

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, APRIL 11, 2007

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JOURNAL OF THE SENATE

NINETY-FOURTH CALENDAR DAY
FIFTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 11, 2007

The Senate met in regular session at 8:46 a.m., President Kibbie presiding.

Prayer was offered by Chaplain Marilyn Rensink, wife of the former state Senator Wilmer Rensink of Sioux Center, Iowa. She was the guest of Senators Mulder and Kibbie.

The Journal of Tuesday, April 10, 2007, was approved.

SPECIAL GUESTS

In celebration of Women's History Month, Senators Appel and Ward welcomed student winners of the 23rd Annual "Write Women Back Into History" Essay Contest to the Senate chamber. The contest is sponsored by the Iowa Commission on the Status of Women, the Iowa Department of Education, and the State Historical Society of Iowa.

Sixth and Seventh Grades:

First Place: Kaylyn Barrett of Taft Middle School in Cedar Rapids
Second Place: Laurel Fraser of Urbandale Middle School in Urbandale
Third Place: Matthew Lee of Prairie Middle School in Cedar Rapids

Eighth and Ninth Grades:

First Place: Erica Christensen of Thomas Jefferson High School in Council Bluffs
Second Place: Emily Raecker of Urbandale Middle School in Urbandale
Third Place: Bobi Jo Rockwell of Glenwood Middle School in Glenwood

Best Essay on Women in Science and Engineering for Sixth and Seventh Grades:

First Place: Taylor Soeken of Prairie Middle School in Cedar Rapids

Best Essay on Women in Science and Engineering for Eighth and Ninth Grades:

First Place: Kylene Carlson of Thomas Jefferson High School in Council Bluffs

Second Place: Katie Jobes of Ames Middle School in Ames

The Senate rose and expressed its welcome.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Connolly asked and received unanimous consent to take up for consideration [House Concurrent Resolution 9](#).

[House Concurrent Resolution 9](#)

On motion of Senator Connolly, [House Concurrent Resolution 9](#), a concurrent resolution relating to Pioneer Lawmakers, with report of committee recommending passage, was taken up for consideration.

Senator Connolly moved the adoption of [House Concurrent Resolution 9](#), which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Quirnbach asked and received unanimous consent to take up for consideration [Senate Resolution 32](#).

[Senate Resolution 32](#)

On motion of Senator Quirnbach, [Senate Resolution 32](#), a resolution recognizing the federal Morrill Act and celebrating the renovation of Morrill Hall at Iowa State University, was taken up for consideration.

Senator Quirnbach moved the adoption of [Senate Resolution 32](#), which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [House Concurrent Resolution 9](#) be **immediately messaged** to the House.

The Senate stood at ease at 9:07 a.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 10:30 a.m., President Pro Tempore Danielson presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:31 a.m. until 1:45 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:50 p.m., President Kibbie presiding.

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 April 11, 2007, **amended and passed** the following bill in which the concurrence of the House was asked:

[Senate File 360](#), a bill for an act relating to the regulatory duties of the division of banking of the department of commerce regarding banking, debt management, mortgage banking, industrial loan companies, and professional licensing. ([S-3320](#))

ALSO: That the House has on April 11, 2007, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 502](#), a bill for an act relating to the regulation of savings and loan associations by the division of banking of the department of commerce.

ALSO: That the House has on April 11, 2007, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 744](#), a bill for an act relating to a debtor's exempt personal injury payments in state court debt collection and federal bankruptcy actions.

Read first time and **attached to companion** [Senate File 533](#).

COMMITTEE FROM THE HOUSE

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

The Senate proceeded to the House chamber, in accordance with [House Concurrent Resolution 9](#), in columns of two led by the Secretary of the Senate and the Sergeant-at-Arms.

JOINT CONVENTION PIONEER LAWMAKERS

Fifty-Ninth Biennial Session
House Chamber

In accordance with [House Concurrent Resolution 9](#), duly adopted, the joint convention was called to order at 2:00 p.m., President Kibbie presiding.

