

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, JANUARY 23, 2007

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JOURNAL OF THE SENATE

SIXTEENTH CALENDAR DAY
TENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 23, 2007

The Senate met in regular session at 8:47 a.m., President Kibbie presiding.

Prayer was offered by Reverend Jim Wallace, pastor of the Central Presbyterian Church in Des Moines, Iowa. He was the guest of Senator McCoy.

The Journal of Monday, January 22, 2007, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Putney, until he arrives, on request of Senator Gaskill.

INTRODUCTION OF RESOLUTION

[Senate Resolution 4](#), by Mulder, a resolution to recognize Professor Jeff Barker of Northwestern College for being selected Iowa Professor of the Year for 2006 by the Carnegie Foundation for the Advancement of Teaching.

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

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:54 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:55 a.m., President Kibbie presiding.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:58 a.m. until 8:45 a.m., Wednesday, January 24, 2007.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Florence Christoffer, Waterloo—For celebrating her 80th birthday. Senator Dotzler (1/23/07).

Robert Crawford, Waterloo—For celebrating his 90th birthday. Senator Dotzler (1/23/07).

Gladys Homoolar, Waterloo—For celebrating her 90th birthday. Senator Dotzler (1/23/07).

Eugene Lind, Waterloo—For celebrating his 80th birthday. Senator Dotzler (1/23/07).

Chuck Schaefer, Waterloo—For celebrating his 80th birthday. Senator Dotzler (1/23/07).

Kevin Schares, Waterloo—For achieving the rank of Eagle Scout, Boy Scout Troop 126. Senator Dotzler (1/23/07).

Kyle Schares, Waterloo—For achieving the rank of Eagle Scout, Boy Scout Troop 126. Senator Dotzler (1/23/07).

Henrietta Shipp, Evansdale—For celebrating her 90th birthday. Senator Dotzler (1/23/07).

Kenny and Rita Trost, Waterloo—For celebrating their 50th wedding anniversary. Senator Dotzler (1/23/07).

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: Monday, January 22, 2007, 5:05 p.m.

Members Present: Ragan, Chair; Schmitz, Vice Chair; Seymour, Ranking Member; Boettger, Bolkcom, Hatch, Johnson, Kreiman, Mulder, Quirmbach, and Wood.

Members Absent: Behn and Dotzler (both excused).

Committee Business: Presentation by the Mental Health and Disabilities Director Dr. Allan Parks and subcommittee assignments.

Adjourned: 6:00 p.m.

JUDICIARY

Convened: Monday, January 22, 2007, 4:05 p.m.

Members Present: Kreiman, Chair; Hogg, Vice Chair; McKibben, Ranking Member; Behn, Dvorsky, Fraise, Hancock, Hartsuch, Horn, Noble, Quirmbach, Schoenjahn, Ward, Warnstadt, and Zieman.

Members Absent: None.

Committee Business: Approved [SSB 1006](#) and subcommittee assignments.

Adjourned: 4:15 p.m.

TRANSPORTATION

Convened: Monday, January 22, 2007, 5:05 p.m.

Members Present: Rielly, Chair; Danielson, Vice Chair; Noble, Ranking Member; Beall, Hancock, Heckroth, Houser, Putney, Warnstadt, and Zieman.

Members Absent: Dearden, McCoy, and Zaun (all excused).

Committee Business: Presentation by Iowa Motor Truck Association.

Adjourned: 5:30 p.m.

ECONOMIC GROWTH

Convened: Tuesday, January 23, 2007, 1:10 p.m.

Members Present: Stewart, Chair; Olive, Vice Chair; Houser, Ranking Member; Beall, Danielson, Dotzler, Hahn, Hatch, Mulder, Rielly, Schmitz, Seymour, and Zaun.

Members Absent: None.

Committee Business: Presentation by the Department of Economic Development.

Adjourned: 1:50 p.m.

HUMAN RESOURCES

Convened: Tuesday, January 23, 2007, 2:05 p.m.

Members Present: Ragan, Chair; Schmitz, Vice Chair; Seymour, Ranking Member; Behn, Boettger, Bolkcom, Hatch, Johnson, Kreiman, Mulder, Quirmbach, and Wood.

Members Absent: Dotzler (excused).

Committee Business: Approved committee assignments for Governor's interim appointees and subcommittee assignments.

Adjourned: 2:10 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Tuesday, January 23, 2007, 1:10 p.m.

