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**STATE OF IOWA**

**Senate Journal**

**FRIDAY, JANUARY 12, 2007**

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# JOURNAL OF THE SENATE

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FIFTH CALENDAR DAY  
FIFTH SESSION DAY

Wells Fargo Arena  
Des Moines, Iowa, Friday, January 12, 2007

The Senate met in regular session at 8:38 a.m., President Kibbie presiding.

Prayer was offered by President Kibbie.

The Journal of Thursday, January 11, 2007, was approved.

## COMMITTEE FROM THE HOUSE

A committee from the House of Representatives appeared and announced that the House was ready to receive the Senate in joint convention.

In accordance with [House Concurrent Resolution 3](#), duly adopted, the Senate proceeded to the joint convention with the House in Room 5 of Hy-Vee Hall.

## JOINT CONVENTION

The joint convention was called to order in Hy-Vee Hall, adjacent to the Wells Fargo Arena, in downtown Des Moines at 8:40 a.m., President Kibbie presiding.

Senator Gronstal moved that the roll call be dispensed with and that the President be authorized to declare a quorum present, which motion prevailed by a voice vote.

President Kibbie declared a quorum present and the joint convention duly organized.

REPORT OF CANVASS OF VOTE

The report of the canvass of the vote was read by Mark Brandsgard, the Secretary of the Joint Convention, as follows:

MR. PRESIDENT AND GENTLEMEN AND LADIES OF THE JOINT CONVENTION:

Your tellers, appointed by the President of the Senate and the Speaker of the House of Representatives to canvass the vote cast for candidates for Governor and Lieutenant Governor at the election held November 7, 2006, beg leave to make the following report of the total vote cast for Governor:

Chester J. Culver.....	569,021
Jim Nussle .....	467,425
Wendy S. Barth .....	7,850
Kevin Litten.....	5,735
Mary J. Martin .....	1,974
Scattering.....	1,250

And the total vote cast for Lieutenant Governor at the election, held November 7, 2006:

Patty Judge.....	569,021
Bob Vander Plaats.....	467,425
Richard L. Johnson .....	7,850
Mark Nelson .....	5,735
Kevin A. Dwire .....	1,974
Scattering.....	1,250

All of which is most respectfully submitted.

JOE BOLKCOM	PAUL SHOMSHOR
Teller of the Senate	Teller of the House
HERMAN C. QUIRMBACH	AKO ABDUL-SAMAD
Assistant Teller	Assistant Teller
DAVE MULDER	RALPH WATTS
Assistant Teller	Assistant Teller
MARK W. BRANDSGARD	
Chief Clerk of the House and Secretary of the Joint Convention	

Senator Bolkcom moved the adoption of the report.

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

President Kibbie announced that the Honorable Chester J. Culver, having received the highest number of votes cast for Governor at the last general election, has been duly elected to the office of Governor of the State of Iowa for the ensuing term, or until a successor is duly elected and qualified; and the Honorable Patty Judge, having

received the highest number of votes cast for Lieutenant Governor at the last general election, has been duly elected to the office of Lieutenant Governor of the State of Iowa for the ensuing term, or until a successor is duly elected and qualified.

The following certificates were signed in the presence of the joint convention:

CERTIFICATE OF ELECTION  
STATE OF IOWA  
GENERAL ASSEMBLY

GREETING:

This is to certify that upon a canvass in Joint Convention of the two Houses of the Eighty-second General Assembly of the State of Iowa, of all the votes cast at the general election held November 7, 2006, for the office of Governor of the State of Iowa, it appeared that Chester J. Culver received the highest number of all votes cast for any candidate at said election for said office and was thereupon declared duly elected to said office for the term of four years and until a successor is duly elected and qualified.

Signed in the presence of the Joint Convention this twelfth day of January, A.D., 2007.