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

Senator Gronstal moved that a committee of eight be appointed to escort the Pioneer Lawmakers into the House chamber.

The motion prevailed by a voice vote, and the President appointed as such committee Senators Connolly, Courtney, Boettger, and Putney on the part of the Senate and Representatives Lensing, Mertz, Sands, and Boal on the part of the House.

The committee escorted the Pioneer Lawmakers to seats in the House chamber.

President Kibbie presented the Honorable Jeff Danielson, President Pro Tempore of the Senate, who welcomed the Pioneer Lawmakers on behalf of the Senate.

President Kibbie presented the Honorable Polly Bukta, member of the House of Representatives, who welcomed the Pioneer Lawmakers on behalf of the House.

President Kibbie presented the Honorable Mike Connolly, member of the Senate and President of the Pioneer Lawmakers Association, who responded to the welcome.

Senator Connolly announced the following 1987 class of Pioneer Lawmakers: Janet Adams, Jack Beaman, Tony Bisignano, Dennis Cohoon, Ron J. Corbett, Robert E. Dvorsky, Russell J. Eddie, Gene Fraise, Linn Fuhrman, Robert D. Fuller, Teresa A. Garman, Steve Hansen, Patricia Harper, Jim Lind, Mary A. Lundby, Dennis J. May, Wayne H. McKinney, Mary Neuhauser, Clyde L. Norrgard, Mike Peters, John A. Peterson, Lee J. Plasier, David Schrader, Jane Svoboda, and Philip Wise.

Honorary members of the 2007 class were the following: Judy Dierenfeld, Chuck Gifford, Joe O'Hern, Virginia Petersen, Diane Reid, Jan Reinicke, Don Rowen, David Yepsen.

Senator Connolly presented Mike Glover, reporter for the Associated Press, who addressed the joint convention:

Thank you for that kind introduction—a rare moment of kindness between my profession and yours. Actually, it's not really all that rare, but more about that later.

I hope you will pardon me if I struggle a bit with this sort of role reversal. The concept of my speaking to the Iowa Legislature, and not the Iowa Legislature speaking to me and my colleagues, is enough to bring a journalist painfully close to hyperventilation. Like many of you, I come from an earlier generation where the rules

were a bit clearer and things were a bit more black and white. I didn't do what you did and you didn't do what I did. Things are a bit more gray these days.

I'm often reminded by the character played by Holly Hunter in the movie "Broadcast News" when she accuses her romantic interest of violating ethical standards with the classic charge, "You crossed the line." To that charge he replies, "How do you know? They keep moving the sucker."

For the generations most of us come from it was simpler. But this isn't about me, this is about you and this institution which you have served and I have witnessed for more than a quarter of a century.

There's a lot of talk in these halls about how things have changed—how money and other factors have changed the character of this institution. There is, or course, some basis for those dire predictions, but let's not rush too far and let's think about some things which have not changed.

I bring to this discussion, after all, an outsider's view. Contrary to what has come to be the conventional wisdom, I was not installed in the press room during the run-up to the Civil War—it just seems that way.

As many of you know, I am a native of Illinois where the practice of politics is a much different creature. For instance, in that fair state we never hear the returns from Cook County until all the returns from downstate are complete. That's because Mayor Daley can't report returns until he knows what number he needs—and then he can go find it. We once had a secretary of state named Paul Powell who pushed through the legislature a minor measure changing the way you made out checks for license plates to include the name of the secretary of state. When he died they found scores of shoe boxes buried at this house stuffed with checks, and to this day no one knows how many he cashed.

With that background, we turn to Iowa. Is money changing the way business is conducted in this building? Without a doubt. But I would argue there is much more to the story. Politicians are, indeed, forced to spend more time raising and spending money, but most people I know in this room spend even more time dealing with the very real people they represent.

There's always considerable tension between your profession and mind on openness, and we won't relax on that front. I am often struck, however, how open this process is. I was walking through the halls just this week and passed by two lawmakers from opposite parties haggling over a bill and cutting the deal in a public hallway. To save their reputations, I won't name them.