Members Present: Black, Chair; Hancock, Vice Chair; Gaskill, Ranking Member; Behn, Bolkcom, Dearden, Hogg, Johnson, Kettering, Lundby, Noble, Ragan, Schoenjahn, Seng, and Wood.

Members Absent: None.

Committee Business: Passed SFs 3 and 18. Presentations by Wildlife Bureau Chief Dale Garner and Wildlife Resource Supervisor Willy Suchy.

Adjourned: 1:55 p.m.

RULES AND ADMINISTRATION

Convened: Tuesday, January 23, 2007, 8:55 a.m.

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

Members Absent: None.

Committee Business: Approved SRs 3 and 4.

Adjourned: 9:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Tuesday, January 23, 2007, 9:40 a.m.

Members Present: Seng, Chair; Schoenjahn, Vice Chair; Gaskill, Ranking Member; and Houser.

Members Absent: Black (excused).

Committee Business: Presentations from the State Forester and the Forestry Bureau Chief.

Adjourned: 10:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Tuesday, January 23, 2007, 9:30 a.m.

Members Present: Dotzler, Chair; Heckroth, Vice Chair; Kettering, Ranking Member; Olive and Ward.

Members Absent: None.

Committee Business: Presentation by the Department of Economic Development.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Tuesday, January 23, 2007, 9:35 a.m.

Members Present: Wood, Chair; Horn, Vice Chair; Boettger, Ranking Member; Quirnbach and Ziemann.

Members Absent: None.

Committee Business: Presentations by the presidents of the Regents universities.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Tuesday, January 23, 2007, 9:35 a.m.

Members Present: Hancock, Chair; Fraise, Vice Chair; McKinley, Ranking Member; Hogg and Noble.

Members Absent: None.

Committee Business: Presentations by the State Court Administrator and the Attorney General.

Adjourned: 10:50 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE, AND CAPITALS**

Convened: Tuesday, January 23, 2007, 9:30 a.m.

Members Present: McCoy, Chair; Warnstadt, Vice Chair; Beall and McKibben.

Members Absent: Putney, Ranking Member (excused).

Committee Business: Presentations by the Department of Transportation.

Adjourned: 11:10 a.m.

INTRODUCTION OF BILLS

[Senate File 34](#), by Johnson and Hancock, a bill for an act requiring the use of child restraint systems or seat belts by motor vehicle passengers under eighteen years of age and making a penalty applicable.

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

[Senate File 35](#), by Zieman, a bill for an act relating to the criminal offense of child endangerment.

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

[Senate File 36](#), by McCoy, a bill for an act relating to establishing smokefree public places and workplaces, and providing penalties.

Read first time under Rule 28 and referred to committee on **State Government**.

[Senate File 37](#), by McCoy, a bill for an act relating to drug and alcohol testing in motor vehicle accidents resulting in a death or serious injury reasonably likely to cause death.

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

[Senate File 38](#), by McCoy, 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 referred to committee on **Commerce**.

[Senate File 39](#), by committee on State Government, a bill for an act 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.

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

[Senate File 40](#), by committee on State Government, a bill for an act relating to the regulation of ethical conduct by governmental entities.

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

[Senate File 41](#), by committee on Judiciary, a bill for an act relating to the disposition of unclaimed property concerning minerals.

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

[Senate File 42](#), by committee on State Government, a bill for an act relating to campaign finance by revising the requirements for filing reports and for the use of certain resources for political purposes.

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

[Senate File 43](#), by Appel, Bolkcom, Hatch, Dvorsky, McCoy, Connolly, and Dotzler, a bill for an act relating to human growth and development and health education under the education standards, authorizing school districts and nonpublic schools to provide comprehensive sexual health education, and establishing related duties for the director of the department of education.

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

[Senate File 44](#), by Danielson, a bill for an act eliminating provisions relating to the contents of the uniform citation and complaint.

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

[Senate File 45](#), by Hancock, a bill for an act providing volunteer fire fighters and emergency medical services personnel with an individual income tax credit and providing effective and retroactive applicability dates.

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

STUDY BILLS RECEIVED

[SSB 1076](#) **Commerce**

Requiring health care benefit coverage for certain prosthetic devices and providing an applicability date.

[SSB 1077](#) **Human Resources**

Requiring invasive pneumococcal disease immunization for children enrolling in licensed child care centers.

[SSB 1078](#) **Human Resources**

Renaming health-related examining boards as licensing boards and providing for the nonreversion of fees collected by the boards.

