

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, APRIL 26, 2007

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JOURNAL OF THE SENATE

ONE HUNDRED NINTH CALENDAR DAY
SIXTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 26, 2007

The Senate met in regular session at 10:00 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Gene Fraise, member of the Senate from Lee County, Fort Madison, Iowa.

The Journal of Wednesday, April 25, 2007, was approved.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Connolly asked and received unanimous consent to take up for consideration [Senate Resolution 43](#).

[Senate Resolution 43](#)

On motion of Senator Hogg, [Senate Resolution 43](#), a resolution to recognize May 2007 as American Stroke Awareness Month and National High Blood Pressure Education Month, with report of committee recommending passage, was taken up for consideration.

Senator Hogg moved the adoption of [Senate Resolution 43](#), which motion prevailed by a voice vote.

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 25, 2007, **adopted the conference committee report and passed [House](#)**

[File 808](#), a bill for an act concerning accountability requirements for entities and boards created for joint exercise of governmental powers and providing an effective date.

ALSO: That the House has on April 25, 2007, **concurred in the Senate amendment and passed** the following bills in which the concurrence of the House was asked:

[House File 817](#), a bill for an act concerning the flag and veterans by providing for a study of regional veterans affairs offices, providing for the duties of the department of veterans affairs and the commission on veterans affairs, prohibiting certain acts involving the flag, establishing a counseling program for veterans, and providing a penalty.

[House File 829](#), a bill for an act relating to the development and commercialization of businesses in the targeted industry areas of advanced manufacturing, bioscience, and information technology and including appropriations and an effective date provision.

ALSO: That the House has on April 25, 2007, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 925](#), a bill for an act relating to health-related activities and regulation, including the practices of optometry and mortuary science, establishment of a state public health dental director and an oral health bureau, dependent adult abuse, membership on the child death review team, and immunity for emergency response, and providing for the revision of fees.

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

RECESS

On motion of Senator Connolly, the Senate recessed at 10:20 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 10:30 a.m., President Kibbie presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Resolution 47](#).

[Senate Resolution 47](#)

On motion of Senator Ragan, [Senate Resolution 47](#), a resolution encouraging the Iowa congressional delegation to support legislation to improve Medicare payments to Iowa physicians under the Medicare Part B program, with report of committee recommending passage, was taken up for consideration.

Senator Ragan moved the adoption of [Senate Resolution 47](#), which motion prevailed by a voice vote.

UNFINISHED BUSINESS
(Deferred April 25, 2007)

[House File 911](#)

The Senate resumed consideration of [House File 911](#), a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, vertical infrastructure fund, the endowment for Iowa's health restricted capitals fund, and the technology reinvestment fund, and related matters, and providing an effective date, and amendment [S-3456](#), deferred April 25, 2007.

Senator McCoy offered amendment [S-3468](#), filed by him on April 25, 2007, to pages 1–3 of amendment [S-3456](#), and moved its adoption.

Amendment [S-3468](#) was adopted by a voice vote.

Senator McCoy moved the adoption of amendment [S-3456](#), as amended.

Amendment [S-3456](#) was adopted by a voice vote.

Senator Hancock asked and received unanimous consent to withdraw amendment [S-3453](#), filed by Senators Hancock, Stewart, and Connolly on April 25, 2007, to page 5 of the bill.

Senator Ragan offered amendment [S-3485](#), filed by Senators Ragan and Gaskill on April 25, 2007, to page 6 of the bill, and moved its adoption.

Amendment [S-3485](#) was adopted by a voice vote.

Senator Rielly asked and received unanimous consent to withdraw amendment [S-3458](#), filed by Senators Rielly, Schoenjahn, and Wood on April 25, 2007, to pages 7 and 34 of the bill.

Senator Rielly asked and received unanimous consent to withdraw amendment [S-3452](#), filed by Senators Rielly, Schoenjahn, and Wood on April 25, 2007, to pages 7 and 34 of the bill.

Senator Hancock offered amendment [S-3463](#), filed by Senators Hancock, Stewart, and Rielly on April 25, 2007, to page 7 of the bill, and moved its adoption.

Amendment [S-3463](#) was adopted by a voice vote.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Zaun, until he arrives, on request of Senator McKinley; and Senator Hartsuch, until he arrives, on request of Senator McKibben.