And this can be one of the most partisan places in this very partisan environment. It isn't hard to get Republicans and Democrats shouting at each other. In fact it happens at a drop of a hat. What has struck me since the first day I walked into this place, however, is that the overwhelming bulk of the work done in this building happens because those exchanges take place. It doesn't make headlines because headlines are all about conflict.

Folks in this room are lucky to be part of that process, and there's another piece of luck you should ponder. We have lived in a state that has experienced one of the most remarkable political stretches in American political history. Since the 1970s, Iowa has lived at the center of the nation's political drama, and that's colored your political life and my professional career. The state, and I believe the nation's politics, are better for it.

Having said all that, the path has not always been smooth. There have been times when by all accounts things didn't go so well here. I'm fond of telling friends that I've seen more sunrises from this building than from any other spot in America.

I'd hate to try to count the number of shouting matches I've had with people, probably in almost every room of this very large building. Conflict is inevitable between my profession and yours, and it is equally inevitable within yours.

But the years sure have brought a whole bunch of memories, and I think it's important every now and then to stop and take stock of those memories. Those of us who don't learn from history are doomed to repeat it. I guess that means we'll all try again and maybe, just maybe, this time we'll get it, if not right, at least a little better.

Enjoy your time.

Thank you.

Representative McCarthy moved that the joint convention be dissolved.

The motion prevailed by a voice vote.

The Senate returned to the Senate chamber.

RECONVENED

The Senate reconvened at 3:10 p.m., Senator Dotzler presiding.

The Senate stood at ease at 3:11 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:40 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 11, 2007, **amended and passed** the following bill in which the concurrence of the House was asked:

[Senate File 540](#), a bill for an act relating to trusts and estates including fiduciaries and beneficiaries and including applicability provisions. ([S-3324](#))

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

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

Robert Tyson – Commission on Community Action Agencies

Sara Monroy-Huddleston – Iowa Empowerment Board

James Romar – Iowa Law Enforcement Academy Council

David Moorman-Rice – Board of Interpreters for the Hearing Impaired Examiners

Lynn Crannell – Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission

Margaret Whitworth – Board of Pharmacy Examiners

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

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

Yeas, 50:

Angelo	Fraise	Kibbie	Schmitz
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	

Nays, none.

Absent, none.

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

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 844, 615, and 780.

[House File 844](#)

On motion of Senator Wood, [House File 844](#), a bill for an act relating to inspection of absentee ballot affidavit envelopes by the county commissioner of elections, with report of committee recommending passage, was taken up for consideration.

Senator Connolly offered amendment [S-3323](#), filed by him from the floor to page 1 and to the title page of the bill, and moved its adoption.

Senator Zieman asked and received unanimous consent that action on amendment [S-3323](#) and [House File 844](#) be **deferred**.

[House File 615](#)

On motion of Senator Mulder, [House File 615](#), a bill for an act relating to the membership of the board of educational examiners, with report of committee recommending passage, was taken up for consideration.

Senator Mulder 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?" ([H.F. 615](#)), the vote was:

Yeas, 50:

Angelo	Fraise	Kibbie	Schmitz
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	

Nays, none.

Absent, none.

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

[House File 780](#)

On motion of Senator Kreiman, [House File 780](#), a bill for an act relating to the issuance of temporary orders modifying an order of child support, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Kreiman asked unanimous consent to withdraw amendment [S-3301](#), filed by the committee on Judiciary on April 9, 2007, striking and replacing everything after the enacting clause and amending the title page of the bill.

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?” ([H.F. 780](#)), the vote was:

Yeas, 50:

Angelo	Fraise	Kibbie	Schmitz
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	

Nays, none.

Absent, none.

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 **House Files 615** and **780** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 742 and 767.

