

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, FEBRUARY 6, 2008

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JOURNAL OF THE SENATE

TWENTY-FOURTH CALENDAR DAY
FIFTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 6, 2008

The Senate met in regular session at 9:02 a.m., President Kibbie presiding.

Prayer was offered by Pastor David Clark of the Ankeny Christian Church in Ankeny, Iowa. He was the guest of Senator Noble.

The Journal of Tuesday, February 5, 2008, was approved.

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 February 5, 2008, **amended and passed** the following bill in which the concurrence of the House was asked:

[Senate File 572](#), a bill for an act extending state tax benefits for use of soy-based transformer fluid by electric utilities and including effective and applicability date provisions. ([S-5001](#))

ALSO: That the House has on February 5, 2008, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 247](#), a bill for an act providing voting member representation on joint E911 service boards for cities or townships providing fire protection services through a volunteer fire department.

Read first time and referred to committee on **Local Government**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:10 a.m. until 8:45 a.m., Thursday, February 7, 2008.

APPENDIX

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:

DEPARTMENT OF HUMAN SERVICES

Mental Health Systems Improvement in Iowa: A Report to the Legislature and Governor, pursuant to 2007 Iowa Acts, [House File 909](#), and Iowa Code section 225C.6B. Report received on February 6, 2008.

CERTIFICATES OF RECOGNITION

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

Mable Anderson—For celebrating her 80th birthday. Senator Dotzler (2/6/08).

Alex J. Brandtner, DDS—For providing exemplary dental care to the most needy children in Scott County. Senator Wood (2/6/08).

Kathryn Dolan— For celebrating her 80th birthday. Senator Dotzler (2/6/08).

Gary and Betty Durbin, Bayard—For celebrating their 50th wedding anniversary. Senator Boettger (2/6/08).

Dorothy Fangman—For celebrating her 80th birthday. Senator Dotzler (2/6/08).

Bill and Pat Follett, Union—For celebrating their 40th wedding anniversary. Senator Boettger (2/6/08).

Varel and Shirley Holaday, Atlantic—For celebrating their 50th wedding anniversary. Senator Boettger (2/6/08).

John and Isabel Klein, Harlan—For celebrating their 60th wedding anniversary. Senator Boettger (2/6/08).

Bill and Caryl McMahon, Irwin—For celebrating their 50th wedding anniversary. Senator Boettger (2/6/08).

Charlie and Dolores McNeill, Bagley—For celebrating their 60th wedding anniversary. Senator Boettger (2/6/08).

Wayne and LaVonne Miller, Persia—For celebrating their 50th wedding anniversary. Senator Boettger (2/6/08).

Neil and Marian Pauley, Neola—For celebrating their 50th wedding anniversary. Senator Boettger (2/6/08).

Rodney and Shirley Schroeter, Atlantic—For celebrating their 50th wedding anniversary. Senator Boettger (2/6/08).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: February 5, 2008, 3:05 p.m.

Members Present: Fraise, Chair; Rielly, Vice Chair; Johnson, Ranking Member; Courtney, Gaskill, Hancock, Houser, Kibbie, Olive, Putney, and Seng.

Members Absent: Appel, Black, Boettger, and Mulder (all excused).

Committee Business: Approved governor's appointees. Presentation by John Kerekes, Central Region Director, American Petroleum Institute.

Adjourned: 4:00 p.m.

EDUCATION

Convened: February 6, 2008, 1:05 p.m.

Members Present: Schoenjahn, Chair; Appel, Vice Chair; Mulder, Ranking Member; Beall, Boettger, Connolly, Heckroth, Johnson, McKinley, Quirmbach, Schmitz, Wood, Zaun, and Zieman.

Members Absent: Kreiman (excused).

Committee Business: Approved [SSB 3143](#).

Adjourned: 1:25 p.m.

GOVERNMENT OVERSIGHT

Convened: February 6, 2008, 10:40 a.m.

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

Members Absent: Ward, Ranking Member; and Lundby (both excused).

Committee Business: Presentation by Mollie Anderson, Director, Department of Administrative Services.

Adjourned: 11:45 a.m.

STATE GOVERNMENT

Convened: February 6, 2008, 1:30 p.m.

Members Present: Connolly, Chair; Horn, Vice Chair; Zieman, Ranking Member; Appel, Behn, Black, Danielson, Gaskill, Hahn, Hatch, Kettering, Kibbie, McKibben, Schmitz, and Wood.

Members Absent: None.

Committee Business: Passed [SF 2016](#). Approved [SSB 3118](#). Approved governor's appointees to the En Bloc Confirmation Calendar.

Adjourned: 1:55 p.m.

VETERANS AFFAIRS

Convened: February 6, 2008, 4:00 p.m.

Members Present: Beall, Chair; Warnstadt, Vice Chair; Black, Danielson, Hartsuch, Horn, Kibbie, McKibben, McKinley, and Ragan.