Senator Behn offered amendment [S-3462](#), filed by him on April 25, 2007, to pages 10 and 13 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-3462](#) be adopted?" ([H.F. 911](#)), the vote was:

Yeas, 22:

Angelo	Heckroth	McKibben	Seymour
Behn	Houser	McKinley	Ward
Boettger	Johnson	Mulder	Wieck

Gaskill	Kettering	Noble	Zieman
Hahn	Kibbie	Putney	
Hancock	Lundby	Schoenjahn	

Nays, 26:

Appel	Dearden	Horn	Schmitz
Beall	Dotzler	Kreiman	Seng
Black	Dvorsky	McCoy	Stewart
Bolkcom	Fraise	Olive	Warnstadt
Connolly	Gronstal	Quirmbach	Wood
Courtney	Hatch	Ragan	
Danielson	Hogg	Rielly	

Absent, 2:

Hartsuch	Zaun
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Amendment [S-3462](#) lost.

Senator McKibben offered amendment [S-3461](#), filed by him on April 25, 2007, to page 13 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3461](#) be adopted?” ([H.F. 911](#)), the vote was:

Yeas, 19:

Angelo	Houser	McKinley	Ward
Behn	Johnson	Mulder	Wieck
Boettger	Kettering	Noble	Zaun
Gaskill	Lundby	Putney	Zieman
Hahn	McKibben	Seymour	

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirmbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, 1:

Hartsuch

Amendment [S-3461](#) lost.

Senator Zaun withdrew amendment [S-3489](#), filed by him on April 25, 2007, to page 1 of the bill.

Senator McCoy 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. 911](#)), the vote was:

Yeas, 31:

Appel	Dotzler	Hogg	Rielly
Beall	Dvorsky	Horn	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gaskill	Kreiman	Seng
Connolly	Gronstal	McCoy	Stewart
Courtney	Hancock	Olive	Warnstadt
Danielson	Hatch	Quirnbach	Wood
Dearden	Heckroth	Ragan	

Nays, 18:

Angelo	Houser	McKinley	Wieck
Behn	Johnson	Mulder	Zaun
Boettger	Kettering	Noble	Zieman
Hahn	Lundby	Seymour	
Hartsuch	McKibben	Ward	

Present, 1:

Putney

Absent, none.

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

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 25, 2007, **amended and passed** the following bills in which the concurrence of the House was asked:

[Senate File 421](#), a bill for an act relating to workers' compensation laws by regulating insurance policy exclusions and debt collection practices. ([S-3499](#))

[Senate File 503](#), a bill for an act relating to regulation of children's services by the department of human services by increasing the age for certain children receiving child care regulated by the department and revising child welfare and juvenile justice service provisions. ([S-3498](#))

[Senate File 559](#), a bill for an act relating to cemetery and funeral merchandise, funeral services, and cemeteries and providing fees and penalties. ([S-3497](#))

ALSO: That the House has on April 26, 2007, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 538](#), a bill for an act relating to a parent's cause of action for the recovery of expenses and actual loss of services, companionship, and society resulting from the injury to or death of a child and including an applicability date provision.

ALSO: That the House has on April 26, 2007, **adopted the conference committee report and passed** [Senate File 472](#), a bill for an act providing for administrative rules governing close clearance conditions and railroad worker walkways.

ALSO: That the House has on April 26, 2007, **refused to concur** in the Senate amendment to the House amendment to the following bill in which the concurrence of the House was asked:

[Senate File 551](#), a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection.

ALSO: That the House has on April 26, 2007, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

[House File 909](#), a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and including effective date provisions.

SENATE INSISTS

[Senate File 551](#)

Senator Seng called up for consideration [Senate File 551](#), a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, amended by the House, further amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on [Senate File 551](#) on the part of the Senate: Senators Seng, Chair; Black, Rielly, Gaskill, and Houser.

SENATE INSISTS

[House File 909](#)

Senator Hatch called up for consideration [House File 909](#), a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and including effective date provisions, amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on [House File 909](#) on the part of the Senate: Senators Hatch, Chair; Bolkom, Dvorsky, Johnson, and Seymour.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 551](#) and [House File 909](#) be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:35 a.m. until 2:00 p.m.

APPENDIX—1

CERTIFICATE OF RECOGNITION

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

Mary Lou Aspengren, Des Moines—For celebrating her 80th birthday. Senator Boettger (4/26/07).