[House File 742](#)

On motion of Senator Hancock, [House File 742](#), a bill for an act relating to the regulation of snowmobiles and all-terrain vehicles, and providing fees and penalties, with report of committee recommending passage, was taken up for consideration.

Senator Boettger offered amendment [S-3310](#), filed by her on April 10, 2007, to page 29 and to the title page of the bill.

Senator Black raised the point of order that amendment [S-3310](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-3310](#) out of order.

Senator Lundby asked and received unanimous consent that action on [House File 742](#) be **deferred**.

[House File 767](#)

On motion of Senator Warnstadt, [House File 767](#), a bill for an act relating to eligible veterans for purposes of the injured veterans grant program, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Warnstadt offered amendment [S-3280](#), filed by the committee on Veterans Affairs on April 4, 2007, to page 1 of the bill, and moved its adoption.

Amendment [S-3280](#) was adopted by a voice vote.

Senator Warnstadt 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?” ([H.F. 767](#)), the vote was:

Yeas, 50:

Angelo	Fraise	Kibbie	Schmitz
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	

Nays, none.

Absent, none.

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 [House File 767](#) be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 759 and 651.

[House File 759](#)

On motion of Senator Hancock, [House File 759](#), a bill for an act specifying the functions of the Clarinda correctional facility, with report of committee recommending passage, was taken up for consideration.

Senator Hancock 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?” ([H.F. 759](#)), the vote was:

Yeas, 50:

Angelo	Fraise	Kibbie	Schmitz
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	

Nays, none.

Absent, none.

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

[House File 651](#)

On motion of Senator Quirmbach, [House File 651](#), a bill for an act relating to business corporations, by providing for information required to be filed with the secretary of state and providing for shareholder voting, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Quirmbach offered amendment [S-3296](#), filed by the committee on Judiciary on April 5, 2007, to pages 1 and 8 and to the title page of the bill, and moved its adoption.

Amendment [S-3296](#) was adopted by a voice vote.

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?” ([H.F. 651](#)), the vote was:

Yeas, 50:

Angelo	Fraise	Kibbie	Schmitz
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	Quirmbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, none.

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 **House Files 651 and 759** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Bonnie Campbell, as a member of the State Board of Regents, placed on the Individual Confirmation Calendar on March 28, 2007, and found on page 965 of the Senate Journal.

Senator Wood moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 46:

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

Nays, 4:

Boettger	Hahn	Hartsuch	Kettering
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Absent, none.

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

Senator Gronstal called up the appointment of Christopher Goddfrey, as a member of the Workers' Compensation Commissioner, placed on the Individual Confirmation Calendar on February 6, 2007, and found on page 294 of the Senate Journal.

Senator Gronstal moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 48:

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

Nays, 2:

Hartsuch	Wieck
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Absent, none.

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

REFERRAL TO EN BLOC CONFIRMATION CALENDAR

Senator Gronstal asked and received unanimous consent that the following names be removed from the "Individual Confirmation Calendar" and placed on the "En Bloc Confirmation Calendar":

K. Allen Hillgren – Renewable Fuel Infrastructure Board
 Jeff Hove – Renewable Fuel Infrastructure Board
 Jill Reams-Widder – Renewable Fuel Infrastructure Board
 Keith Sexton – Renewable Fuel Infrastructure Board
 Yvonne Wentz – Renewable Fuel Infrastructure Board
 Brian Wiegert – Renewable Fuel Infrastructure Board

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

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

K. Allen Hillgren – Renewable Fuel Infrastructure Board
 Jeff Hove – Renewable Fuel Infrastructure Board
 Jill Reams-Widder – Renewable Fuel Infrastructure Board
 Keith Sexton – Renewable Fuel Infrastructure Board
 Yvonne Wentz – Renewable Fuel Infrastructure Board
 Brian Wiegert – Renewable Fuel Infrastructure Board

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

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

Yeas, 50:

Angelo	Fraise	Kibbie	Schmitz
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	

Nays, none.

Absent, none.

