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**STATE OF IOWA**

**Senate Journal**

**TUESDAY, APRIL 22, 2008**

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# JOURNAL OF THE SENATE

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ONE HUNDREDTH CALENDAR DAY  
FIFTY-NINTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, April 22, 2008

The Senate met in regular session at 8:45 a.m., President Kibbie presiding.

Prayer was offered by Pastor Ben Ramirez of the First Christian Church in Coon Rapids, Iowa. He was the guest of Senator Beall.

The Journal of Monday, April 21, 2008, was approved.

## 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 21, 2008, **amended and passed** the following bill in which the concurrence of the Senate is asked:

[Senate File 2425](#), a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions. ([S-5401](#))

## FINAL COMMITTEE REPORT OF BILL ACTION

### RULES AND ADMINISTRATION

**Bill Title:** [SENATE RESOLUTION 132](#), a resolution honoring the life and work of Professor R. Dean Wright.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Gronstal, Kibbie, Wieck, Angelo, Courtney, Dearden, Dvorsky, Ragan, and Ziemann. Nays, none. Absent, 2: Danielson and Lundby.

**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 132](#).

[Senate Resolution 132](#)

On motion of Senator Hatch, [Senate Resolution 132](#), a resolution honoring the life and work of Professor R. Dean Wright, with report of committee recommending passage, was taken up for consideration.

Senator Hatch moved the adoption of [Senate Resolution 132](#), which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

[Senate Resolution 159](#)

Senator Lundby asked and received unanimous consent to take up the following resolution:

1                   [SENATE RESOLUTION 159](#)  
2       By: Committee on Rules and Administration  
3 A resolution honoring Senator Jeff Angelo for his years  
4   of service in the Senate.  
5   WHEREAS, Senator Jeff Angelo is retiring from a  
6 legislative career that began when he was first  
7 elected to the Senate in 1996, beginning his service  
8 in the first regular session of the 77th General  
9 Assembly; and  
10  WHEREAS, representing Senate District number 48,  
11 Senator Angelo has the largest legislative district in  
12 the state, made up of Adams, Clarke, Decatur,  
13 Montgomery, Ringgold, Taylor, and Union counties; and  
14  WHEREAS, in 12 years of service Senator Angelo has  
15 been named a "Friend of Agriculture" by Iowa's largest  
16 family farm advocacy group, a "Friend of the Taxpayer"  
17 by the watchdog group "Taxpayers United", and a  
18 "Friend of Small Business" by the National Federation

19 of Independent Business; and  
20 WHEREAS, Senator Angelo has been recognized as an  
21 “Outstanding Supporter” by the International Police  
22 Relations Council for the Deaf and has received a  
23 Certificate of Appreciation by the Iowa State  
24 Sheriffs’ and Deputies’ Association, and a “Legislator  
25 of the Year” award from the Iowa Bankers Association;  
26 and  
27 WHEREAS, Senator Angelo has served as Chairperson  
28 of the Committee on Local Government, and as  
29 Chairperson and Co-chairperson of the Committee on  
30 Appropriations, overseeing the state budget, and as

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1 President Pro Tempore of the Senate and has served as  
2 a member of a variety of committees and subcommittees;  
3 and  
4 WHEREAS, Senator Angelo has fought for Iowa’s  
5 families, Iowa’s farmers, and Iowa’s businesses, and  
6 has unselfishly given of his time and efforts to  
7 further the interests of the State of Iowa and the  
8 citizens of Iowa; NOW THEREFORE,  
9 BE IT RESOLVED BY THE SENATE, That the Senate  
10 thanks Senator Jeff Angelo for his years of public  
11 service, and wishes him and his bride, Tara Van  
12 Brederode, the very best in the years to come; and  
13 BE IT FURTHER RESOLVED, That the Secretary of the  
14 Senate is directed to prepare an official copy of this  
15 resolution for presentation to Senator Angelo.

Senator Angelo addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Angelo.

