

PROOF

STATE OF IOWA

Senate Journal

MONDAY, FEBRUARY 12, 2007

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JOURNAL OF THE SENATE

THIRTY-SIXTH CALENDAR DAY
TWENTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 12, 2007

The Senate met in regular session at 1:00 p.m., President Kibbie presiding.

Prayer was offered by Pastor Kevin Gingerich of the Bloomfield United Methodist Church in Bloomfield, Iowa. He was the guest of Senator Kreiman.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Meredith Lamberti.

The Journal of Thursday, February 8, 2007, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:04 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:07 p.m., President Kibbie presiding.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:34 p.m. until 8:45 a.m., Tuesday, February 13, 2007.

APPENDIX

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on February 8, 2007, when the votes were taken on Senate Files 34, 74, and 75. Had I been present, I would have voted “Yea” on all.

MICHAEL CONNOLLY

CERTIFICATE OF RECOGNITION

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

Larry Bushman, Fort Dodge—For receiving the Master Editor-Publisher Award from the Iowa Newspaper Association. Senator Beall (2/12/07).

REPORTS OF COMMITTEE MEETINGS

JUDICIARY

Convened: Thursday, February 8, 2007, 2:35 p.m.

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

Members Absent: Dvorsky.

Committee Business: Approved SSBs 1007, 1070, and 1164. Approved Governor’s appointments.

Adjourned: 2:55 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Thursday, February 8, 2007, 10:05 p.m.

Members Present: Seng, Chair; Schoenjahn, Vice Chair; Black and Houser.

Members Absent: Gaskill, Ranking Member (excused).

Committee Business: Presentations by Iowa State University College of Veterinary Medicine and the Department of Agriculture and Land Stewardship.

Adjourned: 10:50 a.m.

LOCAL GOVERNMENT

Convened: Monday, February 12, 2007, 2:40 p.m.

Members Present: Quirmbach, Chair; Beall, Vice Chair; Zaun, Ranking Member; Angelo, Hartsuch, Heckroth, Houser, Kreiman, McKinley, Olive, Rielly, Schoenjahn, and Stewart.

Members Absent: None.

Committee Business: Approved [SSB 1148](#).

Adjourned: 3:05 p.m.

RULES AND ADMINISTRATION

Convened: Monday, February 12, 2007, 1:05 p.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 [SR 9](#).

Adjourned: 1:10 p.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 13](#), by Kibbie, Appel, Beall, Black, Bolkom, Connolly, Courtney, Danielson, Dearden, Dotzler, Dvorsky, Fraise, Gronstal, Hancock, Hatch, Heckroth, Horn, Kreiman, McCoy, Olive, Quirmbach, Ragan, Rielly, Schmitz, Schoenjahn, Seng, Stewart, and Wood, a resolution opposing the commitment of additional American troops to the war in Iraq.

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

INTRODUCTION OF BILLS

[Senate File 138](#), by committee on Judiciary, a bill for an act relating to jury service compensation, reimbursement, and confidentiality and exempting certain governmental employees from jury service compensation.

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

[Senate File 139](#), by committee on Judiciary, a bill for an act relating to a criminal defendant filing an application for postconviction relief.

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

[Senate File 140](#), by committee on Judiciary, a bill for an act relating to the time period for which peace officers' investigative reports and specific portions of electronic mail and telephone billing records are to be kept confidential.

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

[Senate File 141](#), by Beall, a bill for an act relating to and making an appropriation for the office of substitute decision maker under the department of elder affairs.

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

[Senate File 142](#), by Beall, a bill for an act providing for the establishment and administration of mental health court pilot projects.

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

[Senate File 143](#), by McCoy, a bill for an act requiring insurers offering certain individual or group health insurance contracts, policies, or plans to provide coverage for audiological services and hearing aids for children.

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

[Senate File 144](#), by McCoy, a bill for an act concerning off-premises transportation and consumption of resealed bottles of wine.

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

[Senate File 145](#), by Putney, a bill for an act relating to the use of certain motorboats on lake Macbride and providing an effective date.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment.**

[Senate File 146](#), by McKinley, a bill for an act allowing certain motorcycle manufacturers to be licensed as motor vehicle dealers.

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

[Senate File 147](#), by Bolkcom, a bill for an act providing nutrition services to school districts.

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

[Senate File 148](#), by Horn, a bill for an act authorizing monitor vending machines.

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

[Senate File 149](#), by Dearden, a bill for an act requiring certain children to wear personal flotation devices while on board certain vessels operated on state waters and providing for a penalty and an effective date.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment.**

[Senate File 150](#), by Hatch, Dotzler, Beall, Hogg, Stewart, Olive, Black, Kibbie, Gronstal, Courtney, Fraise, Appel, Wood, Seng, Danielson, and Ragan, a bill for an act relating to assistance for small businesses, making appropriations, and providing an effective date provision.

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

[Senate File 151](#), by Courtney, a bill for an act relating to the bases for exemptions to estate recovery under the medical assistance program.

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

[Senate File 152](#), by Ragan and Kreiman, a bill for an act allowing certain associations to qualify as self-insurers for purposes of Iowa's motor vehicle financial responsibility laws.

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

[Senate File 153](#), by Bolkcom, a bill for an act requiring consideration of greenhouse gas emissions in issuing conditional permits to electric power generating plant applicants for a certificate of public convenience and necessity.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

[Senate File 154](#), by Zieman, a bill for an act requiring retail dealers of motor fuel to advertise and sell motor fuel on a whole cent basis, and making penalties applicable.