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: Thursday, April 26, 2007, 10:20 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 [SCR 7](#) and SRs 21, 25, 31, 42, 45, 48, 49, 50, and 51.

Adjourned: 10:30 a.m.

WAYS AND MEANS

Convened: Thursday, April 26, 2007, 11:45 a.m.

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

Members Absent: Angelo (excused).

Committee Business: Passed HFs 901 and 925.

Adjourned: 12:00 p.m.

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE CONCURRENT RESOLUTION 7](#), a concurrent resolution relating to the establishment of a criminal code revisions legislative study committee.

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 21](#), a resolution urging the United States Congress and the President of the United States to take action on global warming.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Kibbie, Lundby, Courtney, Danielson, Dearden, Dvorsky, Mulder, and Ragan. Nays, 2: Angelo and Wieck. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 25](#), a resolution to declare November 2007 Iowa Diabetes Awareness Month.

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 31](#), a resolution requesting the establishment of an interim study committee by the legislative council to conduct an examination of energy efficiency programs under the purview of the Iowa utilities board.

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 42](#), a resolution to recognize April 28, 2007, as Workers Memorial Day.

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 45](#), a resolution supporting a proposal to invite the Republic of China (Taiwan) to participate in the upcoming meeting of the World Health Assembly as an observer.

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 48](#), a resolution to recognize the city of Ashton, Iowa, on its quasiquicentennial anniversary.

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 49](#), a resolution supporting a free trade agreement between the Republic of China on Taiwan and the United States.

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 50](#), a resolution requesting the establishment of an interim study committee by the legislative council to conduct a study for purposes of determining how to best provide for a sustainable source or sources of funding for natural resources needs in this state.

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 51](#), a resolution providing for the formation of a committee by the legislative council to conduct an examination of public financing for state and local elections.

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.

WAYS AND MEANS

Bill Title: [HOUSE FILE 901](#), a bill for an act concerning the training and certification of designated security personnel working at commercial establishments with a liquor control license or wine or beer permit.

Recommendation: DO PASS.

Final Vote: Ayes, 16: Bolkom, McCoy, McKibben, Appel, Connolly, Dotzler, Hogg, Houser, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, Ward, and Wieck. Nays, none. Absent, 1: Angelo.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 925](#), a bill for an act relating to health-related activities and regulation, including the practices of optometry and mortuary science, establishment of a state public health dental director and an oral health bureau, dependent adult abuse, membership on the child death review team, and immunity for emergency response, and providing for the revision of fees.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Bolkom, McCoy, Appel, Connolly, Dotzler, Hogg, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, and Ward. Nays, 3: McKibben, Houser, and Wieck. Absent, 1: Angelo.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 2:08 p.m., President Pro Tempore Danielson presiding.

QUORUM CALL

Senator Gronstal requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 36 present, 14 absent, and a quorum present.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Resolution 45](#).

[Senate Resolution 45](#)

On motion of Senator Beall, [Senate Resolution 45](#), a resolution supporting a proposal to invite the Republic of China (Taiwan) to participate in the upcoming meeting of the World Health Assembly as an observer, with report of committee recommending passage, was taken up for consideration.

Senator Beall moved the adoption of [Senate Resolution 45](#), which motion prevailed by a voice vote.

CONFERENCE COMMITTEE REPORT CONSIDERED

[House File 808](#)

Senator Kreiman called up the conference committee report on [House File 808](#), a bill for an act concerning accountability requirements for entities, administrators, and boards created for joint exercise of governmental powers and providing effective dates, filed on April 24, 2007, and moved its adoption.

The motion prevailed by a voice vote, and the conference committee report, and the recommendations and amendments contained therein, was adopted.

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. 808](#)), 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.

CONSIDERATION OF BILL (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 864](#).

[House File 864](#)

On motion of Senator Wood, [House File 864](#), a bill for an act providing for candidate physical ability tests for fire fighter applicants under the statewide fire and police retirement system and providing an effective date, placed on the Unfinished Business Calendar on April 12, 2007, with report of committee recommending passage, was taken up for consideration.

Senator Wood 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. 864](#)), the vote was:

Yeas, 49:

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	Zieman
Dearden	Houser	Quirnbach	
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, 1:

Zaun

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 808** and **864** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Resolution 49](#).

