

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, FEBRUARY 21, 2008

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JOURNAL OF THE SENATE

THIRTY-NINTH CALENDAR DAY
TWENTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 21, 2008

The Senate met in regular session at 8:45 a.m., President Kibbie presiding.

Prayer was offered by Pastor Tim Phillips of Gloria Dei Lutheran Church in Urbandale, Iowa. He was the guest of Senator Zaun.

The Journal of Wednesday, February 20, 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 20, 2008, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 2195](#), a bill for an act relating to certain county distress criteria under the enterprise zone program.

Read first time and **attached to companion [Senate File 2130](#)**.

[House File 2213](#), a bill for an act relating to technical matters concerning the regulation of motor vehicles by the department of transportation and providing an effective date.

Read first time and **attached to companion [Senate File 2162](#)**.

[House File 2215](#), a bill for an act relating to private activity bond allocation procedures and single-project limitations.

Read first time and referred to committee on **Economic Growth**.

SPECIAL GUESTS

Senator Beall introduced to the chamber Consul General Arvydas Daunoravicius of the Republic of Lithuania, who addressed the Senate with brief remarks. He was accompanied by Tadas Kubilius, assistant to the Consul General; Robert Denson, president and CEO of DACC; Verl Long, coordinator of DACC student support services; and Hadi Atal, DACC academic advisor.

The Senate rose and expressed its welcome.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:55 a.m. until 1:00 p.m., Monday, February 25, 2008.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Eileen Graves, Sibley—For 30 years of dedicated service to court administration in the state of Iowa. Senator Johnson (2/21/08).

Jessie Michael Keune, West Union—For achieving the rank of Eagle Scout, Boy Scout Troop 54. Senator Heckroth (2/21/08).

Sam Wagner, Davenport—For receiving the Prudential Spirit of Community Award. Senator Seng (2/21/08).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 20, 2008, 10:20 a.m.

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

Members Absent: None.

Committee Business: Observed Iowa Parole Board hearings.

Adjourned: 11:40 a.m.

AGRICULTURE

Convened: February 21, 2008, 1:10 p.m.

Members Present: Fraise, Chair; Johnson, Ranking Member; Appel, Black, Boettger, Courtney, Gaskill, Hancock, Houser, Mulder, and Seng.

Members Absent: Rielly, Vice Chair; Kibbie, Olive, and Putney (all excused).

Committee Business: Presentation by Dr. Michael Duffy, director of Beginning Farmers Center, ISU Extension.

Adjourned: 1:35 p.m.

ECONOMIC GROWTH

Convened: February 21, 2008, 2:05 p.m.

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

Members Absent: Olive, Vice Chair; Hatch and Rielly (all excused).

Committee Business: Approved [SSB 3129](#), as amended. Presentations by the Department of Cultural Affairs on the Great Places program and on historic tax credits.

Adjourned: 2:40 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 21, 2008, 2:10 p.m.

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

Members Absent: Hogg, Lundby, and Noble (all excused).

Committee Business: Passed [SF 2086](#), as amended.

Adjourned: 2:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 21, 2008, 11:00 a.m.

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

Members Absent: Stewart (excused).

Committee Business: Budget overview presented by the LSA Fiscal Division.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 21, 2008, 11:00 a.m.

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

Members Absent: None.

Committee Business: Presentation by the Iowa Egg Council and Poultry Association.

Adjourned: 11:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 21, 2008, 10:40 a.m.

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

Members Absent: None.

Committee Business: Presentations by IPTV and Iowa independent colleges and universities.

Adjourned: 11:40 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 21, 2008, 11:00 a.m.

Members Present: Hancock, Chair; Fraise, Vice Chair; and Noble.

Members Absent: McKinley, Ranking Member; and Hogg (both excused).

Committee Business: Presentation by director of Civil Rights Commission.

Adjourned: 11:15 a.m.

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

Convened: February 21, 2008, 10:55 a.m.

Members Present: McCoy, Chair; Warnstadt, Vice Chair; Putney, Ranking Member; and Beall.

Members Absent: McKibben (excused).

Committee Business: Discussion of Time 21.

Adjourned: 11:25 a.m.

INTRODUCTION OF BILLS

[Senate File 2213](#), by Black and Olive, a bill for an act providing for the stockpiling of dry manure from a confinement feeding operation and making penalties applicable.

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

[Senate File 2214](#), by committee on Judiciary, a bill for an act relating to modification of a child custody order during the time a parent is serving active duty.

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

[Senate File 2215](#), by committee on Judiciary, a bill for an act establishing a tool and die lien Act.

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

[Senate File 2216](#), by committee on Education, a bill for an act concerning state and local measures for preparing a student for a career or for postsecondary education, including a statewide core curriculum for school districts and accredited nonpublic schools and a state-designated career information and decision-making system.

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

[Senate File 2217](#), by committee on Judiciary, a bill for an act relating to providing legal representation to an eligible indigent person and the appointment of a guardian ad litem.