[SSB 1079](#) **Judiciary**

Relating to judicial branch practices and procedures, including distribution of court revenue to cities and counties, ordering hearings for forcible entry and detainer actions, and forfeiting bail for failure to appear.

SSB 1080 **Judiciary**

Establishing the Iowa propane education and research council, providing for the development of programs and projects related to propane, providing for an assessment on the sale of odorized propane, and providing criminal penalties.

SSB 1081 **Judiciary**

Creating a private cause of action for certain consumer fraud violations.

SSB 1082 **Economic Growth**

Relating to historic preservation and cultural and entertainment district tax credits, making appropriations, and providing applicability date provisions.

SSB 1083 **Education**

Providing school districts with supplemental funding for students who attend virtual shared classes via the Iowa communications network, and providing a monetary incentive for teachers who instruct virtual shared classes, and providing an applicability date.

SSB 1084 **Agriculture**

Relating to the handling of manure originating from confinement feeding operations by providing for certification requirements.

SUBCOMMITTEE ASSIGNMENTS**Senate File 29**

ECONOMIC GROWTH: Stewart, Chair; Dotzler, Hahn, Houser, and Olive

Senate File 33

HUMAN RESOURCES: Mulder, Chair; Dotzler and Kreiman

SSB 1076

COMMERCE: Rielly, Chair; Olive and Ward

[SSB 1077](#)

HUMAN RESOURCES: Dotzler, Chair; Ragan and Seymour

[SSB 1078](#)

HUMAN RESOURCES: Schmitz, Chair; Mulder and Quirnbach

[SSB 1079](#)

JUDICIARY: Hogg, Chair; Kreiman and McKibben

[SSB 1080](#)

JUDICIARY: Quirnbach, Chair; Fraise and Hartsuch

[SSB 1081](#)

JUDICIARY: Kreiman, Chair; Hogg and Zieman

[SSB 1082](#)

ECONOMIC GROWTH: Rielly, Chair; Houser and Stewart

[SSB 1083](#)

EDUCATION: Wood, Chair; Boettger and Schmitz

[SSB 1084](#)

AGRICULTURE: Olive, Chair; Courtney and Mulder

FINAL COMMITTEE REPORTS OF BILL ACTION

JUDICIARY

Bill Title: [*SENATE FILE 41 \(SSB 1006\)](#), a bill for an act relating to the disposition of unclaimed property concerning minerals.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, McKibben, Behn, Dvorsky, Fraise, Hancock, Hartsuch, Horn, Noble, Quirnbach, Schoenjahn, Ward, Warnstadt, and Zieman. 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 Judiciary Committee on [Senate File 41](#), and they were attached to the committee report.

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 3](#), a resolution honoring the women's volleyball team from Iowa Western Community College on winning the Division I National Junior College Athletic Association volleyball tournament.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 4](#), a resolution to recognize Professor Jeff Barker of Northwestern College for being selected Iowa Professor of the Year for 2006 by the Carnegie Foundation for the Advancement of Teaching.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: [*SENATE FILE 39 \(SSB 1010\)](#), a bill for an act 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.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Connolly, Horn, Zieman, Appel, Behn, Danielson, Hahn, Hatch, Kettering, Kibbie, McKibben, Schmitz, and Wood. Nays, none. Absent, 2: Black and Gaskill.

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

ALSO:

Bill Title: [SENATE FILE 40 \(SSB 1028\)](#), a bill for an act relating to the regulation of ethical conduct by governmental entities.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Connolly, Horn, Zieman, Appel, Behn, Danielson, Hahn, Hatch, Kettering, Kibbie, McKibben, Schmitz, and Wood. Nays, none. Absent, 2: Black and Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *[SENATE FILE 42](#) ([SSB 1009](#)), a bill for an act relating to campaign finance by revising the requirements for filing reports and for the use of certain resources for political purposes.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Connolly, Horn, Zieman, Appel, Behn, Danielson, Hahn, Hatch, Kettering, Kibbie, McKibben, Schmitz, and Wood. Nays, none. Absent, 2: Black and Gaskill.

