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**STATE OF IOWA**

**Senate Journal**

**THURSDAY, APRIL 10, 2008**

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# JOURNAL OF THE SENATE

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EIGHTY-EIGHTH CALENDAR DAY  
FIFTY-THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, April 10, 2008

The Senate met in regular session at 8:49 a.m., President Kibbie presiding.

Prayer was offered by Rev. Dr. Gene V. Anderson, senior pastor of Redeemer Lutheran Church in Indianola, Iowa. He was the guest of Senator Appel.

The Journal of Wednesday, April 9, 2008, 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 9, 2008, **amended and passed** the following bills in which the concurrence of the Senate is asked:

[Senate File 2348](#), a bill for an act relating to the management of cooperative associations. ([S-5318](#))

[Senate File 2350](#), a bill for an act relating to trusts and estates including the administration of small estates, and including retroactive and other applicability provisions. ([S-5319](#))

[Senate File 2392](#), a bill for an act to regulate viatical settlements, and providing for fees and penalties. ([S-5322](#))

ALSO: That the House has on April 9, 2008, **passed** the following bills in which the concurrence of the House was asked:

[Senate File 2133](#), a bill for an act relating to the Iowa crop improvement association.

[Senate File 2246](#), a bill for an act relating to required disclosures in real estate transactions.

[Senate File 2250](#), a bill for an act relating to the licensure of real estate brokers and salespersons.

[Senate File 2340](#), a bill for an act requiring certain identity documents to be provided to children subject to a court order for out-of-home placement.

[Senate File 2367](#), a bill for an act relating to the compliance advisory panel, including the appointment of its members and its powers and duties.

## INTRODUCTION OF RESOLUTIONS

[Senate Resolution 147](#), by Appel, Courtney, Fraise, Dearden, Quirnbach, Olive, Hogg, Seng, Horn, Warnstadt, Dvorsky, Heckroth, Dotzler, Kreiman, Beall, Schmitz, Ragan, Stewart, Connolly, McCoy, Black, Kibbie, Gronstal, Bolkcom, Rielly, Schoenjahn, Wood, Hancock, Danielson, Hatch, Mulder, Putney, McKibben, Boettger, Gaskill, Kettering, Seymour, and Noble, a resolution recognizing April 13 through 19, 2008, as the Week of the Young Child.

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

[Senate Resolution 148](#), by Danielson, Schoenjahn, Hancock, Kettering, and Johnson, a resolution recognizing the lifesaving benefits of automatic external defibrillator devices, acknowledging the importance of raising public awareness of their availability, and encouraging persons to obtain appropriate training.

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

The Senate stood at ease at 8:53 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:28 a.m., President Kibbie presiding.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 10:29 a.m. until the completion of a meeting of the committee on Rules and Administration.

## RECONVENED

The Senate reconvened at 10:32 a.m., President Kibbie presiding.

## FINAL COMMITTEE REPORT OF BILL ACTION

## RULES AND ADMINISTRATION

**Bill Title:** [SENATE RESOLUTION 148](#), a resolution recognizing the lifesaving benefits of automatic external defibrillator devices, acknowledging the importance of raising public awareness of their availability, and encouraging persons to obtain appropriate training.

**Recommendation:** DO PASS.

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

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

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Danielson asked and received unanimous consent to take up for consideration [Senate Resolution 148](#).

[Senate Resolution 148](#)

On motion of Senator Danielson, [Senate Resolution 148](#), a resolution recognizing the lifesaving benefits of automatic external defibrillator devices, acknowledging the importance of raising public awareness of their availability, and encouraging persons to obtain appropriate training, with report of committee recommending passage, was taken up for consideration.

Senator Danielson moved the adoption of [Senate Resolution 148](#), which motion prevailed by a voice vote.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McKibben, until he arrives, on request of Senator Putney; and Senator Beall, until he returns, on request of Senator Gronstal.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2417](#).

[Senate File 2417](#)

On motion of Senator Bolkcom, [Senate File 2417](#), a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, and providing for the repeal of the healthy Iowans tobacco trust, and providing effective dates, was taken up for consideration.

Senator Bolkcom 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. 2417](#)), the vote was:

Yeas, 32:

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

Nays, 16:

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

Absent, 2:

Beall	McKibben
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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  
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2415](#).

[Senate File 2415](#)

On motion of Senator Dotzler, [Senate File 2415](#), a bill for an act allowing certain counties to participate in a pilot project for emergency response districts and providing for a district tax levy, was taken up for consideration.

Senator Dotzler offered amendment [S-5321](#), filed by him from the floor to pages 2 and 7 of the bill, and moved its adoption.

Amendment [S-5321](#) was adopted by a voice vote.

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. 2415](#)), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

McKibben

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 2415** and **2417** be **immediately messaged** to the House.