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

[Senate File 2218](#), by committee on Education, a bill for an act allowing the director of the department of education to withhold certain state funding from school districts, area education agencies, and community colleges when required report submissions are late.

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

[Senate File 2219](#), by committee on Labor and Business Relations, a bill for an act relating to contractor registration through the division of labor services of the department of workforce development and the appropriation of fees for the use of the division.

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

[Senate File 2220](#), by committee on Labor and and Business Relations, a bill for an act relating to unemployment insurance tax penalties.

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

[Senate File 2221](#), by committee on Labor and Business Relations, a bill for an act relating to workers' compensation benefit payments for burial expenses.

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

[Senate File 2222](#), by committee on Labor and Business Relations, a bill for an act relating to payment of wages.

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

[Senate File 2223](#), by committee on Natural Resources and Environment, a bill for an act relating to renewable energy, providing for state bank acquisition of equity interests in wind energy production facilities, and providing for qualification for specified tax credits and refunds by state banks and by owners or manufacturing facilities generating wind energy for on-site consumption rather than sale, and providing effective and applicability dates.

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

[Senate File 2224](#), by Warnstadt, a bill for an act concerning the home ownership assistance program for members of the military.

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

[Senate File 2225](#), by Bolckcom, a bill for an act relating to the disposal of solid waste in sanitary landfills by prohibiting the final disposal of mercury-containing lamps.

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

[Senate File 2226](#), by Bolkcom, a bill for an act prohibiting the issuance of certificates, permits, and licenses for the construction of certain electric power generating facilities that are fueled by coal for a specified time period, and providing an effective date.

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

[Senate File 2227](#), by McKinley, a bill for an act requiring a regulatory analysis of administrative rules impacting small business.

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

[Senate File 2228](#), by Olive, Johnson, Putney, Fraise, and Courtney, a bill for an act appropriating moneys to support research, development, production, and use of products or coproducts associated with energy production.

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

[Senate File 2229](#), by Zaun, McKinley, Ward, Houser, Boettger, Zieman, Putney, Kettering, Hahn, and Hartsuch, a bill for an act prohibiting state agencies from engaging in political advertising.

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

STUDY BILLS RECEIVED

[SSB 3217](#) **Natural Resources and Environment**

Proposing an amendment to the Constitution of the State of Iowa to use a portion of state revenue from the tax imposed on the retail sales of tangible personal property and services for the benefit of the state's natural resources.

SSB 3218 Labor and Business Relations

Relating to workers' compensation provisions for continued medically related benefits in certain settlements of workers' compensation claims and to funding of the second injury fund and providing an effective date.

SSB 3219 Government Oversight

Relating to the distribution and permissible expenditures of moneys deposited in the wireless E911 emergency communications fund.

SSB 3220 Agriculture

Providing for reporting regarding commercial feed coproducts by biorefineries, and providing a penalty.

SSB 3221 Agriculture

Relating to the management of cooperative associations.

SSB 3222 Local Government

Providing volunteer fire fighters and emergency medical services personnel with an individual income tax credit and including effective and applicability date provisions.

SSB 3223 Commerce

Relating to indemnity provisions in construction contracts.

SSB 3224 Economic Growth

Relating to economic development by creating a sustainable community development initiative.

SSB 3225 Human Resources

Relating to disease prevention and wellness including the Iowa healthy communities initiative and the governor's council on physical fitness and nutrition.

SSB 3226 Natural Resources and Environment

Relating to natural resources, by providing for the powers and duties of the natural resource commission, and the regulation of public lands and outdoor recreation, providing for penalties, and providing for fees.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2131**

(Reassigned)

APPROPRIATIONS: Seng, Chair; Dvorsky and Kettering

Senate File 2191

COMMERCE: McCoy, Chair; Rielly and Wood

Senate File 2200

COMMERCE: Olive, Chair; Angelo and Heckroth

Senate File 2202

NATURAL RESOURCES AND ENVIRONMENT: Gaskill, Chair; Black and Hancock

Senate File 2205

EDUCATION: Quirnbach, Chair; Connolly and Mulder

Senate File 2207

JUDICIARY: Kreiman, Chair; Hartsuch and Quirnbach

Senate File 2208

NATURAL RESOURCES AND ENVIRONMENT: Bolkcom, Chair; Kettering and Schoenjahn

Senate File 2209

ECONOMIC GROWTH: Olive, Chair; Houser and Rielly

[Senate File 2210](#)

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

[Senate File 2225](#)

NATURAL RESOURCES AND ENVIRONMENT: Bolkcom; Chair; Behn and Ragan

[Senate File 2226](#)

NATURAL RESOURCES AND ENVIRONMENT: Wood, Chair; Bolkcom and Kettering

[House File 2165](#)

JUDICIARY: Fraise, Chair; Horn and Ward

[House File 2189](#)