Senator Lundby moved the adoption of [Senate Resolution 159](#), which motion prevailed by a voice vote.

The Senate stood at ease at 9:26 a.m. until the fall of the gavel for the purpose of party caucuses.

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

## 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 21, 2008, **adopted** the following resolutions in which the concurrence of the House was asked:

[Senate Joint Resolution 2003](#), a joint resolution authorizing the temporary use and consumption of alcoholic beverages on the state capitol complex grounds in conjunction with the Hy-Vee BG World Cup Triathlon, and providing an effective date.

[Senate Joint Resolution 2005](#), a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol, and the temporary display of ceremonial banners, in conjunction with the awards ceremony of the World Food Prize Foundation.

ALSO: That the House has on April 21, 2008, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 2673](#), a bill for an act relating to the inheritance tax on any interest in a qualified tuition plan.

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

[House File 2674](#), a bill for an act concerning appropriations to the office of grants enterprise management and including an effective date provision.

Read first time and referred to committee on **Appropriations**.

[House File 2684](#), a bill for an act creating an insurance industry new jobs tax credit.

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

[House File 2685](#), a bill for an act relating to rules for the discharge of wastewater from water well drilling sites and providing for a fee.

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

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McKibben, until he arrives, on request of Senator Wieck; and Senator Seng, until he arrives, on request of Senator Dvorsky.

CONSIDERATION OF BILLS  
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2428 and 2426.

**Senate File 2428**

On motion of Senator Dvorsky, **Senate File 2428**, a bill for an act relating to the collection of delinquent debt owed the state and political subdivisions of the state by requiring offsets of gambling winnings, sanctioning of professional licenses, modifying provisions related to county attorney collections, writing off certain delinquent court debt, modifying provisions relating to the deposit of certain funds in the jury and witness fee fund, and making penalties applicable, was taken up for consideration.

Senator Zaun offered amendment **S-5400**, filed by him from the floor to pages 1 and 3 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 16, nays 27.

Amendment **S-5400** lost.

Senator Hartsuch offered amendment **S-5398**, filed by him from the floor to pages 5-14 and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5398](#) be adopted?" ([S.F. 2428](#)), the vote was:

Yeas, 8:

Behn	Hartsuch	Johnson	Wieck
Hahn	Houser	McKinley	Zaun

Nays, 40:

Angelo	Dotzler	Kettering	Ragan
Appel	Dvorsky	Kibbie	Rielly
Beall	Fraise	Kreiman	Schmitz
Black	Gaskill	Lundby	Schoenjahn
Boettger	Gronstal	McCoy	Seymour
Bolkcom	Hancock	Mulder	Stewart
Cannolly	Hatch	Noble	Ward
Courtney	Heckroth	Olive	Warnstadt
Danielson	Hogg	Putney	Wood
Dearden	Horn	Quirnbach	Zieman

Absent, 2:

McKibben	Seng
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Amendment [S-5398](#) lost.

Senator Dvorsky offered amendment [S-5393](#), filed by him on April 21, 2008, to pages 15, 16, 19, 20, and 25 of the bill.

Senator Dvorsky offered amendment [S-5394](#), filed by him from the floor to page 4 of amendment [S-5393](#).

Senator Dvorsky asked and received unanimous consent that action on amendment [S-5394](#) to amendment [S-5393](#) be deferred.

Senator Kettering offered amendment [S-5399](#), filed by Senators Kettering and Ward from the floor to page 4 of amendment [S-5393](#), and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5399](#) be adopted?" ([S.F. 2428](#)), the vote was:

Yeas, 20:

Angelo	Hancock	Kreiman	Seymour
Behn	Hartsuch	McKinley	Ward

Boettger	Houser	Mulder	Wieck
Gaskill	Johnson	Noble	Zaun
Hahn	Kettering	Putney	Zieman

Nays, 29:

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

Absent, 1:

McKibben

Amendment [S-5399](#) lost.

