

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, MARCH 15, 2007

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JOURNAL OF THE SENATE

SIXTY-SEVENTH CALENDAR DAY
FORTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 15, 2007

The Senate met in regular session at 8:47 a.m., Senator Pro Tempore Danielson presiding.

Prayer was offered by Pastor Ron Burcham of the Gloria Dei Lutheran Church in Des Moines, Iowa. He was the guest of Senator Zaun.

The Journal of Wednesday, March 14, 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 March 14, 2007, **passed** the following bills in which the concurrence of the House was asked:

[Senate File 58](#), a bill for an act relating to the number of signatures required on nomination papers for the office of mayor in certain cities.

[Senate File 75](#), a bill for an act relating to the registration of pharmacy technicians.

ALSO: That the House has on March 14, 2007, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 451](#), a bill for an act relating to a single point of entry long-term living resources system.

Read first time and referred to committee on **Human Resources**.

[House File 546](#), a bill for an act relating to membership on election boards.

Read first time and referred to committee on **State Government**.

[House File 585](#), a bill for an act relating to the selection of board members by area agencies on aging.

Read first time and referred to committee on **Human Resources**.

[House File 648](#), a bill for an act relating to distress criteria for enterprise zones.

Read first time and referred to committee on **Economic Growth**.

[House File 742](#), a bill for an act relating to the regulation of snowmobiles and all-terrain vehicles, and providing fees and penalties.

Read first time and referred to committee on **Natural Resources and Environment**.

RECESS

On motion of Senator Courtney, the Senate recessed at 8:54 a.m. until the fall of the gavel.

RECONVENED

The Senate reconvened at 11:12 a.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Zaun, until he returns, on request of Senator McKinley; and Senator Putney, until he returns, on request of Senator Gaskill.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Dotzler asked and received unanimous consent to take up for consideration Senate Files 351, 348, and 477.

Senate File 351

On motion of Senator Appel, [Senate File 351](#), a bill for an act requiring a political committee expressly advocating the passage or defeat of a ballot issue to file five disclosure reports in an election year, was taken up for consideration.

Senator Appel 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. 351](#)), 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	McKibben	Stewart
Cannolly	Hatch	McKinley	Ward
Courtney	Heckroth	Mulder	Warnstadt
Danielson	Hogg	Noble	Wieck
Dearden	Horn	Olive	Wood
Dotzler	Houser	Quirmbach	Zieman

Nays, none.

Absent, 2:

Putney Zaun

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

Senate File 348

On motion of Senator Black, [Senate File 348](#), a bill for an act relating to conducting county gambling elections and including an effective date and applicability provision, 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. 348](#)), the vote was:

Yeas, 42:

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

Nays, 6:

Bolkcom	Johnson	McKinley
Hartsuch	Kreiman	Mulder

Absent, 2:

Putney	Zaun
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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 477](#)

On motion of Senator Behn, [Senate File 477](#), a bill for an act authorizing the issuance of additional special nonresident deer hunting licenses, was taken up for consideration.

Senator Behn 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. 477](#)), 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	McKibben	Stewart
Connolly	Hatch	McKinley	Ward
Courtney	Heckroth	Mulder	Warnstadt
Danielson	Hogg	Noble	Wieck
Dearden	Horn	Olive	Wood
Dotzler	Houser	Quirnbach	Zieman

Nays, none.

Absent, 2:

Putney Zaun

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 348, 351, and 477** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 489 and 373.

[Senate File 489](#)

On motion of Senator Boettger, [Senate File 489](#), a bill for an act creating an Alzheimer's disease task force, was taken up for consideration.

Senator Boettger 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. 489](#)), 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	McKibben	Stewart
Connolly	Hatch	McKinley	Ward
Courtney	Heckroth	Mulder	Warnstadt
Danielson	Hogg	Noble	Wieck
Dearden	Horn	Olive	Wood
Dotzler	Houser	Quirmbach	Zieman

Nays, none.