[Senate Resolution 49](#)

On motion of Senator Black, [Senate Resolution 49](#), a resolution supporting a free trade agreement between the Republic of China on Taiwan and the United States, with report of committee recommending passage, was taken up for consideration.

Senator Black moved the adoption of [Senate Resolution 49](#), which motion prevailed by a voice vote.

HOUSE AMENDMENT CONSIDERED

[Senate File 559](#)

Senator Schoenjahn called up for consideration [Senate File 559](#), a bill for an act relating to cemetery and funeral merchandise, funeral services, and cemeteries and providing fees and penalties, amended by the House in House amendment [S-3497](#), filed April 26, 2007.

Senator Schoenjahn moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Schoenjahn moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 559](#)), 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 AMENDMENT CONSIDERED

Senate File 421

Senator Wieck called up for consideration Senate File 421, a bill for an act relating to workers' compensation laws by regulating insurance policy exclusions and debt collection practices, amended by the House in House amendment S-3499, filed April 26, 2007.

Senator Wieck moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Wieck moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 421), 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 AMENDMENT CONSIDERED

Senate File 503

Senator Schmitz called up for consideration Senate File 503, a bill for an act relating to regulation of children's services by the department of human services by increasing the age for certain children receiving child care regulated by the department and revising child welfare and juvenile justice service provisions, amended by the House in House amendment S-3498, filed April 26, 2007.

Senator Schmitz moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Schmitz moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 503), 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 **Senate Files 421, 503, and 559** be **immediately messaged** to the House.

UNFINISHED BUSINESS
(Deferred April 24, 2007)[Senate File 455](#)

The Senate resumed consideration of [Senate File 455](#), a bill for an act restricting the presence of a registered sex offender on the real property comprising a school or child care facility and providing a penalty, deferred April 24, 2007.

([Senate File 455](#) was deferred.)

The Senate stood at ease at 3:00 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:00 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 26, 2007, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 904](#), a bill for an act relating to withholding tax and the repeal of the loan agencies tax.

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

[House File 923](#), a bill for an act relating to the policy and technical administration of the tax and related laws by the department of revenue, including administration of income, sales,

use, cigarette, and tobacco taxes, providing an effective date, and providing retroactive applicability date provisions.

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

QUORUM CALL

Senator Courtney requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 45 present, 5 absent, and a quorum present.

President Pro Tempore Danielson took the chair at 5:07 p.m.

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration Senate Resolutions 48, 31, 25, and 21.

[Senate Resolution 48](#)

On motion of Senator Johnson, [Senate Resolution 48](#), a resolution to recognize the city of Ashton, Iowa, on its quasiqucentennial anniversary, with report of committee recommending passage, was taken up for consideration.

Senator Johnson moved the adoption of [Senate Resolution 48](#), which motion prevailed by a voice vote.

[Senate Resolution 31](#)

On motion of Senator Bolkom, [Senate Resolution 31](#), a resolution requesting the establishment of an interim study committee by the legislative council to conduct an examination of energy efficiency programs under the purview of the Iowa utilities board, with report of committee recommending passage, was taken up for consideration.

Senator Bolkom moved the adoption of [Senate Resolution 31](#), which motion prevailed by a voice vote.

Senate Resolution 25

On motion of Senator Ragan, Senate Resolution 25, a resolution to declare November 2007 Iowa Diabetes Awareness Month, with report of committee recommending passage, was taken up for consideration.

Senator Ragan moved the adoption of Senate Resolution 25, which motion prevailed by a voice vote.

Senate Resolution 21

On motion of Senator Bolcom, Senate Resolution 21, a resolution urging the United States Congress and the President of the United States to take action on global warming, with report of committee recommending passage, was taken up for consideration.

Senator Bolcom moved the adoption of Senate Resolution 21, which motion prevailed by a voice vote.

ADJOURNMENT

On motion of Senator Courtney, the Senate adjourned at 5:34 p.m. until 8:45 a.m., Friday, April 27, 2007.

APPENDIX—2**MOTION TO RECONSIDER**

MR. PRESIDENT: I move to reconsider the vote by which [H.F. 911](#) passed the Senate on April 26, 2007.

MICHAEL E. GRONSTAL

CERTIFICATE OF RECOGNITION

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

Carrol and Joanne Schwarm, Burlington—For celebrating their 50th wedding anniversary. Senator Courtney (4/26/07).