The Senate resumed consideration of amendment [S-5394](#) to amendment [S-5393](#), previously deferred.

Senator Dvorsky moved the adoption of amendment [S-5394](#).

Amendment [S-5394](#) was adopted by a voice vote.

Senator Dvorsky moved the adoption of amendment [S-5393](#), as amended.

Amendment [S-5393](#) was adopted by a voice vote.

Senator Kettering offered amendment [S-5395](#), filed by Senators Kettering and Dvorsky from the floor to page 20 of the bill.

Senator Kettering asked and received unanimous consent that action on amendment [S-5395](#) be deferred.

Senator Kettering asked and received unanimous consent to withdraw amendment [S-5391](#), filed by Senators Kettering and Ward on April 21, 2008, to page 21 of the bill.



Senator Ward offered amendment [S-5392](#), filed by her on April 21, 2008, to page 21 of the bill, and moved its adoption.

Amendment [S-5392](#) was adopted by a voice vote.

The Senate resumed consideration of amendment [S-5395](#), previously deferred.

Senator Kettering asked and received unanimous consent that action on amendment [S-5395](#) and [Senate File 2428](#) be **deferred**.

### [Senate File 2426](#)

On motion of Senator Hogg, [Senate File 2426](#), a bill for an act relating to the judicial branch including the assessment and collection of fees and fines, filings and records kept by the clerk of the district court, the regulation and certification of shorthand reporters, making appropriations to offset costs, and providing an effective date, 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?" ([S.F. 2426](#)), the vote was:

Yeas, 33:

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

Nays, 16:

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

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 2177](#).

[House File 2177](#)

On motion of Senator Dearden, [House File 2177](#), a bill for an act relating to the placement of deer transportation tags on antlered deer that have been taken pursuant to a deer hunting license, placed on the Unfinished Business Calendar on April 3, 2008, with report of committee recommending passage, was taken up for consideration.

Senator Dearden offered amendment [S-5396](#), filed by him from the floor to page 1 and to the title page of the bill.

([House File 2177](#) and amendment [S-5396](#) were deferred.)

The Senate stood at ease at 10:55 a.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 11:22 a.m., President Pro Tempore Danielson presiding.

The Senate resumed consideration of amendment [S-5396](#) and [House File 2177](#), previously deferred.

Senator Dearden moved the adoption of amendment [S-5396](#).

Amendment [S-5396](#) was adopted by a voice vote.

Senator Dearden 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. 2177](#)), the vote was:

Yeas, 47:

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

Nays, 3:

Black	Johnson	Noble
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Absent, none.

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

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 2426](#) and [House File 2177](#) be **immediately messaged** to the House.

#### RECESS

On motion of Senator Gronstal, the Senate recessed at 11:30 a.m. until 12:15 p.m.

#### AFTERNOON SESSION

The Senate reconvened at 12:20 p.m., President Kibbie presiding.

#### QUORUM CALL

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

The vote revealed 37 present, 13 absent, and a quorum present.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 2663](#).

[House File 2663](#)

On motion of Senator Connolly, [House File 2663](#), a bill for an act relating to the repeal of the local option sales and services tax for school infrastructure purposes by using the revenues from the increase in the state sales and use taxes for replacing lost school district revenues resulting from the repeal, providing property tax relief, providing for the reduction in the state sales and use tax, providing a penalty, and including an effective date provision, with report of committee recommending passage, was taken up for consideration.

([House File 2663](#) was deferred.)

The Senate stood at ease at 12:40 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 2:22 p.m., President Pro Tempore Danielson presiding.

BUSINESS PENDING

[Senate File 2428](#)

The Senate resumed consideration of [Senate File 2428](#), a bill for an act relating to the collection of delinquent debt owed the state and political subdivisions of the state by requiring offsets of gambling winnings, sanctioning of professional licenses, modifying provisions related to county attorney collections, writing off certain delinquent court debt, modifying provisions relating to the deposit of certain funds in the jury and witness fee fund, and making penalties applicable, and amendment [S-5395](#), previously deferred.

