

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, MARCH 13, 2008

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JOURNAL OF THE SENATE

SIXTIETH CALENDAR DAY
THIRTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 13, 2008

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

Prayer was offered by Pastor Richard Pokora of Redeemer Lutheran Church in Bettendorf, Iowa. He was the guest of Senator Hartsuch.

The Journal of Wednesday, March 12, 2008, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators McKibben and Ward, until they arrive, on request of Senator Wieck.

The Senate stood at ease at 8:57 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:58 a.m., President Pro Tempore Danielson presiding.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2363, 2381, and 2193.

[Senate File 2363](#)

On motion of Senator Kibbie, [Senate File 2363](#), a bill for an act regulating some livestock markets as animal feeding operations, was taken up for consideration.

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?" ([S.F. 2363](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

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

[Senate File 2381](#)

On motion of Senator Kibbie, [Senate File 2381](#), a bill for an act relating to animal feeding operations, by providing for open feedlot operations, was taken up for consideration.

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?” ([S.F. 2381](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

McKibben Ward

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

[Senate File 2193](#)

On motion of Senator Kibbie, [Senate File 2193](#), a bill for an act relating to conflicts of interest, lobbying activities, and receipt of gifts by certain government officials and employees, was taken up for consideration.

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?” ([S.F. 2193](#)), the vote was:

Yeas, 48:

Angelo	Dvorsky	Johnson	Ragan
Appel	Fraise	Kettering	Rielly
Beall	Gaskill	Kibbie	Schmitz
Behn	Gronstal	Kreiman	Schoenjahn
Black	Hahn	Lundby	Seng
Boettger	Hancock	McCoy	Seymour
Bolkcom	Hartsuch	McKinley	Stewart

Connolly	Hatch	Mulder	Warnstadt
Courtney	Heckroth	Noble	Wieck
Danielson	Hogg	Olive	Wood
Dearden	Horn	Putney	Zaun
Dotzler	Houser	Quirnbach	Zieman

Nays, none.

Absent, 2:

McKibben	Ward
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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 2193, 2363, and 2381** be **immediately messaged** to the House.

President Kibbie took the chair at 10:12 a.m.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2369](#).

[Senate File 2369](#)

On motion of Senator Black, [Senate File 2369](#), a bill for an act regulating persons who transport, handle, store, or apply manure, was taken up for consideration.

Senator Black 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. 2369](#)), the vote was:

Yeas, 48:

Angelo	Dvorsky	Johnson	Ragan
Appel	Fraise	Kettering	Rielly
Beall	Gaskill	Kibbie	Schmitz

Behn	Gronstal	Kreiman	Schoenjahn
Black	Hahn	Lundby	Seng
Boettger	Hancock	McCoy	Seymour
Bolkcom	Hartsuch	McKinley	Stewart
Cannolly	Hatch	Mulder	Warnstadt
Courtney	Heckroth	Noble	Wieck
Danielson	Hogg	Olive	Wood
Dearden	Horn	Putney	Zaun
Dotzler	Houser	Quirnbach	Zieman

Nays, none.

Absent, 2:

McKibben Ward

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 2212](#)

Senator Appel called up for consideration [House File 2212](#), a bill for an act creating a smokefree air Act and providing penalties, amended by the Senate and further amended by the House in House amendment [S-5087](#) to Senate amendment [H-8054](#), filed March 12, 2008.

The Senate stood at ease at 10:23 a.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 11:27 a.m., President Kibbie presiding.

QUORUM CALL

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

The vote revealed 40 present, 10 absent, and a quorum present.

The Senate resumed consideration of House amendment [S-5087](#) to Senate amendment [H-8054](#), and [House File 2212](#).

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

A record roll call was requested.

On the question, "Shall the motion to concur be adopted?" ([H.F. 2212](#)), the vote was:

Yeas, 23:

Angelo	Hahn	Kettering	Seymour
Behn	Hancock	McKibben	Ward
Black	Hartsuch	McKinley	Wieck
Boettger	Horn	Noble	Zaun
Dotzler	Houser	Putney	Zieman
Gaskill	Johnson	Seng	

Nays, 27:

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

Absent, none.

The motion failed and the Senate **refused to concur** in the House amendment to the Senate amendment.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 2369](#) and [House File 2212](#) 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.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2356, 2353, and 2349.

Senate File 2356

On motion of Senator Kreiman, **Senate File 2356**, a bill for an act relating to the judicial branch including contested and uncontested parking violations, filing civil citations of municipal infractions with the clerk, and records kept by the clerk, was taken up for consideration.

Senator Dvorsky offered amendment **S-5101**, filed by him on March 12, 2008, to pages 1 and 2 and to the title page of the bill, and moved its adoption.

Amendment **S-5101** was adopted by a voice vote.

Senator Kreiman 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. 2356**), the vote was:

Yeas, 49:

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	
Fraise	Kibbie	Schmitz	

Nays, none.