President Pro Tempore Danielson took the chair at 11:00 a.m.

### HOUSE AMENDMENT CONSIDERED

#### [Senate File 2392](#)

Senator Rielly called up for consideration [Senate File 2392](#), a bill for an act to regulate viatical settlements, and providing for fees and penalties, amended by the House in House amendment [S-5322](#), filed April 10, 2008.

Senator Rielly 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 Rielly 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. 2392](#)), the vote was:

Yeas, 49:

Angelo  
Appel  
Beall

Fraise  
Gaskill  
Gronstal

Kibbie  
Kreiman  
Lundby

Schoenjahn  
Seng  
Seymour

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

Nays, none.

Absent, 1:

McKibben

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 2647](#).

### [House File 2647](#)

On motion of Senator Hogg, [House File 2647](#), a bill for an act relating to and making appropriations to the judicial branch, with report of committee recommending passage, was taken up for consideration.

Senator Hogg 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. 2647](#)), the vote was:

Yeas, 30:

Beall	Dvorsky	Horn	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gaskill	Lundby	Seng
Connolly	Gronstal	Olive	Stewart
Courtney	Hancock	Putney	Warnstadt
Danielson	Hatch	Quirmbach	Wood
Dearden	Heckroth	Ragan	
Dotzler	Hogg	Rielly	

Nays, 18:

Angelo	Houser	McKinley	Wieck
Behn	Johnson	Mulder	Zaun
Boettger	Kettering	Noble	Zieman
Hahn	Kreiman	Seymour	
Hartsuch	McCoy	Ward	

Present, 1:

Appel

Absent, 1:

McKibben

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 Gronstal asked and received unanimous consent to take up for consideration [House File 2601](#).

**[House File 2601](#)**

On motion of Senator Kibbie, [House File 2601](#), a bill for an act providing for the state interagency Missouri river authority, placed on the Unfinished Business Calendar on April 3, 2008, with report of committee recommending passage, was taken up for consideration.

Senator Kibbie offered amendment [S-5317](#), filed by Senators Kibbie and Houser on April 9, 2008, striking and replacing everything after the enacting clause of the bill.

Senator Kibbie offered amendment [S-5320](#), filed by him from the floor to page 1 of amendment [S-5317](#), and moved its adoption.

Amendment [S-5320](#) was adopted by a voice vote.

Senator Kibbie moved the adoption of amendment [S-5317](#), as amended.

Amendment [S-5317](#) was adopted by a voice vote.

Senator Kibbie 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. 2601](#)), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

McKibben

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 2392](#) and [House File 2601](#) be **immediately messaged** to the House.

### CONFIRMATION OF GOVERNOR’S APPOINTMENTS

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

Krystal Madlock – Commission on the Status of African-Americans  
Max Phillips – State Board of Education

Frederic Malven – Interior Design Examining Board  
 James O’Neill – Real Estate Commission  
 Laura Rowe – Renewable Fuels and Coproducts Advisory  
 Committee  
 Ken Sagar – Iowa Workforce Development Board

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

On the question “Shall the appointees be confirmed?” the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

McKibben

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

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 11:22 a.m. until 10:00 a.m., Monday, April 14, 2008.

## APPENDIX

### CERTIFICATES OF RECOGNITION

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

Richard Drake family, Muscatine—To honor Senator Richard Drake's many years of state legislative service. Senator Hahn (4/10/18).

Allea Klauenberg, Ogden—For being a winner of the Iowa Energy Poster Contest at the state level. Senator Behn (4/10/08).

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS

**Convened:** April 10, 2008, 12:20 p.m.

**Members Present:** Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Angelo, Behn, Black, Boettger, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Gaskill, Hahn, Hancock, Hatch, Hogg, Johnson, Putney, Ragan, Seng, Ward, Warnstadt, and Wood.

**Members Absent:** Seymour (excused).

**Committee Business:** Passed [HF 2660](#).

**Recessed:** 12:25 p.m.

**Reconvened:** 12:35 p.m.

**Adjourned:** 12:45 p.m.

#### RULES AND ADMINISTRATION

**Convened:** April 10, 2008, 10:29 a.m.

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

**Members Absent:** None.

**Committee Business:** Approved SRs 114, 147, and 148.

**Adjourned:** 10:32 a.m.

## INTRODUCTION OF RESOLUTION

[Senate Resolution 149](#), by Johnson, a resolution honoring the city of Sutherland on its quasiquicentennial anniversary.

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

## INTRODUCTION OF BILLS

[Senate File 2418](#), by committee on Ways and Means, a bill for an act relating to notice provided to certain households about the availability of volunteer or free income tax assistance programs and the federal and state earned income tax credits.

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

[Senate File 2419](#), by committee on Ways and Means, a bill for an act relating to the property tax exemption for speculative shell buildings and including effective and retroactive applicability date provisions.