Senator Kettering moved the adoption of amendment [S-5395](#).

Amendment [S-5395](#) was adopted by a voice vote.

With the adoption of amendment [S-5395](#), the Chair ruled amendment [S-5404](#), filed by Senators Kettering and Dvorsky from the floor to page 20 of the bill, out of order.

Senator Dvorsky 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 amendment [S-5393](#) to [Senate File 2428](#) was adopted by the Senate on April 22, 2008.

The motion prevailed by a voice vote and the motion to reconsider was adopted.

Senator Dvorsky offered amendment [S-5405](#), filed by him from the floor to page 4 of amendment [S-5393](#), and moved its adoption.

Amendment [S-5405](#) was adopted by a voice vote.

Senator Dvorsky moved the adoption of amendment [S-5393](#), as amended.

Amendment [S-5393](#) was adopted by a voice vote.

Senator Dvorsky 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. 2428](#)), the vote was:

Yeas, 39:

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

Nays, 11:

Behn	Hartsuch	Kettering	Wieck
Boettger	Houser	Kreiman	Zieman
Hahn	Johnson	McKinley	

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 2428](#) be **immediately messaged** to the House.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

#### BUSINESS PENDING

#### [House File 2663](#)

The Senate resumed consideration of [House File 2663](#), a bill for an act relating to the repeal of the local option sales and services tax for school infrastructure purposes by using the revenues from the increase in the state sales and use taxes for replacing lost school district revenues resulting from the repeal, providing property tax relief, providing for the reduction in the state sales and use tax, providing a penalty, and including an effective date provision, previously deferred.

Senator McKibben offered amendment [S-5408](#), filed by Senators McKibben and Angelo from the floor striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5408](#) be adopted?” ([H.F. 2663](#)), 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-5408](#) lost.

Senator Ward offered amendment [S-5407](#), filed by her from the floor to page 20 of the bill, and moved its adoption.

Amendment [S-5407](#) lost by a voice vote.

Senator Connolly 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. 2663](#)), the vote was:

Yeas, 34:

Appel	Dvorsky	Kibbie	Schmitz
Beall	Fraise	Kreiman	Schoenjahn
Black	Gaskill	Lundby	Seng
Boettger	Gronstal	McCoy	Seymour
Bolkcom	Hancock	Mulder	Stewart
Connolly	Hatch	Olive	Warnstadt
Courtney	Heckroth	Quirnbach	Wood
Danielson	Hogg	Ragan	
Dotzler	Houser	Rielly	

Nays, 15:

Behn	Horn	McKinley	Wieck
Dearden	Johnson	Noble	Zaun
Hahn	Kettering	Putney	Zieman
Hartsuch	McKibben	Ward	

Absent, 1:

Angelo

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

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [House File 2663](#) be **immediately messaged** to the House.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he returns, on request of Senator Wieck.

#### HOUSE AMENDMENT CONSIDERED

#### [Senate File 2425](#)

Senator Hatch called up for consideration [Senate File 2425](#), a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions, amended by the House in House amendment [S-5401](#), filed April 22, 2008.

Senator Zaun offered amendment [S-5409](#), filed by Senators Zaun, Ward, and Mulder from the floor to pages 7, 75, and 76 of House amendment [S-5401](#), and moved its adoption.



A record roll call was requested.

On the question "Shall amendment [S-5409](#) be adopted?" ([S.F. 2425](#)), the vote was:

Yeas, 19:

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

Nays, 29:

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

Absent, 2:

Angelo	Houser
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Amendment [S-5409](#) lost.

Senator Hatch moved that the Senate concur in the House amendment to the Senate amendment, and requested that the senators vote "No."