PATRICK MURPHY  
Speaker of the House  
JOE BOLKCOM  
Teller of the Senate  
PAUL SHOMSHOR  
Teller of the House  
MARK W. BRANDSGARD  
Chief Clerk of the House and Secretary of the Joint Convention

JOHN P. "JACK" KIBBIE  
Presiding Officer of the  
Joint Convention

CERTIFICATE OF ELECTION  
STATE OF IOWA  
GENERAL ASSEMBLY

GREETING:

This is to certify that upon a canvass in Joint Convention of the two Houses of the Eighty-second General Assembly of the State of Iowa, of all the votes cast at the general election held November 7, 2006, for the office of Lieutenant Governor of the State of Iowa, it appeared that Patty Judge received the highest number of all votes cast for any candidate at said election for said office and was thereupon declared duly elected to said office for the term of four years and until a successor is duly elected and qualified.

Signed in the presence of the Joint Convention this twelfth day of January, A.D., 2007.

PATRICK J. MURPHY

Speaker of the House

JOE BOLKCOM

Teller of the Senate

PAUL SHOMSHOR

Teller of the House

MARK W. BRANDSGARD

Chief Clerk of the House and Secretary of the Joint Convention

JOHN P. "JACK" KIBBIE

Presiding Officer of the

Joint Convention

President Kibbie then directed that the abstract of votes and certificates of election be filed with the Secretary of State.

Senator Gronstal moved that a committee of six, three members from the Senate and three members from the House, be appointed to notify Governor-elect Culver and Lieutenant Governor-elect Judge of the official result of the canvass of votes.

The motion prevailed by a voice vote and President Kibbie announced the appointment of Senators Hancock of Dubuque, McCoy of Polk, Johnson of Osceola, on the part of the Senate, and Representatives Shomshor of Pottawattamie, Abdul-Samad of Polk, and Tomenga of Polk on the part of the House.

The joint convention stood at ease at 8:45 a.m. until the fall of the gavel.

The joint convention resumed session at 9:50 a.m., President Pro Tempore Danielson presiding.

#### REPORT OF COMMITTEE

Senator Gronstal moved adoption of the report by the joint committee appointed to notify Chester J. Culver and Patty Judge of their election to the office of Governor and Lieutenant Governor.

MR. PRESIDENT: As a committee appointed at the Joint Convention to notify the Honorable Chester J. Culver and the Honorable Patty Judge of their election to the office of Governor and Lieutenant Governor, respectively, we beg leave to report that we have performed the duty assigned to us and that they stand ready to assume the duties of the offices to which they were elected.

Respectfully submitted,

TOM HANCOCK

MATT McCOY

DAVID JOHNSON

PAUL SHOMSHOR

AKO ABDUL-SAMAD

WALT TOMENGA

The motion prevailed by a voice vote and the committee was discharged.

The joint convention stood at ease and proceeded to the floor of the auditorium of the Wells Fargo Arena for the inauguration of Governor-elect Chester J. Culver and Lieutenant Governor-elect Patty Judge. During the procession, musical selections were performed by the Hoover High School Choir, the Iowa National Guard Band, and Des Moines native Megan Bobo.

The joint convention resumed session at 9:45 a.m., President Kibbie presiding.

The Legislative Inaugural Committee, consisting of Senators Dearden of Polk, Olive of Story, Appel of Warren, Putney of Tama, Ward of Polk, and Johnson of Osceola on the part of the Senate; and Representatives D. Olson of Boone, Frevert of Palo Alto, Wessel-Kroeschell of Story, Alons of Sioux, Jacobs of Polk, and Raecker of Polk, on the part of the House, retired to escort Governor-elect Chester J. Culver and Lieutenant Governor-elect Patty Judge to the joint convention.

Auditor of State David A. Vaudt, Attorney General Tom Miller, Secretary of State Michael Mauro, Secretary of Agriculture Bill Northey, Treasurer of State Michael L. Fitzgerald, Justices of the Supreme Court and Judges of the Court of Appeals, and former-Governors Robert D. Ray and Terry E. Branstad were seated prior to the joint convention.

Governor Thomas J. Vilsack, his wife Christie, Lieutenant Governor Sally Pederson, and her husband Jim Autry were seated prior to the joint convention.