Absent, 2:

Putney Zaun

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

[Senate File 373](#)

On motion of Senator Quirmbach, [Senate File 373](#), a bill for an act relating to the postsecondary education subsidy, was taken up for consideration.

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?” ([S.F. 373](#)), the vote was:

Yeas, 47:

Angelo	Dvorsky	Kettering	Rielly
Appel	Fraise	Kibbie	Schmitz
Beall	Gaskill	Kreiman	Schoenjahn
Behn	Gronstal	Lundby	Seng
Black	Hahn	McCoy	Seymour
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hatch	McKinley	Ward
Connolly	Heckroth	Mulder	Warnstadt

Courtney	Hogg	Noble	Wieck
Danielson	Horn	Olive	Wood
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	

Nays, 1:

Hartsuch

Absent, 2:

Putney Zaun

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 373** and **489** be **immediately messaged** to the House.

BILLS REFERRED TO COMMITTEES

Senator Gronstal asked and received unanimous consent under Senate Rule 38 that the following bills on the Senate Calendar be referred to the following committees:

Appropriations

[S.F. 481](#)

[S.F. 494](#)

[S.F. 500](#)

[S.F. 490](#)

[S.F. 498](#)

[S.F. 542](#)

Ways and Means

[S.F. 511](#)

[S.F. 536](#)

BILLS PLACED ON UNFINISHED BUSINESS CALENDAR

Senator Gronstal asked and received unanimous consent under Joint Rule 20 that the following bills be placed on the Unfinished Business Calendar:

[H.J.R. 3](#)

[H.F. 367](#)

[H.F. 396](#)

[H.F. 5](#)

[H.F. 368](#)

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 11:52 a.m. until 1:00 p.m., Monday, March 19, 2007.

APPENDIX

CERTIFICATE OF RECOGNITION

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

Luke Rauen, Farley—For outstanding achievement in career and technical education. Senator Hancock (3/15/07).

REPORT OF COMMITTEE MEETING

AGRICULTURE

Convened: Thursday, March 15, 2007, 1:05 p.m.

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

Members Absent: Black, Courtney, Houser, and Putney (all excused).

Committee Business: Presentation by the Department of Agriculture.

Adjourned: 1:15 p.m.

INTRODUCTION OF BILLS

[Senate File 553](#), by committee on State Government, a bill for an act relating to campaign finance by requiring electronic filing of certain reports and by establishing a voter-owned Iowa clean elections Act, providing for funding of the Act, including an income tax checkoff, and providing an income tax exemption, penalties, and an effective date.

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

[Senate File 554](#), by committee on Ways and Means, a bill for an act relating to franchises for the provision of cable service or video service including providing for fees and providing an effective date.

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

[Senate File 555](#), by Angelo, Boettger, Behn, Seymour, McKinley, Zaun, Putney, McKibben, Ward, Hahn, Johnson, and Wieck, a bill for an act relating to the establishment of and disbursement from a resident taxpayer rebate fund and including an effective date provision.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

[Senate File 556](#), by committee on Economic Growth, a bill for an act relating to economic development activities, making appropriations, providing tax exemptions, credits, and refunds, providing penalties, and providing applicability dates.

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

[Senate File 557](#), by committee on Ways and Means, a bill for an act relating to the regulation of credit unions by revising and reorganizing the Iowa credit union Act, making conforming changes, and providing for taxes, fees, and penalties.

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

[Senate File 558](#), by committee on Ways and Means, a bill for an act providing for an increase in the wildlife habitat fee, making an appropriation, and creating a game bird habitat development program.

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

[Senate File 559](#), by committee on Commerce, a bill for an act relating to cemetery and funeral merchandise, funeral services, and cemeteries and providing fees and penalties.