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

#### IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that [Senate File 2425](#) 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 22, 2008, **adopted the conference committee report and passed [House File 2197](#)**, a bill for an act requiring institutions of higher learning and community colleges to provide students with specific textbook information.

## CONFERENCE COMMITTEE REPORT RECEIVED

[House File 2197](#)

A conference committee report, signed by the following Senate and House members, was filed April 22, 2008, on [House File 2197](#), a bill for an act recommending institutions of higher learning to provide students with specific textbook information:

On the part of the Senate:

HERMAN C. QUIRMBACH, Chair  
PAUL MCKINLEY  
DAVE MULDER  
BECKY SCHMITZ  
BRIAN SCHOENJAHN

On the part of the House:

DORIS KELLEY, Chair  
CARMINE BOAL  
ELESHA GAYMAN  
BILL SCHICKEL  
ROGER WENDT

## CONFERENCE COMMITTEE REPORT CONSIDERED

[House File 2197](#)

Senator Quirmbach called up the conference committee report on [House File 2197](#), a bill for an act recommending institutions of higher learning to provide students with specific textbook information, filed on April 22, 2008, 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 Quirmbach 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. 2197](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Angelo                      Houser

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

#### IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that [House File 2197](#) be **immediately messaged** to the House.

#### RECESS

On motion of Senator Courtney, the Senate recessed at 5:43 p.m. until the fall of the gavel.

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

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

Don Angel, Waukon—For his induction into the Iowa High School Golf Coaches Association Hall of Fame. Senator Zieman (4/22/08).

Kassidy Cook, Postville—For achieving the rank of Eagle Scout, Boy Scout Troop 41. Senator Zieman (4/22/08).

Nathan Lee Higgins, Clear Lake—For achieving the rank of Eagle Scout, Boy Scout Troop 1075. Senator Gaskill (4/22/08).

Pastor Ben Ramirez, Coon Rapids—For serving as the Chaplain of the Day. Senator Beall (4/22/08).

**REPORTS OF COMMITTEE MEETINGS****AGRICULTURE**

**Convened:** April 22, 2008, 8:35 a.m.

**Members Present:** Fraise, Chair; Rielly, Vice Chair; Johnson, Ranking Member; Appel, Boettger, Courtney, Gaskill, Hancock, Houser, Kibbie, Mulder, Olive, Putney, and Seng.

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

**Committee Business:** Passed [HF 2688](#).

**Adjourned:** 8:40 a.m.

**RULES AND ADMINISTRATION**

**Convened:** April 22, 2008, 8:30 a.m.

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

**Members Absent:** Danielson and Lundby (both excused).

**Committee Business:** Approved [SR 132](#).

**Adjourned:** 8:35 a.m.

**WAYS AND MEANS**

**Convened:** April 22, 2008, 5:50 p.m.

**Members Present:** Bolkcom, Chair; McCoy, Vice Chair; McKibben, Ranking Member; Appel, Connolly, Dotzler, Hogg, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, Ward, and Ziemann.

**Members Absent:** Angelo and Houser (both excused).

**Committee Business:** Passed HFs 2673, 2685, and 2687.

**Adjourned:** 6:00 p.m.

**INTRODUCTION OF RESOLUTION**

[Senate Resolution 162](#), by Angelo, a resolution recognizing May 2008 as Salvation Army Month.

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

**SUBCOMMITTEE ASSIGNMENTS**[House File 2673](#)

WAYS AND MEANS: Dotzler, Chair; Angelo and Bolkcom

[House File 2684](#)

WAYS AND MEANS: Bolkcom, Chair; Quirnbach and Ward

[House File 2685](#)

WAYS AND MEANS: Schmitz, Chair; Houser and Seng

**FINAL COMMITTEE REPORTS OF BILL ACTION****APPROPRIATIONS**

**Bill Title:** [HOUSE FILE 2679](#), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters and including effective date provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Dvorsky, McCoy, Black, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Ragan, Seng, Warnstadt, and Wood. Nays, 7: Kettering, Behn, Boettger, Hahn, Johnson, Seymour, and Ward. Absent, 3: Angelo, Gaskill, and Putney.