Chief Justice Marsha K. Ternus was escorted to her seat.

Lieutenant Governor-elect Patty Judge and her husband, former Senator John Judge, were escorted to their seats.

Governor-elect Chester J. Culver, his wife Mari, and their children, John and Clare, were escorted to their seats.

The colors were advanced by the Iowa National Guard.

The Pledge of Allegiance was led by Sergeant Jeff Downing, U.S.M.C., and Kimberly Downing.

The National Anthem was sung by 2006 Miss Iowa Emily Nicholas and the former Miss Iowa, Carolyn Nicholas Haugland.

The invocation was delivered by Father James Polich of St. Augustin's Catholic Church in Des Moines.

An original inaugural poem was read by the following students from Waverly: Victoria Asplund; Marjorie Birgen; Ruth and Rachel Black; Casey Dirksen-Fahrer; Rachel and Robby Lynch; Andy Newell; Emilie and Julianna Norby; Matthew Schulz; Ella Robby; Peter, Katie, and Emily Vering.

Chief Justice Marsha K. Ternus administered the oath of office to Lieutenant Governor-elect Patty Judge, assisted by her husband, John Judge.

President Kibbie presented Lieutenant Governor Patty Judge, who gave the following remarks:

Thank you all—Governors Vilsack, Branstad, and Ray; Lieutenant Governors Pederson, Corning, Zimmerman, and Anderson; Chief Justice Ternus, members of the court, distinguished elected officials, my family, friends, and fellow Iowans across the state. It is an honor to be here with you this morning, and to be sworn in as Iowa's Lieutenant Governor.

First of all, I want to extend a special thank you to my friend and partner, Chet Culver. Governor-elect, thank you for believing in me and for putting this Culver-Judge team together. It is going to be a real pleasure to serve with you.

I also want to thank Governor Vilsack and Lieutenant Governor Pederson for their hard work for our state for the past eight years, and for the friendship and support they have shown us during this time of transition.

I am an Iowan—born here, went to school here, married a guy from my hometown, raised three sons here, and they are now raising their own families here in Iowa. I have worked on an Iowa farm, practiced nursing, owned a small town main street business, served as a community volunteer, and as an elected representative for my friends and neighbors that share the southern Iowa community I call home.

As the Secretary of Agriculture for the past eight years, I have also traveled thousands of miles in Iowa and visited communities in every part of the state. And I have met the most incredible people! Iowans who share the pride I feel in our state and who demonstrate that pride every day in their families, on their farms, and in their communities.

As Iowans, we share common ideals no matter where in the state we live. We believe in taking care of our families and in educating our children. We believe hard work leads to success—and we aren't afraid to roll up our sleeves. We believe in working together and in helping our neighbors.

And most of all, today, just as it has since the settlers crossed the Mississippi, our "One Iowa" believes that the future is unlimited.

I first ran for political office at a time when our state was reeling from a farm crisis that left families losing their farms, and main street businesses closing their doors. In truth, I made that run for the state senate because I was really mad—and I decided one day that I should go to Des Moines and let those people know what I thought! But even in those dark days, Iowans saw the future's light on the horizon!

And today, I can tell you without reservation—there has never been a time in the history of this state that has been so exciting, when the future has shined so brightly.

Chet Culver and I come to our respective offices at a time when the bio based industry is just beginning. Who would have dreamed even a few years ago that we could power our cars and trucks from corn and soybeans, generate our electricity from the wind, and create new healthier foods and more environmentally friendly materials all from crops raised here in Iowa. And for this Iowa farmer—that is exciting!

The entire country is buzzing over the opportunities renewable energy offers in breaking the stranglehold of foreign oil. Iowa is the leader today because of a lot of hard-working people across this state who believed you could run an engine on corn or soy beans when others said, "It can't be done." Well, we proved we could do it! To all of those who rolled up their sleeves and made renewable energy a reality, I say thank you. But, the question we all must ask ourselves now is "What are we going to do next?"