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

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Henry Thomas, as a member of the Commission on Judicial Qualifications, placed on the Individual Confirmation Calendar on February 13, 2007, and found on page 354 of the Senate Journal.

Senator Horn moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

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

Nays, 1:

Noble

Absent, none.

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

Senator Gronstal called up the appointment of Wayne Sawtelle, as a member of the State Transportation Commission, placed on the Individual Confirmation Calendar on March 29, 2007, and found on page 1004 of the Senate Journal.

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

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 50:

Angelo	Fraise	Kibbie	Schmitz
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	

Nays, none.

Absent, none.

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

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:12 p.m. until 8:45 a.m., Thursday, April 12, 2007.

APPENDIX

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which the confirmation of Bonnie Campbell was approved by the Senate on April 11, 2007.

JEFF ANGELO

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

IOWA WORKFORCE DEVELOPMENT

Annual status report on the unemployment compensation trust fund, pursuant to Iowa Code section 96.35. Report received on April 11, 2007.

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: Wednesday, April 11, 2007, 1:10 p.m.

Members Present: Bolkcom, Chair; McCoy, Vice Chair; McKibben, Ranking Member; Angelo, Appel, Connolly, Dotzler, Hogg, Houser, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, Ward, and Wieck.

Members Absent: None.

Committee Business: Passed [SF 273](#) and approved SSBs 1349 (as amended) and 1352.

Adjourned: 1:30 p.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 36](#), by Ragan and Seymour, a resolution honoring the activities and commitment of the Patriot Guard Riders.

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

INTRODUCTION OF BILL

[Senate File 584](#), by Gronstal, a bill for an Act relating to the provision of medical services and evaluation of permanent disabilities of injured employees under workers' compensation laws, and providing an applicability date.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

STUDY BILL RECEIVED

[SSB 1353](#) **Ways and Means**

Relating to the streamlined sales and use tax agreement and administration of the tax and related laws by the department of revenue, including administration of sales and use taxes, and providing an effective date.

SUBCOMMITTEE ASSIGNMENT

[SSB 1353](#)

WAYS AND MEANS: Dotzler, Chair; Hogg and McKibben

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: [HOUSE FILE 752](#), a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3318](#).

Final Vote: Ayes, 23: Dvorsky, McCoy, Angelo, Behn, Black, Boettger, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Gaskill, Hahn, Hancock, Hogg, Johnson, Kettering, Ragan, Seng, Seymour, Ward, Warnstadt, and Wood. Nays, none. Absent, 2: Hatch and Putney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 874](#), a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities and providing an effective date.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3319](#).

Final Vote: Ayes, 15: Dvorsky, McCoy, Black, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Hahn, Hancock, Hogg, Ragan, Seng, Ward, and Wood. Nays, 8: Angelo, Behn, Boettger, Gaskill, Johnson, Kettering, Seymour, and Warnstadt. Absent, 2: Hatch and Putney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 10, 2007, the Governor approved and transmitted to the Secretary of State the following bills:

[Senate File 110](#) – Relating to the standardized training and state certification of reserve peace officers.

[Senate File 129](#) – Relating to the racing and gaming commission by modifying provisions regulating horses involved in horse racing and providing an effective date.

[Senate File 169](#) – Providing for county eligibility for state payment of certain mental health, mental retardation, and developmental disabilities services funding and providing an effective and retroactive applicability dates.

[Senate File 284](#) – Concerning employees subject to unannounced drug or alcohol testing.

[Senate File 358](#) – Establishing prelicensing and continuing education requirements for used motor vehicle dealers.

[Senate File 400](#) – Relating to mortgage release certificates issued by the Iowa finance authority.

[Senate File 405](#) – Relating to national pollutant discharge elimination system permits for disposal systems.

[Senate File 431](#) – Relating to programs, funds, authority, and duties of the Iowa finance authority.