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

#### WAYS AND MEANS

**Bill Title:** [HOUSE FILE 2673](#), a bill for an act relating to the inheritance tax on any interest in a qualified tuition plan.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Bolkcom, McCoy, McKibben, Appel, Connolly, Dotzler, Hogg, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, Ward, and Ziemann. Nays, none. Absent, 2: Angelo and Houser.

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

#### ALSO:

**Bill Title:** [HOUSE FILE 2685](#), a bill for an act relating to rules for the discharge of wastewater from water well drilling sites and providing for a fee.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Bolkcom, McCoy, McKibben, Appel, Connolly, Dotzler, Hogg, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, Ward, and Ziemann. Nays, none. Absent, 2: Angelo and Houser.

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

### BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 22, 2008, the Governor approved and transmitted to the Secretary of State the following bills:

[Senate File 2246](#) – Relating to required disclosures in real estate transactions.

[Senate File 2269](#) – Revising family investment program requirements for limited benefit plans.

[Senate File 2286](#) – Appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

[Senate File 2340](#) – Requiring certain identity documents to be provided to children subject to a court order for out-of-home placement.

[Senate File 2420](#) – 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.

## EVENING SESSION

The Senate reconvened at 7:03 p.m., President Kibbie presiding.

## 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 22, 2008, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 2689](#), a bill for an act relating to renewable fuel, including by providing for infrastructure associated with storing, blending, and dispensing renewable fuel, providing for tax credits, providing for the reporting of biofuels, providing for the purchase of renewable fuels by governmental entities, providing for renewable fuel marketing efforts, and providing for effective dates and applicability; including retroactive applicability.

Read first time and **attached to similar** [Senate File 2412](#).

[House File 2694](#), a bill for an act relating to long-term care insurance, and providing for penalties, an applicability date, repeals, and an appropriation and providing an effective date.

Read first time and referred to committee on **Appropriations**.

ALSO: That the House has on April 22, 2008, **amended and passed** the following bill in which the concurrence of the Senate is asked:

[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. ([S-5410](#))

ALSO: That the House has on April 22, 2008, **insisted on its amendment to** [Senate File 2425](#), a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions. The conference committee members on the part of the House are: The Representative from Linn, Representative Foege, Chair; the Representative from Scott, Representative Gayman; the Representative from Henry,



Representative Heaton; the Representative from Polk, Representative Raecker; and the Representative from Marshall, Representative Smith.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on [Senate File 2425](#) on the part of the Senate: Senators Hatch, Chair; Bolkom, Ragan, Johnson, and Seymour.

#### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Lundby and McKibben, until they return, on request of Senator Wieck; and Senator Putney, until he returns, on request of Senator Gaskill.

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

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2685 and 2673.

#### [House File 2685](#)

On motion of Senator Schmitz, [House File 2685](#), a bill for an act relating to rules for the discharge of wastewater from water well drilling sites and providing for a fee, with report of committee recommending passage, was taken up for consideration.

The Senate stood at ease at 7:12 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 7:44 p.m., President Kibbie presiding.

The Senate resumed consideration of [House File 2685](#).

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. 2685](#)), the vote was:

Yeas, 45:

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

Nays, none.

Absent, 5:

Angelo	Lundby	Putney
Houser	McKibben	

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

### [House File 2673](#)

On motion of Senator Dotzler, [House File 2673](#), a bill for an act relating to the inheritance tax on any interest in a qualified tuition plan, with report of committee recommending passage, 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?” ([H.F. 2673](#)), the vote was:

Yeas, 45:

Appel	Fraise	Kibbie	Seng
Beall	Gaskill	Kreiman	Seymour
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKinley	Ward
Boettger	Hancock	Mulder	Warnstadt
Bolkcom	Hartsuch	Noble	Wieck

Connolly	Hatch	Olive	Wood
Courtney	Heckroth	Quirnbach	Zaun
Danielson	Hogg	Ragan	Zieman
Dearden	Horn	Rielly	
Dotzler	Johnson	Schmitz	
Dvorsky	Kettering	Schoenjahn	

Nays, none.

