olive	Warnstadt
Dotzler	Horn	Putney	Wood

Nays, 13:

Angelo	Johnson	Seymour	Zieman
Behn	Kettering	Ward	
Hahn	McKibben	Wieck	
Hartsuch	McKinley	Zaun	

Absent, 1:

Bolkcom

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

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 599](#) be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:30 p.m. until 11:00 a.m., Friday, April 20, 2007.

## APPENDIX—2

### STUDY BILLS RECEIVED

#### **SSB 1357      Appropriations**

Relating to water quality improvements and watershed improvements and related funding.

#### **SSB 1358      Appropriations**

Requiring children enrolling in elementary or high school to have a dental screening and providing an effective date.

### SUBCOMMITTEE ASSIGNMENTS

#### **House File 829**

APPROPRIATIONS: Dotzler, Chair; Dvorsky and Ward

#### **SSB 1357**

APPROPRIATIONS: Wood, Chair; Dvorsky, Hancock, Johnson, and Putney

#### **SSB 1358**

APPROPRIATIONS: Ragan, Chair; Boettger and Dvorsky

#### **LSB 2904SC**

APPROPRIATIONS: Dvorsky, Chair; Angelo and Warnstadt

### BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. 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 19th day of April, 2007:

Senate Files 302, 337, 463, and 528.

MICHAEL E. MARSHALL  
Secretary of the Senate

## APPOINTMENT

The following appointee was submitted to the Secretary of the Senate for Senate confirmation:

### BY THE GOVERNOR

#### TERM

INVESTMENT BOARD OF THE IPERS (Sec. 97B.8A)

James Ingram, Davenport

05/01/2007 – 04/30/2013

The appointment was referred to the committee on **Rules and Administration**.

### REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointment to a state board to a Senate standing committee, as indicated for investigation on April 18, 2007:

#### STATE GOVERNMENT

James Ingram – Investment Board of the IPERS

#### REFERRAL TO SUBCOMMITTEE OF STANDING COMMITTEE

In accordance with Senate Rule 59, the following senators were appointed to a subcommittee of the standing committee on April 18, 2007, to investigate the appointment of the following appointee:

#### STATE GOVERNMENT

As a member of the Investment Board of the IPERS:

JAMES INGRAM – Connolly, Chair; Wood and Zieman

#### AMENDMENTS FILED

<a href="#"><u>S-3383</u></a>	<a href="#"><u>S.F. 549</u></a>	Robert M. Hogg
<a href="#"><u>S-3384</u></a>	<a href="#"><u>S.F. 546</u></a>	House
<a href="#"><u>S-3385</u></a>	<a href="#"><u>S.F. 469</u></a>	House
<a href="#"><u>S-3386</u></a>	<a href="#"><u>S.F. 430</u></a>	House
<a href="#"><u>S-3387</u></a>	<a href="#"><u>S.F. 49</u></a>	House

<u>S-3388</u>	<u>S.F. 485</u>	House
<u>S-3389</u>	<u>S.F. 513</u>	Herman C. Quirmbach
<u>S-3390</u>	<u>S.F. 546</u>	Robert M. Hogg
<u>S-3391</u>	<u>H.F. 641</u>	Robert M. Hogg
<u>S-3392</u>	<u>S.F. 598</u>	Jack Hatch
<u>S-3393</u>	<u>S.F. 596</u>	Mark Zieman
<u>S-3394</u>	<u>S.F. 455</u>	Keith A. Kreiman
		Robert E. Dvorsky
		Robert M. Hogg
<u>S-3395</u>	<u>S.F. 599</u>	Jeff Angelo
<u>S-3396</u>	<u>S.F. 599</u>	Larry McKibben
		Jeff Angelo
		Mary A. Lundby
		James A. Seymour
		Larry Noble
		David L. Hartsuch
		Pat Ward
		Hubert Houser
		Jerry Behn
		Nancy J. Boettger
		E. Thurman Gaskill
		John Putney
		James F. Hahn
		Paul McKinley
		Steve Kettering
		Mark Zieman
		David Johnson
		Brad Zaun
		Dave Mulder
		Ron Wieck
<u>S-3397</u>	<u>S.F. 598</u>	Brad Zaun
		Dave Mulder
		Pat Ward
		Paul McKinley
		Steve Kettering
		Nancy J. Boettger
		John Putney
		James F. Hahn
		David Johnson
		Hubert Houser
		Larry McKibben

Ron Wieck  
Jeff Angelo  
Mary A. Lundby  
E. Thurman Gaskill  
Larry Noble  
David L. Hartsuch