GOVERNOR'S VETO MESSAGE

April 11, 2007

The Honorable John P. Kibbie
President of the Senate
State Capitol
L O C A L

Dear President Kibbie:

“Our liberties we prize and our rights we will maintain.” This concise summary of our most basic and traditional values, set forth in our state’s motto, is inscribed on the Great Seal of the State of Iowa, pursuant to The Act of the First General Assembly of the State of Iowa, approved February 25, 1847. The motto is also inscribed on our state flag, a banner that greets legislators, visitors and our citizens every day as they enter into and exit from our Capitol.

Because I am convinced that [Senate File 139](#), an Act related to a criminal defendant filing an application for postconviction relief, is contrary to these values, I hereby disapprove and transmit to you that bill, without my signature, in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

I have not taken this step—the first veto of my first term as Governor of this great state—lightly. I do so respectfully and with the full knowledge that this law was proposed by our distinguished Attorney General, supported by the County Attorneys Association and received the unanimous vote of every House and Senate member present. However, I am firmly of the conviction that this Act, if allowed to become a part of the laws of our state, would erode some of those fundamental liberties that we prize and the rights that all of us, as public servants, have pledged to maintain.

Further, this Administration is appreciative of the public service rendered by the Attorney General, Assistant Attorneys General and the County Attorneys of Iowa, all of whom assume the difficult task of prosecuting crimes in this state using limited resources. I understand that the goal of [Senate File 139](#) was to reduce frivolous lawsuits and thereby minimize the wasting of judicial resources, a goal that this Administration shares.

However, as public servants, we must be careful when seeking to obtain these particular aims that we do not inadvertently diminish citizens’ rights. I am convinced that if codified, [Senate File 139](#) would erode and diminish one of our most cherished legal rights: the right to challenge the legal basis for incarcerating citizens. [Senate File 139](#) removes from Iowa Code chapter 822 the ability of a person convicted of a simple misdemeanor to later challenge that conviction using postconviction relief remedies historically allowed to all persons convicted for any criminal offense.

In addition, history teaches us it is not a good practice to tamper with our constitutional and legal rights. The constitutions of the United States and Iowa guarantee that the *writ of habeas corpus* will not be suspended, except in cases of rebellion or invasion. Sometimes known as “the Great Writ,” this common law precept allows a detained person to be brought before a court at a stated time and place to decide the legality of his or her detention or imprisonment.

More than thirty years ago, in 1970, Iowa lawmakers codified the common law *writ of habeas corpus* under the Uniform Postconviction Procedure Act by establishing a separate postconviction relief procedure for individuals who have been convicted of or sentenced for *any* public offense. That Act, currently found at Iowa Code chapter 822, has permitted “[a]ny person who has been convicted of, or sentenced for, a public offense” to seek postconviction relief since its enactment. Under chapter 822, the state’s power to incarcerate a citizen can be stopped if the conviction or sentence was for any reason unlawful or unconstitutional or if newly discovered evidence requires the vacation of the conviction or sentence in the interest of justice.

[Senate File 139](#), if enacted, would eliminate the availability of postconviction relief for all simple misdemeanor convictions. Although the lowest level offense in our criminal code, a simple misdemeanor prosecution brings with it the potential for injustice and unforeseen collateral consequences—the very situation that postconviction relief procedures have been created to remedy.

The need to assure fair and just criminal prosecution outcomes on even the most minor offenses is no less important now than it was in 1970, when the General Assembly enacted chapter 822. Many citizens, particularly young adults, plead guilty to simple misdemeanor offenses without consulting an attorney or having a firm grounding in legal process. Sometimes those persons learn of adverse collateral consequences later, when they are denied the opportunity to obtain a professional license or other employment due to the uncounseled guilty plea. Such scenarios are likely to occur more frequently, not less often, in a future characterized by electronic criminal records databases that are accessible to potential employers at little cost. These employers may be deterred from hiring an otherwise qualified candidate when confronted by wrongful simple misdemeanor convictions that cannot be corrected under our postconviction relief statute. A simple misdemeanor also can result in deportation, or a permanent ban on a citizen’s ability to possess firearms. Given that such drastic consequences can follow from a simple misdemeanor conviction, those who govern must be certain that convictions that may have been imposed in error are allowed formal legal challenge.