Members Absent: Seymour, Ranking Member (excused).

Committee Business: Passed [HF 2065](#). Approved SSBs 3033, 3066, and 3090. Presentation by Colonel Vince Reefer.

Adjourned: 4:40 p.m.

WAYS AND MEANS

Convened: February 6, 2008, 2:35 p.m.

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

Members Absent: Angelo (excused).

Committee Business: Approved [SSB 3059](#). Presentation by Mike Tramontina, Director, Iowa Department of Economic Development.

Adjourned: 3:35 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 6, 2008, 10:25 a.m.

Members Present: Danielson, Chair; Appel, Vice Chair; Hahn, Ranking Member; Hartsuch and Stewart.

Members Absent: None.

Committee Business: Presentations by Charlie Krogmeier, Director, Department of Management, and David Vaudt, Auditor of State.

Adjourned: 11:10 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 6, 2008, 10:55 a.m.

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

Members Absent: Black and Houser (both excused).

Committee Business: Presentation by Bill Northey, Secretary of Agriculture, on this year's Department of Agriculture and Land Stewardship budget.

Adjourned: 11:25 p.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 6, 2008, 10:55 a.m.

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

Members Absent: Quirnbach (excused).

Committee Business: Presentations on the Iowa School for the Deaf, the Iowa Braille School, and the Iowa Department for the Blind.

Adjourned: 12:15 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 6, 2008, 10:30 a.m.

Members Present: Hatch, Chair; Johnson, Ranking Member; and Ragan.

Members Absent: Kreiman, Vice Chair; and Seymour (both excused).

Committee Business: Discussion on the SCHIP (hawk-i) program.

Adjourned: 11:30 a.m.

INTRODUCTION OF BILLS

[Senate File 2104](#), by Bolkcom, a bill for an act relating to text messaging while operating a motor vehicle and providing a penalty.

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

[Senate File 2105](#), by Appel, a bill for an act relating to certain local hotel and motel tax elections.

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

[Senate File 2106](#), by Zaun, McKinley, Boettger, Hartsuch, Mulder, McKibben, and Hahn, a bill for an act imposing a moratorium on the issuance of licenses for gambling games and providing effective date and retroactive applicability provisions.

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

[Senate File 2107](#), by Zaun, McKinley, Putney, Gaskill, Wieck, Zieman, Boettger, Hartsuch, Ward, Mulder, Johnson, Hahn, Kettering, McKibben, and Noble, a bill for an act requiring public libraries that receive state funding to adopt a policy restricting the content of video materials borrowed by children under seventeen years of age.

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

[Senate File 2108](#), by Black, a bill for an act relating to the designation of a Gift to Iowa's Future Recognition Day.

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

[Senate File 2109](#), by committee on Commerce, a bill for an act making specified revisions to the consumer credit code to conform to

federal statutory updates and prohibit the transfer of ownership of a motor vehicle pursuant to a consumer rental purchase agreement.

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

[Senate File 2110](#), by committee on Human Resources, a bill for an act relating to reimbursements under medical assistance home and community-based services waivers for the elderly.

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

[Senate File 2111](#), by committee on Education, a bill for an act relating to requirements for blood lead testing and dental screening of children.

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

[Senate File 2112](#), by Heckroth, a bill for an act authorizing utilization of moneys in the Iowa finance authority's housing assistance fund to provide mortgage guarantees for veterans under specified circumstances.

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

[Senate File 2113](#), by Rielly, a bill for an act requiring the department of administrative services to provide state job information to veterans.

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

[Senate File 2114](#), by Rielly, a bill for an act relating to equipment used in egg production operations by providing an exemption from sales tax.

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

[Senate File 2115](#), by Rielly, a bill for an act requiring disclosure of small employer group health benefit claims and premium information.

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

[Senate File 2116](#), by committee on Commerce, a bill for an act relating to the recording of a certificate of release by the Iowa finance authority.

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

[Senate File 2117](#), by committee on Commerce, a bill for an act relating to coverage of closing protection letters in real estate transactions and providing an effective date.

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

[Senate File 2118](#), by committee on Education, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

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

STUDY BILLS RECEIVED

[SSB 3143](#) **Education**

Providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

[SSB 3144](#) **Veterans Affairs**

Concerning permissible expenditures from the veterans trust fund.

SSB 3145 Commerce

Relating to the regulatory duties of the banking division of the department of commerce regarding banking, debt management, delayed deposit services, mortgage banking, and industrial loan companies, and providing penalties.

SSB 3146 Local Government

Requiring lessees of certain real estate to file the lease with the county assessor and providing a civil penalty.

SSB 3147 State Government

Requiring the licensing of abstractors within the department of commerce, establishing fees, penalties, and judicial remedies, and providing an effective date.