Absent, 1:

Angelo

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

SPECIAL GUEST

President Kibbie welcomed to the chamber the Honorable Maggie Tinsman, former member of the Senate from Davenport.

The Senate rose and expressed its welcome.

MOTION TO RECONSIDER WITHDRAWN

[Senate File 2368](#)

Senator Gronstal withdrew the motion to reconsider **Senate File 2368**, a bill for an act concerning persons voluntarily excluded from gambling facilities, filed by him on March 12, 2008, and found on page 613 of the Senate Journal.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2340 and 2322.

[Senate File 2340](#)

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

Senator Kreiman 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. 2340](#)), the vote was:

Yeas, 49:

Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	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:

Angelo

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

[Senate File 2322](#)

On motion of Senator Hogg, [Senate File 2322](#), a bill for an act establishing second deputy sheriff positions in certain counties, 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. 2322](#)), the vote was:

Yeas, 49:

Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	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:

Angelo

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

IMMEDIATELY MESSAGED

Senator Danielson asked and received unanimous consent that **Senate Files 2322, 2340, 2356, and 2368** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENT

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

Tiffany Wilson – Child Welfare Advisory Committee

Senator Danielson moved that the foregoing appointee be confirmed by the Senate.

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

Yeas, 49:

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
Fraise	Kibbie	Schmitz

Nays, none.

Absent, 1:

Angelo

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

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Hartsuch, until he returns, on request of Senator Zaun; Senator McKibben, until he returns, on request of Senator Zieman; and Senator Ward, until she returns, on request of Senator Boettger.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2349](#).

[Senate File 2349](#)

On motion of Senator Schoenjahn, [Senate File 2349](#), a bill for an act relating to the preneed sale of cemetery and funeral merchandise and funeral services, was taken up for consideration.

Senator Schoenjahn offered amendment [S-5082](#), filed by him on March 12, 2008, to pages 1-5 of the bill.

Senator Danielson offered amendment [S-5108](#), filed by him from the floor to page 1 of amendment [S-5082](#), and moved its adoption.

Amendment [S-5108](#) was adopted by a voice vote.

Senator Schoenjahn moved the adoption of amendment [S-5082](#), as amended.

Amendment [S-5082](#) was adopted by a voice vote.

Senator Schoenjahn 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. 2349](#)), the vote was:

Yeas, 43:

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

Nays, 3:

McCoy	Noble	Putney
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Absent, 4:

Angelo	Hartsuch	McKibben	Ward
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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 2349](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 12:40 p.m. until 1:00 p.m., Monday, March 17, 2008.

APPENDIX

PRESENTATION OF VISITORS

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

Five students from the Fort Dodge Blast and the Girl Scouts Afterschool Program, Fort Dodge, accompanied by Principal Jerry Spittal and Sherri Schill. Senator Beall.

Mr. Rodrigo Yanez, Chile; Mr. Louis Kwame Amo, Ghana; Ms. Alison Stone, Jamaica; Mr. Rodrigo Amaya Pineros, Colombia; and Ms. Rina Rasmussen, Denmark, who were visiting through the U.S. Department of State's International Visitor Leadership Program, sponsored by the Iowa Council for International Understanding. Senator Beall.

CERTIFICATES OF RECOGNITION

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

Martha V. Hanson, Britt—For celebrating her 100th birthday. Senator Gaskill (3/13/08).

South O'Brien FFA—For being named the top out-of-county FFA chapter at the 2008 Ag Outlook in Spencer. Senator Johnson (3/13/08).

INTRODUCTION OF RESOLUTION

[Senate Resolution 115](#), by Danielson, a resolution honoring and commemorating the University of Northern Iowa Institute for Decision Making for 20 years of economic development service in Iowa.

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

STUDY BILL RECEIVED

SSB 3282 Ways and Means

Relating to delayed deposit service transactions, specifying a maximum finance charge applicable to such transactions, increasing application fees, and making penalties applicable.

SUBCOMMITTEE ASSIGNMENTS

House File 2283

VETERANS AFFAIRS: Kibbie, Chair; Beall and Seymour

House File 2384

COMMERCE: Schoenjahn, Chair; Heckroth and Ward

House File 2423

HUMAN RESOURCES: Bolkcom, Chair; Seymour and Wood

House File 2450

ECONOMIC GROWTH: Stewart, Chair; Dotzler and Houser

SSB 3282

WAYS AND MEANS: Bolkcom, Chair; Angelo and Stewart

AMENDMENTS FILED

S-5102	S.F. 2334	Frank B. Wood
S-5103	S.F. 2351	Rich Olive
S-5104	S.F. 2252	Becky Schmitz
S-5105	S.F. 2308	Steve Warnstadt
S-5106	S.F. 2132	Keith Kreiman
		Wally E. Horn
		Tom Rielly
S-5107	S.F. 2312	Thomas G. Courtney
S-5108	S.F. 2349	Jeff Danielson
S-5109	S.F. 2312	James F. Hahn
S-5110	S.F. 2387	John P. Kibbie