For example, a citizen charged with a simple misdemeanor offense may have the unfortunate experience of being represented by incompetent legal counsel, resulting in an unjust conviction. In 2004, the General Assembly recognized that direct appeals were not a good place to raise complaints of ineffective assistance of counsel. For that reason, Iowa Code section 814.7 now permits a party to raise a claim of ineffective assistance of counsel during postconviction relief proceedings without having raised the matter first on direct appeal. [Senate File 139](#) would deny this important right to those wrongfully convicted of simple misdemeanors.

Even if represented by competent legal counsel, there may be instances in which a magistrate judge—the venue where most simple misdemeanor cases are tried—commits legal error. Indeed, in our state formal legal training is not required for a person to preside in magistrate court.

The Culver-Judge Administration is committed to the prosecution and punishment of those who convict crimes. Similarly, the frivolous use of our judicial system will not be tolerated. Just as important, however, is the commitment to assure that people have recourse to all traditional procedures and remedies when, for whatever reason, they have been wrongfully convicted and sentenced.

Because [Senate File 139](#) diminishes the liberties and rights that we, as office holders, both prize and feel duty-bound to maintain, I hereby respectfully disapprove [Senate File 139](#).

Sincerely,
CHESTER J. CULVER
Governor

AMENDMENTS FILED

S-3318	H.F. 752	Appropriations
S-3319	H.F. 874	Appropriations
S-3320	S.F. 360	House
S-3321	H.F. 749	Dennis H. Black Steve Warnstadt
S-3322	H.F. 608	Daryl Beall
S-3323	H.F. 844	Michael Connolly
S-3324	S.F. 540	House

**JOINT MEMORIAL SERVICE
EIGHTY SECOND GENERAL ASSEMBLY
SENATE CHAMBER
WEDNESDAY, APRIL 11, 2007**

PROGRAM

Senator John P. Kibbie, Presiding

Prelude.....Small Group Choir
“Iowa, My Iowa”.....Memorial Choir
Invocation.....Senator John P. Kibbie

MEMORIALS

Readers: Senator Putney, Senator Johnson, Senator Fraise,
Senator Beall

Hon. Carlson (S) Hon. Lodwick (S) Hon Doderer (S/H)
Hon. Gallagher (S/H) Hon. Curran (S/H) Hon. Freeman (S/H)
Hon. Kruck (S) Hon. Murray (S) Hon. Hagie (S/H)
Hon. Lord (S/H) Hon. Munger (S/H) Hon. Shawver (S)
Hon. Schwieger (S/H)

“Amazing Grace”.....Memorial Choir

MEMORIALS

Readers: Representative Pettengill, Representative Hunter,
Representative Frevert, Representative Taylor

Hon. Binneboese (H) Hon. Grandia (H) Hon. Clark (H)
Hon. Kiser (H) Hon. Evans (H) Hon. Greimann (H)
Hon. Hanson (H) Hon. Lonergan (H) Hon. Glenn (H)
Hon. Hagen (H) Hon. Kimball (H) Hon. Milroy (H)

MEMORIALS

Readers: Representative Winckler, Representative Wendt,
Representative Drake

Hon. Pavich (H) Hon. Reed (H) Hon. Wood (H)
Hon. Pelton (H) Hon. Stueland (H) Hon. Resnick (H)
Hon. Petrucci (H) Hon. Weichman (H) Hon. Yoder (H)

Responsorial Reading.....Led by Senator Kibbie
“Let There Be Peace On Earth”.....Memorial Choir

Senate — (S) and House — (H)