REPORT OF COMMITTEE MEETING**GOVERNMENT OVERSIGHT**

Convened: Wednesday, April 25, 2007, 2:30 p.m.

Members Present: Courtney, Chair; Connolly, Vice Chair; Wieck, Ranking Member; and Schmitz.

Members Absent: Lundby (excused).

Committee Business: Approved [SSB 1360](#).

Adjourned: 2:45 p.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 52](#), by Kreiman, a resolution honoring the Davis County Little League All-Star Team for winning the 2006 Iowa Little League State Championship.

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

SUBCOMMITTEE ASSIGNMENTS

[House File 904](#)

WAYS AND MEANS: Schmitz, Chair; Hogg and Wieck

[House File 923](#)

WAYS AND MEANS: Stewart, Chair; Hogg and Ward

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 347](#), the following correction was made:

1. Page 1, lines 26-27: Text needs to run after subtitle.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS 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 bills have 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 26th day of April, 2007:

Senate Files 155, 347, 414, 485, and 489.

MICHAEL E. MARSHALL
Secretary of the Senate

GOVERNOR'S ITEM VETO MESSAGE

April 26, 2007

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

Dear President Kibbie:

I hereby transmit [Senate File 277](#), an Act relating to the state's educational standards regarding teacher librarians and qualified guidance counselors, and to teacher and administrator quality, including the student achievement and teacher quality program and an administrator quality program, making appropriations, and providing an effective date.

I am unable to approve the designated portion of Section 49, paragraph 3. The designated portion of this paragraph requires that the state board of education shall adopt rules requiring implementation of the successful components of the pilots by school districts statewide upon completion of the career ladder planning and implementation pilots, subject to the sufficiency of funds. I am unable to approve this

designated portion because I do not believe these pilot projects should automatically be mandated statewide.

The bill calls for 10 pilot projects, which I support. Eight of these projects are centered on implementing the last two parts of the career ladder system. We have already put the first two parts of this ladder into place and need to take a close look at whether implementing the rest of this system will result in improved student achievement and will help to recruit and retain the best and brightest teachers. The other two projects are to test pay-for-performance compensation methods. While I generally do not agree that pay-for-performance is the right method to improve our education system, I think it is important to test this out at the local level before we make a final decision.

While I support these pilot projects, I do not support that they be mandated statewide at the end of them. The goal of the projects is to allow us to better assess whether these methods are the right ones for this state to improve education for our students. Another goal of the projects is to allow us to assess whether these methods will attract more people to the teaching profession and make sure they want to work in Iowa. We cannot make that determination now, prior to beginning the projects, and it would be irresponsible to mandate that as a part of this bill. I look forward to working with the Legislature and other education partners throughout the state to take a close look at the models developed in these projects and make a determination about statewide implementation upon their completion.

For the above reasons, I respectfully disapprove these items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 277 are hereby approved as of this date.

Sincerely,
CHESTER J. CULVER
Governor

AMENDMENTS FILED

<u>S-3496</u>	<u>S.F. 512</u>	Jeff Danielson
<u>S-3497</u>	<u>S.F. 559</u>	House
<u>S-3498</u>	<u>S.F. 503</u>	House
<u>S-3499</u>	<u>S.F. 421</u>	House
<u>S-3500</u>	<u>S.F. 606</u>	Steve Warnstadt
		Steve Kettering
<u>S-3501</u>	<u>S.F. 606</u>	Matt McCoy
<u>S-3502</u>	<u>S.F. 455</u>	Larry McKibben
		Jerry Behn
		E. Thurman Gaskill
		James A. Seymour
		Larry Noble
		Paul McKinley
		Brad Zaun

Dave Mulder
 David Johnson
 Pat Ward
 David L. Hartsuch
 Mark Zieman
 Nancy J. Boettger
 John Putney
 Mary A. Lundby
 Ron Wieck
 Steve Kettering
 James F. Hahn
 Larry McKibben
 Jerry Behn
 E. Thurman Gaskill
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 James A. Seymour
 Larry Noble
 Paul McKinley
 Brad Zaun
 Dave Mulder
 Ron Wieck
 David Johnson
 Pat Ward
 David L. Hartsuch

S-3503

S.F. 455

S-3504

S.F. 455

Mark Ziemann
Nancy J. Boettger
John Putney
Mary A. Lundby
Steve Kettering
James F. Hahn