We developed ethanol and soydiesel first, but that is just the very beginning. The world is not standing still, and we must work hard and make smart choices to continue the progress in the bio industry and the emerging bio economy.

Already we have the emergence of biomass opportunities, one of the first bio refineries in the country is being built in Emmetsburg, and every time I drive throughout our beautiful state, I see more and more wind turbines lining the sky. As your Lieutenant Governor, I intend, and look forward, to continue advocating for clean, environmentally friendly fuels and new innovative materials from the products we produce best in this state—those that grow from our rich soil.

We are so blessed; nowhere else on earth is there such abundance—our soil and water makes us the bread basket, and now also the fueling center, not just of our country but of the entire world. With this abundance comes responsibility—and we must work to protect the soil and to improve and protect our water supplies, leaving this place even better than we found it for our children and our grandchildren.

We face many problems in Iowa as we work to accomplish that goal. Sharp divisions have been drawn that have pitted neighbor against neighbor. An "either/or" solution will not do—we must work through those divisions and bring Iowans together. It is time to engage in long-range plans that will allow us both to enjoy a healthy economy and to improve our environment. We will do this together—as one Iowa.

And as we transform not just Iowa's economy, but the economy of the entire nation from a petrocarbon base to one that is based on renewable crops, we can not afford to forget that Iowans first of all must be safe—safe in our homes, schools, and places of work.

The events of September 11, 2001, in New York City and Washington, D.C., changed forever the way we think about our security and the way we respond to threats, whether caused by humans or by nature.

For the past five years, I have been closely involved in emergency planning for the state and, on a national level, for the security of our food supplies. Governor Culver has asked me to continue that work and take an active role in homeland security and emergency management. Working in partnership with the capable staff and the Iowa National Guard, we will make certain we are ready to respond to any emergency or

threat to the citizens of Iowa. Ensuring safe, healthy, and productive lives for all Iowans is a very lofty goal, but this administration will be about big dreams and big ideas for "One Iowa."

Iowans made a choice; they chose to make Chet Culver your Governor and me your Lieutenant Governor. I chose to be standing here today rather than being at home on the farm because I absolutely believe that together with you, Chet Culver and I can accomplish great things for the state we love. We know it won't be easy. There will be those who will tell us, "It can't be done," or "We have never done it that way before." So let me say very clearly, Chet Culver and I are people who do not believe in the concept of the impossible.

What we do believe is that when good people decide to join together for a common cause the future is unlimited!

Life is full of challenges. I am aware that the challenge I am about to take on is one of the largest I will ever face. Being entrusted with a position that affects the lives of nearly three million people is something that must be taken very seriously.

At times in my life when faced with difficult challenges, I have remembered and thought about the words of a favorite Bible verse. I want to leave you with those words today because I believe the passage clearly sums up the challenges and the opportunities we will see in the next four years. It is from Second Corinthians, chapter 9, verse 8: "It is God's power to provide you richly with every good gift; thus you will have ample means in yourselves to meet each and every situation, with enough to spare for every good cause."

Thank you.

The Des Moines Gay Men's Chorus performed "The Quest Unending."

Chief Justice Marsha K. Ternus administered the oath of office to Governor-elect Chester J. Culver, assisted by his wife, Mari Culver.

President Kibbie presented Governor Chester J. Culver who delivered the following inaugural address:

Thank you!

Today is the greatest honor of my life. I want to thank Iowans for their confidence, support, and prayers. I also thank God for the many blessings in my life.

Chief Justice Ternus and members of the Court, Speaker Murphy and President Kibbie, Majority Leaders Gronstal and McCarthy, Minority Leaders Lundby and Rants, members of the General Assembly, distinguished guests including Governor Ray, Branstad, and Senators Harkin and Dodd, and to everyone who is here today, I am honored by your presence.

Lieutenant Governor Judge, thank you! Thank you for being my running mate and my partner in this administration. I am very fortunate to have you by my side. The people of Iowa will be well-served by your experience, passion, character and common sense.