IN MEMORIAM

SERVED IN THE SENATE

Honorable Reinhold O. Carlson (Polk County): 64th

Honorable Warren “Bud” J. Kruck (Boone County): 61st, 62nd

Honorable Seeley Lodwick (Lee County): 60th, 61st, 62nd, 1st half of 63rd

Honorable Donald W. Murray (Dallas County): 61st, 62nd

Honorable George L. Shawver (Chicasaw County): 64th

SERVED IN THE SENATE AND IN THE HOUSE OF REPRESENTATIVES

Honorable Leigh R. Curran (Cerro Gordo County): 59th, 60th, 62nd, 63rd, 64th

Honorable Minnette F. Doderer (Johnson County): 60thX, 61st, 62nd, 63rd, 64th, 65th, 66th, 67th, 69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th

Honorable Mary Louise Freeman (Buena Vista County): 76th, 77th, 78th, 79th, 79th X, 79th 2nd X, 80th, 80th X, 80th 2nd X, 81st

Honorable James V. Gallagher (Black Hawk County): 61st, 62nd, 65th, 66th, 67th, 68th, 69th, 70th

Honorable Raymond W. Hagie (Wright County): 59th, 60th, 61st

Honorable David Lord (Dallas County): 76th, 77th, 78th, 2nd half of 79th

Honorable Robert P. Munger (Woodbury County): 49th, 53rd, 54th

Honorable Barton L. Schwieger (Black Hawk County): 64th, 65th

SERVED IN THE HOUSE OF REPRESENTATIVES

Honorable Donald H. Binneboese (Woodbury County): 2nd half 66th, 67th, 67th X, 68th, 69th, 69th X, 69th 2nd X

Honorable Betty Jean Clark (Cerro Gordo County): 67th, 67th X, 68th, 69th, 69th X, 69th 2nd X, 70th, 71st, 72nd, 73rd

Honorable Thomas Cooper Evans (Grundy County): 66th, 67th, 67th X, 1st half 68th

Honorable Charles F. Glenn (Polk County): 62nd

Honorable Robert J. Grandia (Marion County): 70th, 71st

Honorable Jane Greimann (Story County): 2nd half 78th, 79th, 79th X, 79th 2nd X, 80th, 80th X, 82nd

Honorable Walter Hagen (Allamakee County): 59th, 60th, 60th X

Honorable Harley S. Hanson (Benton County): 62nd

Honorable Donald L. Kimball (Fayette County): 57th, 58th

Honorable E. Jean E. Kiser (Scott County): 65th

Honorable Joyce Lonergan (Boone County): 66th, 67th, 67th X, 68th, 69th, 69th X, 69th 2nd X, 70th, 71st

Honorable Jack N. Milroy (Benton County): 56th, 57th, 58th

Honorable Emil S. Pavich (Pottawattamie County): 66th, 67th, 67th X, 68th, 69th, 69th X, 69th 2nd X, 70th, 71st, 72nd, 72nd X, 72nd 2nd X, 73rd, 74th, 74th X, 74th 2nd X

Honorable John Pelton (Clinton County): 67th, 67th X, 68th, 69th, 69th X, 69th 2nd X

Honorable Don A. Petruccelli (Scott County): 56th, 57th

Honorable Cecil A. Reed (Linn County): 62nd

Honorable James D. Resnick (Scott County): 61st

Honorable Vic Stueland (Clinton County): 69th, 69th X, 69th 2nd X, 70th, 71st, 72nd, 72nd X, 72nd 2nd X, 73rd

Honorable David E. Weichman (Benton County): 59th, 63rd

Honorable Warren K. Wood (Scott County): 62nd

Honorable Earl Yoder (Johnson County): 62nd

Candle Lighters

Representative Sandra Greiner
Representative Wes Whitead
Representative Carmine Boal

Senate Memorial Committee

Senator Wally Horn, Chair
Senator Nancy Boettger
Senator Gene Fraise
Senator Thurman Gaskill
Senator Becky Schmitz
Senator Pat Ward

Hosts

Senator Nancy Boettger
Representative Sandra Greiner
Representative Vicki Lensing

House Memorial Committee

Representative Vicki Lensing, Chair
Representative Sandra Greiner
Representative Dolores Mertz
Representative Rod Roberts