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

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on January 23, 2007, to investigate the appointment and reappointment of the following appointees:

COMMERCE

As a member of the Credit Union Review Board:

DENISE DOLAN – Heckroth, Chair; Courtney and Kettering

ECONOMIC GROWTH

As a member of the Iowa Economic Development Board:

MARY NELSON – Dotzler, Chair; Danielson and Houser

HUMAN RESOURCES

As a member of the Board of Athletic Training Examiners:

MELODY HIGGINS – Dotzler, Chair; Behn and Wood

As a member of the Child Advocacy Board:

MICHAEL STEELE – Kreiman, Chair; Behn and Schmitz

As a member of the Commission on the Deaf:

THERESA LEGG – Ragan, Chair; Bolkcom and Seymour

As members of the Commission of Elder Affairs:

DANIEL ERNST – Bolkcom, Chair; Johnson and Ragan

LEROY PLASIER – Bolkcom, Chair; Johnson and Ragan

SHIRLEY SORENSON – Bolkcom, Chair; Johnson and Ragan

As members of the Iowa Empowerment Board:

RUTH KRUEGER – Schmitz, Chair; Boettger and Wood

MARGUERITE MACEK – Schmitz, Chair; Boettger and Wood

CATHY RYBA – Schmitz, Chair; Boettger and Wood

JOHN WHITE – Schmitz, Chair; Boettger and Wood

As Administrator to the Division on the Status of Iowans of Asian and Pacific Islander Heritage:

CYNDI CHEN – Quirnbach, Chair; Hatch and Mulder

As members of the Commission on the Status of Iowans of Asian and Pacific Islander Heritage:

VINH NGUYEN – Seymour, Chair; Quirnbach and Schmitz

ILIMA YOUNG-DUNN – Quirnbach, Chair; Hatch and Mulder

As a member of the Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission:

DAVID JOHNSON – Wood, Chair; Kreiman and Seymour

As a member of the Commission on Tobacco Use Prevention and Control:

STEVEN SODDERS – Ragan, Chair; Bolkcom and Mulder

JUDICIARY

As Administrator of the Division of Criminal and Juvenile Justice Planning:

PAUL STAGEBERG – Kreiman, Chair; Fraise and Ward

As a member of the Commission on Judicial Qualifications:

HENRY THOMAS – Horn, Chair; Noble and Warnstadt

As a member of the Board of Parole:

ALFREDO ALVAREZ – Quirmbach, Chair; Horn and Ward

LABOR AND BUSINESS RELATIONS

As Commissioner of Workers' Compensation:

CHRISTOPHER GODFREY – Dearden, Chair; Dotzler and Ward

As members of the Iowa Workforce Development Board:

ROGER GROBSTICH – Seng, Chair; Hahn and McKinley

JULIE LORD – Horn, Chair; Ward and Wieck

NATURAL RESOURCES AND ENVIRONMENT

As members of the Renewable Fuel Infrastructure Board:

MONA BOND – Lundby, Chair; Hancock and Ragan

DENNIS HARDING – Wood, Chair; Dearden and Johnson

K. ALLEN HILLGREN – Seng, Chair; Hogg and Kettering

JEFF HOVE – Ragan, Chair; Johnson and Seng

BRENDA NEVILLE – Bolkom, Chair; Noble and Schoenjahn

MARY NORTON – Hogg, Chair; Lundby and Seng

JILL REAMS-WIDDER – Hancock, Chair; Gaskill and Ragan

KEITH SEXTON – Schoenjahn, Chair; Behn and Dearden

DAVID SMITHERMAN – Dearden, Chair; Bolkom and Johnson

YVONNE WENTE – Hogg, Chair; Gaskill and Wood

BRIAN WIEGERT – Behn, Chair; Black and Hogg

STATE GOVERNMENT

As a member of the Commission on the Status of African-Americans:

TREYLA LEE-CHAVIS – Kibbie, Chair; Kettering and Schmitz

As a member of the Board of Cosmetology Arts and Sciences Examiners:

KIMBERLY SETZER – Kibbie, Chair; Gaskill and Schmitz

As a member of the Elevator Safety Board:

TODD CHRISTENSEN – Hatch, Chair; Horn and Kettering

As a member of the Board of Massage Therapy Examiners:

MALINDA PATCH-GRAY – Appel, Chair; Black and Gaskill

As a member of the Board of Medical Examiners:

YOGESH SHAH – Hatch, Chair; Black and McKibben

As a member of the Board of Psychology Examiners:

MARY JOHNSON – Connolly, Chair; Hahn and Schmitz

As a member of the Iowa Board of Veterinary Medicine:

TOM COLVIN – Hatch, Chair; Behn and Kibbie