Absent, 5:

Angelo	Lundby	Putney
Houser	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 **House Files 2673** and **2685** be **immediately messaged** to the House.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

#### HOUSE AMENDMENT CONSIDERED

#### [Senate File 2417](#)

Senator Bolkcom called up for consideration [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, amended by the House in House amendment [S-5362](#), filed April 15, 2008.

Senator Bolkcom offered amendment [S-5390](#), filed by him on April 21, 2008, to page 1 of House amendment [S-5362](#), and moved its adoption.

Amendment [S-5390](#) was adopted by a voice vote.

Senator Hatch withdrew amendment [S-5370](#), filed by him on April 17, 2008, to pages 1 and 13 of amendment [S-5362](#).

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

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

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

Yeas, 31:

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

Nays, 14:

Behn	Johnson	Noble	Zaun
Boettger	Kettering	Seymour	Zieman
Gaskill	McKinley	Ward	
Hahn	Mulder	Wieck	

Absent, 5:

Angelo	Houser	Putney
Hartsuch	McKibben	

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

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 2417](#) be **immediately messaged** to the House.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 2660](#).

[House File 2660](#)

On motion of Senator Hancock, [House File 2660](#), a bill for an act relating to and making appropriations to the justice system, with report of committee recommending passage, was taken up for consideration.

Senator Connolly withdrew amendment [S-5333](#), filed by him on April 14, 2008, to pages 15–17 of the bill.

Senator Connolly withdrew amendment [S-5354](#), filed by him on April 15, 2008, to pages 15–17 of the bill.

Senator Noble withdrew amendment [S-5351](#), filed by him on April 14, 2008, to page 17 of the bill.

Senator Noble withdrew amendment [S-5387](#), filed by him on April 21, 2008, to page 17 of the bill.

Senator Johnson offered amendment [S-5411](#), filed by Senators Johnson and Dvorsky from the floor to page 1 of the bill, and moved its adoption.

Amendment [S-5411](#) was adopted by a voice vote.

Senator Hancock offered amendment [S-5412](#), filed by him from the floor to pages 2–5, 8–10, and 15–17 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5412](#) be adopted?” ([H.F. 2660](#)), the vote was:

Yeas, 45:

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

Nays, none.

Absent, 5:

Angelo	Houser	Putney
Hartsuch	McKibben	

Amendment [S-5412](#) was adopted.

Senator Hancock 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. 2660](#)), the vote was:

Yeas, 34:

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

Nays, 11:

Behn	Hahn	McKinley	Wieck
Boettger	Johnson	Seymour	Zieman
Gaskill	Kettering	Ward	

Absent, 5:

Angelo                      Houser                      Putney  
Hartsuch                    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 [House File 2660](#) 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 22, 2008, **amended the Senate amendment, concurred in the Senate amendment as amended, and passed** the following bill in which the concurrence of the Senate is asked:

[House File 2539](#), a bill for an act relating to health care reform including health care coverage intended for children and adults, health information technology, end-of-life care decision making, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, a buy-in provision for certain individuals under the medical assistance program, disease prevention and wellness initiatives, health care transparency, and including an applicability provision. ([S-5414](#))

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:32 p.m. until 8:45 a.m., Wednesday, April 23, 2008.

## APPENDIX—2

### INTRODUCTION OF BILL

[Senate File 2429](#), by committee on Appropriations, a bill for an act relating to budget requirements by certain small cities and providing an effective date.