To my fellow statewide elected officials, agency directors, and the thousands of dedicated state employees. Thank you.

Governor Vilsack and Christie, may God bless you and your family in the days ahead! I wish you all the best. Christie, you have been a great First Lady and your commitment to literacy will not be forgotten. Governor, thanks to you, the foundation

has been laid, and we have made real progress because of your outstanding leadership. And, on behalf of the people of Iowa, I want to take this opportunity to thank you for your eight years of hard work and dedicated service.

Also, thank you Lieutenant Governor Pederson and Jim Autry. You and your family brought grace and class to your important position.

To my family and friends who are here, many thanks for your loyalty and friendship.

To my parents, thank you for the guidance you give. I am a very fortunate and grateful son. I love you both very much. Dad, I especially want to thank you for the example you set for me. I would also like to show my appreciation for my stepmother, who has been a great influence on me.

And most important, thank you Mari, and my children, John and Clare. Thanks for your unconditional love and support. Words can not express my love for you. This will be an exciting new journey for us.

Finally, I want to thank the brave men and women of Iowa who are serving our nation in uniform. You make us all proud!

I love Iowa. This "land between two rivers" is blessed with people of strong character—a history that is rich, and as the Native Americans who came before us said, "a beautiful land."

My fondest childhood memories are docked along the banks of the Mississippi River near McGregor. As a kid, I remember going out in my fishing boat, "Chet's Charter," and enjoying the magnificent surroundings. Some of my ancestors settled north of there in 1863, and our family lived there for many years. We had a house on the bluff overlooking the river. When you look down the valley of the mighty Mississippi, you get a real sense of the awesome landscape and vast history of our state.

The constant movement of the river also reminds us that things are changing all the time. It rises and falls, freezes and thaws, yet emerges strong and powerful, generation after generation! Right now, Iowa is experiencing much the same change and with it comes the opportunity for a new era of greatness.

As some of you may have heard, once or twice, I was once a high school government and history teacher! But I am also a student of history. In my classroom, I would remind my students of the ebbs and flows in our history. As Iowans, I think we could do much worse than to learn from the lessons provided by those who have come before us.

Our state has always been a state of explorers and pioneers. Chief Black Hawk and the Native Americans taught us how to live off the land. Marquette and Joliet were the first Europeans to navigate the Mississippi River in 1673. Following the Louisiana Purchase, Lewis and Clark made their famous expedition up the Missouri River along our state's western border. These explorers were fearless! They faced many obstacles, but showed great courage in their pursuit.

Today, we should challenge ourselves to emulate their commitment to pushing the limits of discovery. These visionaries were undaunted by the practical challenges of the day. They were guided by their faith, their hopes, and their dreams—even when no one gave them a map!

One of my heroes, President John F. Kennedy, also believed in the importance of exploration and in the relentless pursuit of a new frontier. He challenged us to win the race to space, saying, "We choose to go to the moon and do the other things, not because they are easy, but because they are hard, because that goal will serve; to organize and measure, the best of our energies and skills; because that challenge is one that we are willing to accept, one we are unwilling to postpone, and one which we intend to win."

Well, my fellow Iowans, this is our time! It's our time to accept the challenge, to explore and discover Iowa's unlimited potential. It's our time to win the race to become the energy capital of the world.

Let us invoke the lessons previous generations of explorers and leaders have taught us. Let us all come together as one and lead our own "21st Century Iowa Expedition." There is an energy frontier open before us, and we must explore it immediately! America and the world are counting on us. Simply put, we can't afford to duck this responsibility!

It's time for Iowa to become the Silicon Valley of the Midwest. It's time to create the jobs of the future that will keep your children and my children here at home, where they belong. It's time to make the entire state of Iowa a laboratory so we remain on the cutting edge of all forms of renewable energy.

We will protect our precious environment: the land, lakes, rivers and streams we all love. However, with the right balance, we can harvest rewards beyond even our wildest imagination. Our value-added opportunities allow us to take from the earth more than once because we are blessed with the best soil and the most productive farmers in the world.