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

[Senate File 2420](#), by committee on Ways and Means, a bill for an act relating to and increasing motor vehicle and trailer registration fees and title fees, allocating new revenues from fees to the TIME-21 fund, requiring the department of transportation to conduct an analysis of TIME-21 funding and a study of public transit funding, increasing the motorcycle operator's license fee and allocating the increased revenue to the motorcycle rider education fund, reallocating certain fees collected by the department of transportation, repealing the use tax on vehicles subject to registration and the use tax on certain leased motor vehicles, establishing a fee for new registration of vehicles, providing penalties, and providing effective and applicability dates.

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

## FINAL COMMITTEE REPORTS OF BILL ACTION

## APPROPRIATIONS

**Bill Title:** [HOUSE FILE 2660](#), a bill for an act relating to and making appropriations to the justice system.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Dvorsky, McCoy, Black, Bolcom, Connolly, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Ragan, Seng, Warnstadt, and Wood. Nays, 8: Kettering, Angelo, Behn, Boettger, Gaskill, Hahn, Johnson, and Ward. Present, 1: Putney. Absent, 1: Seymour.

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

## RULES AND ADMINISTRATION

**Bill Title:** [SENATE RESOLUTION 114](#), a resolution designating the second week in June as Home Education Week in Iowa.

**Recommendation:** DO PASS.

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

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

## ALSO:

**Bill Title:** [SENATE RESOLUTION 147](#), a resolution recognizing April 13 through 19, 2008, as the Week of the Young Child.

**Recommendation:** DO PASS.

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

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

## ALSO:

**Bill Title:** [SENATE FILE 2406](#), a bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, abolishing certain related entities, and including effective date and applicability provisions.

**Recommendation:** DO PASS.

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

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

#### WAYS AND MEANS

**Bill Title:** [SENATE FILE 2418 \(SSB 3299\)](#), a bill for an act relating to notice provided to certain households about the availability of volunteer or free income tax assistance programs and the federal and state earned income tax credits.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 17: Bolkcom, McCoy, McKibben, Angelo, Appel, Connolly, Dotzler, Hogg, Houser, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, Ward, and Zieman. Nays, none. Absent, none.

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

#### ALSO:

**Bill Title:** [SENATE FILE 2419 \(SSB 3298\)](#), a bill for an act relating to the property tax exemption for speculative shell buildings and including effective and retroactive applicability date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 17: Bolkcom, McCoy, McKibben, Angelo, Appel, Connolly, Dotzler, Hogg, Houser, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, Ward, and Zieman. Nays, none. Absent, none.

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

#### ALSO:

**Bill Title:** [HOUSE FILE 2589](#), a bill for an act relating to unemployment insurance tax penalties, and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Bolkcom, McCoy, Appel, Connolly, Dotzler, Hogg, Quirnbach, Schmitz, Seng, and Stewart. Nays, 7: McKibben, Angelo, Houser, Noble, Putney, Ward, and Zieman. Absent, none.

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

#### ALSO:

**Bill Title:** [SENATE FILE 2420\\*](#) (formerly [SF 2389](#)), a bill for an act relating to and increasing motor vehicle and trailer registration fees and title fees, allocating new revenues from fees to the TIME-21 fund, requiring the department of transportation to conduct an analysis of TIME-21 funding and a study of public transit funding, increasing the motorcycle operator's license fee and allocating the increased revenue to the motorcycle rider education fund, reallocating certain fees collected by the department of transportation, repealing the use tax on vehicles subject to registration

and the use tax on certain leased motor vehicles, establishing a fee for new registration of vehicles, providing penalties, and providing effective and applicability dates.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 16: Bolkcom, McCoy, McKibben, Angelo, Appel, Dotzler, Hogg, Houser, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, Ward, and Zieman. Nays, none. Absent, 1: Connolly.

**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 Ways and Means Committee on [Senate File 2420](#), and they were attached to the committee report.

### MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which [House File 2647](#) passed the Senate on April 10, 2008.

MICHAEL E. GRONSTAL

### AMENDMENTS FILED

<a href="#">S-5318</a>	<a href="#">S.F. 2348</a>	House
<a href="#">S-5319</a>	<a href="#">S.F. 2350</a>	House
<a href="#">S-5320</a>	<a href="#">H.F. 2601</a>	John P. Kibbie
<a href="#">S-5321</a>	<a href="#">S.F. 2415</a>	William Dotzler
<a href="#">S-5322</a>	<a href="#">S.F. 2392</a>	House
<a href="#">S-5323</a>	<a href="#">S.F. 2416</a>	Joe Bolkcom
<a href="#">S-5324</a>	<a href="#">S.F. 2416</a>	Joe Bolkcom