SSB 3148 Ways and Means

Providing an Iowa individual income tax checkoff for the department of human services' child abuse prevention program, making an appropriation, and providing for the Act's implementation.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2075**

WAYS AND MEANS: Appel, Chair; Putney and Seng

Senate File 2087

COMMERCE: McCoy, Chair; Angelo and Courtney

Senate File 2091

COMMERCE: Stewart, Chair; Bolckom and Kettering

Senate File 2095

JUDICIARY: Kreiman, Chair; Hancock and Hartsuch

Senate File 2097

COMMERCE: Courtney, Chair; Kettering and McCoy

[Senate File 2107](#)

EDUCATION: Kreiman, Chair; Connolly and Zaun

[Senate File 2108](#)

NATURAL RESOURCES AND ENVIRONMENT: Hancock, Chair; Noble and Wood

[SSB 3143](#)

EDUCATION: Schoenjahn, Chair; Mulder and Wood

[SSB 3144](#)

VETERANS AFFAIRS: Warnstadt, Chair; Kibbie and Seymour

[SSB 3145](#)

COMMERCE: Kettering, Chair; Stewart and Heckroth

[SSB 3146](#)

LOCAL GOVERNMENT: Stewart, Chair; Heckroth and Zaun

[SSB 3147](#)

STATE GOVERNMENT: Hatch, Chair; Danielson and McKibben

[SSB 3148](#)

WAYS AND MEANS: Appel, Chair; Schmitz and Ward

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: [SENATE FILE 2109 \(SSB 3038\)](#), a bill for an act making specified revisions to the consumer credit code to conform to federal statutory updates and prohibit the transfer of ownership of a motor vehicle pursuant to a consumer rental purchase agreement.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Warnstadt, Behn, Angelo, Bolkcom, Courtney, Kettering, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward. Nays, none. Absent, 3: Heckroth, McCoy, and McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2116 \(SSB 3037\)](#), a bill for an act relating to the recording of a certificate of release by the Iowa finance authority.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Warnstadt, Behn, Angelo, Bolkcom, Courtney, Kettering, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward. Nays, none. Absent, 3: Heckroth, McCoy, and McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2117 \(SSB 3036\)](#), a bill for an act relating to coverage of closing protection letters in real estate transactions and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Warnstadt, Behn, Angelo, Bolkcom, Courtney, Kettering, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward. Nays, none. Absent, 3: Heckroth, McCoy, and McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Bill Title: [SENATE FILE 2111*](#) ([SSB 3009](#)), a bill for an act relating to requirements for blood lead testing and dental screening of children.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Schoenjahn, Appel, Mulder, Beall, Boettger, Connolly, Heckroth, Johnson, Kreiman, McKinley, Quirnbach, Schmitz, Wood, Zaun, and Ziemann. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on [Senate File 2111](#), and they were attached to the committee report.

ALSO:

Bill Title: [SENATE FILE 2118 \(SSB 3143\)](#), a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Schoenjahn, Appel, Mulder, Beall, Boettger, Connolly, Heckroth, Johnson, McKinley, Quirnbach, Schmitz, Wood, Zaun, and Zieman. Nays, none. Absent, 1: Kreiman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: [SENATE FILE 2110](#)* (formerly [SF 2050](#)), a bill for an act relating to reimbursements under medical assistance home and community-based services waivers for the elderly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Ragan, Schmitz, Boettger, Bolkom, Dotzler, Hartsuch, Hatch, Kreiman, Mulder, Quirnbach, and Wood. Nays, 1: Johnson. Absent, 1: Seymour.

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 Human Resources Committee on [Senate File 2110](#), and they were attached to the committee report.

VETERANS AFFAIRS

Bill Title: [HOUSE FILE 2065](#), a bill for an act relating to military leaves of absence and reemployment and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Beall, Warnstadt, Black, Danielson, Hartsuch, Horn, Kibbie, McKibben, McKinley, and Ragan. Nays, none. Absent, 1: Seymour.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

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 recommendations for confirmation:

AGRICULTURE

Susan Hjelm – State Soil Conservation Committee
Esther Leyda – State Soil Conservation Committee

NATURAL RESOURCES AND ENVIRONMENT

Diane Dennler – Renewable Fuel Infrastructure Board
Kenneth Pangburn – Renewable Fuel Infrastructure Board
Eric Seuren – Renewable Fuel Infrastructure Board
Sandy Simpson – Renewable Fuel Infrastructure Board

STATE GOVERNMENT

Andrea Rivera-Harrison – Electrical Examining Board
Rodrick Van Wart – Electrical Examining Board

Emiliano Lerda – Generation Iowa Commission
Jordan Oster – Generation Iowa Commission

**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:

NATURAL RESOURCES AND ENVIRONMENT

Paul W. Johnson – Environmental Protection Commission

AMENDMENT FILED

S-5001 S.F. 572 House