In addition, we have a tradition of great scientists like Henry Wallace and Norman Borlaug, and a world-class education system that "nurtures" our homegrown talent. We have already led the nation with ethanol and biodiesel. Now we must maintain that leadership. With the eyes of the world upon us, we must prepare for the next generation energy economy.

We will create an Iowa Power Fund to invest in and attract cutting edge research and development. This will ensure we can lead the way not only in alternative fuels but also in biomass, geothermal, wind, and solar energy.

It's time for Iowa to become the first state in the nation to declare energy independence! We are already on our way! Whether it's the production of soy lubricant in Waverly, the development of a biorefinery in Emmetsburg, the manufacturing of corn-based plastics in Clinton, the wind storage project in Dallas County, or the new biomass option of burning oat hulls in place of coal in Cedar Falls—Iowa is on the frontier! Our dreams of an amazing future, one of energy independence, prosperity and a quality of life second to none, are within our reach. I know we can turn our dreams into reality!

There is another important lesson we must take from those daring souls who have come before us. They understood the importance of working together to get the job done! So, to the 150 dedicated Iowans who will serve in the 82nd General Assembly, I say this: may our inevitable disagreements reflect deep conviction but not contempt, honest difference but not divisiveness. Let us work together in a sincere and inclusive way, to create "One Iowa." After all, we serve the same Iowans, they are counting on us, and this state's future belongs to all of us.

And, I want every Iowan to know, we need you! It doesn't matter whether you are a Republican, Democrat, or Independent, whether you live in rural Iowa or urban Iowa, whether you are a native Iowan or a new arrival, young or old. What does matter is that we lock arms for the common good and tap our gold mine of potential. Together, we will continue to move this great state forward!

However, to achieve this, we who serve must remember to respect the will of Iowans. They have spoken, and they expect results.

Iowans expect us to achieve our amazing potential in renewable energy.

They expect us to renew our commitment to educational excellence—by expanding early childhood education, getting teacher pay to the national average, and making college more affordable.

They expect us to find a way to ensure that every child has health care, to save lives by increasing the tobacco tax, and to give hope to the sick by lifting the ban on stem cell research.

They expect us to pay tribute to our seniors and veterans by showing them the dignity and respect they have earned.

Iowans expect us to find a way to honor and reward hard work by raising the minimum wage.

They expect us to find ways to support and encourage entrepreneurs and small business owners, the dreamers who create jobs across our state.

Iowans also deserve a government that reflects their values! They are right to expect us to be smart with a buck, and to balance our checkbook the same way they do. And they are right to demand ethical, accountable, and open government.

Iowans expect us to encourage, not shy away from, the diversity that has made us a better state. Governor Ray taught us that. We should never tolerate hate, especially in the form of bullying and threats in the work place or in our schools.

Finally, I believe we have an obligation to make the most of this important moment in Iowa history—to explore and harness every bit of potential we have.

But a Governor can't do it alone. That's why today, I am asking for your help. Everyone has a role to play in our "21st Century Expedition."

On Monday, we will honor a great American, Dr. Martin Luther King, who led Americans into action when he said, "Everybody can be great because anybody can serve. You don't have to have a college degree to serve. You don't have to make your subject and verb agree to serve. You only need a heart full of grace and a soul generated by love." Well, Dr. King was right! Every single one of us can play an important role in this new expedition.

I care deeply about the challenges we face, but I have an even greater faith in Iowa's promise.

Let us work together to build "One Iowa" and in doing so, we will achieve the greatness we all know is possible. So, as we go from here, let us always remember: This is our time! Much is expected of us, and our future is unlimited!

"I'll Make Me a World" was sung by Effie Burt of Waterloo.

The benediction was offered by Reverend Keith Ratliff of the Maple Street Baptist Church in Des Moines.

Speaker Pro Tempore McCarthy moved that the joint convention be dissolved, which motion prevailed by a voice vote.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:58 a.m. until 10:00 a.m., Tuesday, January 16, 2007.