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

### FINAL COMMITTEE REPORT OF BILL ACTION

#### APPROPRIATIONS

**Bill Title:** [SENATE FILE 2429\\*](#) ([SSB 3302](#)), a bill for an act relating to budget requirements by certain small cities and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 22: Dvorsky, McCoy, Kettering, Behn, Black, Boettger, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Hahn, Hancock, Hatch, Hogg, Johnson, Ragan, Seng, Seymour, Ward, Warnstadt, and Wood. Nays, none. Absent, 3: Angelo, Gaskill, and Putney.

**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 2429](#), and they were attached to the committee report.

### AMENDMENTS FILED

<a href="#">S-5394</a>	<a href="#">S.F. 2428</a>	Robert E. Dvorsky
<a href="#">S-5395</a>	<a href="#">S.F. 2428</a>	Steve Kettering
		Robert E. Dvorsky
<a href="#">S-5396</a>	<a href="#">H.F. 2177</a>	Dick L. Dearden
<a href="#">S-5397</a>	<a href="#">H.F. 2688</a>	John P. Kibbie
		Hubert Houser
<a href="#">S-5398</a>	<a href="#">S.F. 2428</a>	David L. Hartsuch
<a href="#">S-5399</a>	<a href="#">S.F. 2428</a>	Steve Kettering
		Pat Ward
<a href="#">S-5400</a>	<a href="#">S.F. 2428</a>	Brad Zaun
<a href="#">S-5401</a>	<a href="#">S.F. 2425</a>	House



[S-5402](#)      S.R.      155      Michael E. Gronstal  
Jeff Angelo  
Staci Appel  
Daryl Beall  
Jerry Behn  
Dennis H. Black  
Nancy J. Boettger  
Joe Bolkcom  
Thomas G. Courtney  
Jeff Danielson  
Dick L. Dearden  
William Dotzler  
Robert E. Dvorsky  
Eugene S. Fraise  
E. Thurman Gaskill  
James F. Hahn  
Tom Hancock  
David L. Hartsuch  
Jack Hatch  
William Heckroth  
Robert M. Hogg  
Wally E. Horn  
Hubert Houser  
David Johnson  
Steve Kettering  
John P. Kibbie  
Keith A. Kreiman  
Mary A. Lundby  
Matt McCoy  
Larry McKibben  
Paul McKinley  
Dave Mulder  
Larry Noble  
Rich Olive  
John Putney  
Herman C. Quirnbach  
Amanda Ragan  
Thomas Rielly  
Becky Schmitz  
Brian Schoenjahn  
Joe M. Seng

		James A. Seymour
		Roger Stewart
		Pat Ward
		Steve Warnstadt
		Ron Wieck
		Frank B. Wood
		Brad Zaun
		Mark Zieman
<a href="#">S-5403</a>	<a href="#">H.F. 2688</a>	Joe Bolkcom
		Mary A. Lundby
<a href="#">S-5404</a>	<a href="#">S.F. 2428</a>	Steve Kettering
		Robert E. Dvorsky
<a href="#">S-5405</a>	<a href="#">S.F. 2428</a>	Robert E. Dvorsky
<a href="#">S-5406</a>	<a href="#">H.F. 2688</a>	Paul McKinley
		Jerry Behn
<a href="#">S-5407</a>	<a href="#">H.F. 2663</a>	Pat Ward
<a href="#">S-5408</a>	<a href="#">H.F. 2663</a>	Larry McKibben
		Jeff Angelo
<a href="#">S-5409</a>	<a href="#">S.F. 2425</a>	Brad Zaun
		Pat Ward
		Dave Mulder
<a href="#">S-5410</a>	<a href="#">S.F. 2406</a>	House
<a href="#">S-5411</a>	<a href="#">H.F. 2660</a>	David Johnson
		Robert E. Dvorsky
<a href="#">S-5412</a>	<a href="#">H.F. 2660</a>	Tom Hancock
<a href="#">S-5413</a>	<a href="#">S.F. 2400</a>	Jeff Danielson
<a href="#">S-5414</a>	<a href="#">H.F. 2539</a>	House