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

SUBCOMMITTEE ASSIGNMENTS

[Senate File 374](#)

LOCAL GOVERNMENT: Quirmbach, Chair; Kreiman and Zaun

[House File 309](#)

HUMAN RESOURCES: Wood, Chair; Boettger and Hatch

[House File 547](#)

AGRICULTURE: Seng, Chair; Courtney and Mulder

[House File 617](#)

ECONOMIC GROWTH: Rielly, Chair; Danielson and Mulder

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: [SENATE FILE 470 \(SSB 1320\)](#), a bill for an act providing for an agricultural-biomanufacturing initiative and making an appropriation.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Fraise, Rielly, Johnson, Appel, Boettger, Gaskill, Hancock, Kibbie, Mulder, Olive, and Seng. Nays, none. Absent, 4: Black, Courtney, Houser, and Putney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMERCE

Bill Title: *[SENATE FILE 559 \(SSB 1197\)](#), a bill for an act relating to cemetery and funeral merchandise, funeral services, and cemeteries and providing fees and penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Warnstadt, Heckroth, Wieck, Angelo, Bolkcom, Courtney, Kettering, McCoy, McKibben, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward. 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 Commerce Committee on [Senate File 559](#), and they were attached to the committee report.

ECONOMIC GROWTH

Bill Title: *[SENATE FILE 556](#) (formerly [SF 29](#)), a bill for an act relating to economic development activities, making appropriations, providing tax exemptions, credits, and refunds, providing penalties, and providing applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Stewart, Olive, Beall, Danielson, Dotzler, Rielly, and Schmitz. Nays, 4: Houser, Hahn, Seymour, and Zaun. Present, 1: Hatch. Absent, 1: Mulder.

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 Economic Growth Committee on [Senate File 556](#), and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: *[SENATE FILE 553 \(SSB 1173\)](#), a bill for an act relating to campaign finance by requiring electronic filing of certain reports and by establishing a voter-owned Iowa clean elections Act, providing for funding of the Act, including an income tax checkoff, and providing an income tax exemption, penalties, and an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Connolly, Horn, Appel, Black, Danielson, Hatch, Kibbie, Schmitz, and Wood. Nays, 5: Ziemann, Behn, Gaskill, Hahn, and Kettering. Present, 1: McKibben. 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 State Government Committee on [Senate File 553](#), and they were attached to the committee report.

WAYS AND MEANS

Bill Title: [SENATE FILE 554](#) (formerly [SF 368](#)), a bill for an act relating to franchises for the provision of cable service or video service including providing for fees and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 557](#) (formerly [SF 370](#)), a bill for an act relating to the regulation of credit unions by revising and reorganizing the Iowa credit union Act, making conforming changes, and providing for taxes, fees, and penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 17: Bolkcom, McCoy, McKibben, Angelo, Appel, Connolly, Dotzler, Hogg, Lundby, Noble, Putney, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *[SENATE FILE 558](#) (formerly [SF 255](#)), a bill for an act providing for an increase in the wildlife habitat fee, making an appropriation, and creating a game bird habitat development program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 17: Bolkcom, McCoy, McKibben, Angelo, Appel, Connolly, Dotzler, Hogg, Lundby, Noble, Putney, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wieck. 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 Ways and Means Committee on [Senate File 558](#), and they were attached to the committee report.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 14, 2007, the Governor approved and transmitted to the Secretary of State the following bill:

[Senate File 39](#) – Relating to campaign contributions, the filing of disclosure reports, the posting of statements and reports on the internet, the posting of signs on private property, and the escheat of funds from an unknown or unidentifiable source.

ALSO:

A communication was received announcing that on March 15, 2007, the Governor approved and transmitted to the Secretary of State the following bill:

[Senate File 128](#) – Relating to an increase in the taxes on cigarettes and tobacco products, imposing an inventory tax on tobacco products, creating a health care trust fund, providing for a standing appropriation, and providing an effective date and providing an applicability provision.

AMENDMENT FILED

[S-3122](#)

[S.F. 541](#)

Steve Warnstadt