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

[Senate File 155](#), by committee on Local Government, a bill for an act relating to local governments by creating a local government innovation commission and fund, creating a center for governing excellence, and including an effective date.

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

STUDY BILLS RECEIVED

SSB 1197 Commerce

Relating to cemeteries and related services and providing fees and penalties.

SSB 1198 State Government

Relating to fire sprinkler installation and maintenance, by providing for the establishment of fire sprinkler installer and fire sprinkler maintenance worker licenses, creating an advisory board, establishing fees, and providing penalties.

SSB 1199 Local Government

Relating to information required to be indexed in the records of the county recorder.

SSB 1200 Labor and Business Relations

Defining gross negligence by a fellow employee for purposes of negating the exclusive remedy provisions of workers' compensation law.

SSB 1201 Labor and Business Relations

Requiring additional workers' compensation payments for scheduled injuries that result in a reduction in the injured employee's earning capacity.

SSB 1202 Labor and Business Relations

Relating to limitations on and maintenance of certain actions for workers' compensation benefits.

SSB 1203 Labor and Business Relations

Relating to the workers' compensation liability of employment brokers or temporary employment agencies for their employees.

SSB 1204 Labor and Business Relations

Relating to proceedings to reopen an award or agreement for settlement of workers' compensation benefits.

SUBCOMMITTEE ASSIGNMENTS**Senate File 101**

TRANSPORTATION: McCoy, Chair; Dearden and Zaun

Senate File 102

TRANSPORTATION: Heckroth, Chair; Hancock and Putney

Senate File 126

STATE GOVERNMENT: Danielson, Chair; Behn, Connolly, Kettering, and Kibbie

Senate File 134

JUDICIARY: Fraise, Chair; Hancock and Ziemann

Senate File 135

NATURAL RESOURCES AND ENVIRONMENT: Seng, Chair; Behn and Black

Senate File 142

JUDICIARY: Hancock, Chair; Fraise and Hartsuch

SSB 1197

COMMERCE: Schoenjahn, Chair; Angelo and Heckroth

SSB 1198

STATE GOVERNMENT: Danielson, Chair; Hahn and Hatch

SSB 1199

LOCAL GOVERNMENT: Stewart, Chair; Angelo and Beall

SSB 1200

LABOR AND BUSINESS RELATIONS: Dearden, Chair; McKinley and Seng

SSB 1201

LABOR AND BUSINESS RELATIONS: Courtney, Chair; Horn and Ward

[SSB 1202](#)

LABOR AND BUSINESS RELATIONS: Dearden, Chair; Horn and Ward

[SSB 1203](#)

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Hatch and McKinley

[SSB 1204](#)

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Seng and Wieck

FINAL COMMITTEE REPORTS OF BILL ACTION

JUDICIARY

Bill Title: *[SENATE FILE 138 \(SSB 1070\)](#), a bill for an act relating to jury service compensation, reimbursement, and confidentiality and exempting certain governmental employees from jury service compensation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Kreiman, Hogg, Behn, Fraise, Hancock, Horn, Noble, Quirnbach, Schoenjahn, Ward, and Warnstadt. Nays, 3: McKibben, Hartsuch, and Zieman. Absent, 1: Dvorsky.

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

ALSO:

Bill Title: *[SENATE FILE 139 \(SSB 1007\)](#), a bill for an act relating to a criminal defendant filing an application for postconviction relief.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Kreiman, Hogg, McKibben, Behn, Fraise, Hancock, Hartsuch, Horn, Noble, Quirnbach, Schoenjahn, Ward, Warnstadt, and Zieman. Nays, none. Absent, 1: Dvorsky.

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

ALSO:

Bill Title: [SENATE FILE 140 \(SSB 1164\)](#), a bill for an act relating to the time period for which peace officers' investigative reports and specific portions of electronic mail and telephone billing records are to be kept confidential.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Kreiman, Hogg, McKibben, Behn, Fraise, Hancock, Hartsuch, Horn, Noble, Quirnbach, Schoenjahn, Ward, Warnstadt, and Zieman. Nays, none. Absent, 1: Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Bill Title: *[SENATE FILE 155 \(SSB 1161\)](#), a bill for an act relating to local governments by creating a local government innovation commission and fund, creating a center for governing excellence, and including an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Quirnbach, Beall, Zaun, Angelo, Heckroth, Kreiman, Olive, Rielly, Schoenjahn, and Stewart. Nays, 3: Hartsuch, Houser, and McKinley. 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 Local Government Committee on [Senate File 155](#), and they were attached to the committee report.

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 9](#), a resolution in support of continuation of the state children's health insurance program.

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.

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 12th day of February, 2007.

[Senate File 95.](#)

MICHAEL E. MARSHALL
Secretary of the Senate

**GOVERNOR'S APPOINTEES PLACED ON
EN BLOC CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

JUDICIARY

Alfredo Alvarez – Board of Parole

Henry Thomas – Commission on Judicial Qualifications

**GOVERNOR'S APPOINTEE PLACED ON
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

JUDICIARY

Paul Stageberg – Administrator of the Division of Criminal and Juvenile Justice Planning

AMENDMENTS FILED

S-3025	S.F.	61	Michael Connolly
S-3026	S.F.	110	Keith A. Kreiman