JUDICIARY: Kreiman, Chair; Behn and Dvorsky

[House File 2212](#)

STATE GOVERNMENT: Appel, Chair; Connolly and Zieman

[SSB 3187](#)

(Reassigned)

EDUCATION: Heckroth, Chair; Boettger and Wood

[SSB 3217](#)

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Black and Johnson

[SSB 3218](#)

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

[SSB 3219](#)

GOVERNMENT OVERSIGHT: Courtney, Chair; Schmitz and Ward

[SSB 3220](#)

AGRICULTURE: Courtney, Chair; Boettger and Kibbie

[SSB 3221](#)

AGRICULTURE: Olive, Chair; Boettger and Fraise

[SSB 3222](#)

LOCAL GOVERNMENT: Stewart, Chair; Rielly and Zaun

[SSB 3223](#)

COMMERCE: Warnstadt, Chair; Angelo and Courtney

[SSB 3224](#)

ECONOMIC GROWTH: Rielly, Chair; Dotzler and Mulder

[SSB 3225](#)

HUMAN RESOURCES: Bolkcom, Chair; Boettger and Wood

[SSB 3226](#)

NATURAL RESOURCES AND ENVIRONMENT: Black, Chair; Gaskill and Hancock

FINAL COMMITTEE REPORTS OF BILL ACTION

EDUCATION

Bill Title: [SENATE FILE 2216*](#) ([SSB 3097](#)), a bill for an act concerning state and local measures for preparing a student for a career or for postsecondary education, including a statewide core curriculum for school districts and accredited nonpublic schools and a state-designated career information and decision-making system.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Schoenjahn, Appel, Mulder, Beall, Connolly, Heckroth, Quirnbach, Schmitz, and Wood. Nays, 6: Boettger, Johnson, Kreiman, McKinley, Zaun, and Ziemann. 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 2216](#), and they were attached to the committee report.

ALSO:

Bill Title: [SENATE FILE 2218](#) ([SSB 3072](#)), a bill for an act allowing the director of the department of education to withhold certain state funding from school districts, area education agencies, and community colleges when required report submissions are late.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Schoenjahn, Appel, Mulder, Beall, Boettger, Connolly, Heckroth, Johnson, McKinley, Wood, Zaun, and Ziemann. Nays, none. Absent, 3: Kreiman, Quirnbach, and Schmitz.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: [SENATE FILE 2214](#)* (formerly [SF 2072](#)), a bill for an act relating to modification of a child custody order during the time a parent is serving active duty.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on [Senate File 2214](#), and they were attached to the committee report.

ALSO:

Bill Title: [SENATE FILE 2215](#)* (formerly [SF 2022](#)), a bill for an act establishing a tool and die lien Act.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Kreiman, Hogg, Dvorsky, Fraise, Hancock, Horn, Quirnbach, Schoenjahn, and Warnstadt. Nays, 5: Behn, Hartsuch, Noble, Ward, and Ziemann. Absent, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on [Senate File 2215](#), and they were attached to the committee report.

ALSO:

Bill Title: [SENATE FILE 2217](#)* ([SSB 3076](#)), a bill for an act relating to providing legal representation to an eligible indigent person and the appointment of a guardian ad litem.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on [Senate File 2217](#), and they were attached to the committee report.

LABOR AND BUSINESS RELATIONS

Bill Title: [SENATE FILE 2219 \(SSB 3042\)](#), a bill for an act relating to contractor registration through the division of labor services of the department of workforce development and the appropriation of fees for the use of the division.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Dearden, Courtney, Dotzler, Dvorsky, Hatch, Horn, and Seng. Nays, 4: Ward, Behn, Hahn, and Kettering. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2220*](#) ([SSB 3073](#)), a bill for an act relating to unemployment insurance tax penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Dearden, Courtney, Dotzler, Dvorsky, Hatch, Horn, and Seng. Nays, 4: Ward, Behn, Hahn, and Kettering. 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 Labor and Business Relations Committee on [Senate File 2220](#), and they were attached to the committee report.

ALSO:

Bill Title: [SENATE FILE 2221 \(SSB 3049\)](#), a bill for an act relating to workers' compensation benefit payments for burial expenses.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Dearden, Courtney, Dotzler, Dvorsky, Hatch, Horn, and Seng. Nays, 4: Ward, Behn, Hahn, and Kettering. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2222*](#) ([SSB 3047](#)), a bill for an act relating to payment of wages.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Dearden, Courtney, Ward, Behn, Dotzler, Dvorsky, Hahn, Hatch, Horn, Kettering, and Seng. 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 Labor and Business Relations Committee on [Senate File 2222](#), and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: [SENATE FILE 2223](#)* (formerly [SF 2077](#)), a bill for an act relating to renewable energy, providing for state bank acquisition of equity interests in wind energy production facilities, and providing for qualification for specified tax credits and refunds by state banks and by owners or manufacturing facilities generating wind energy for on-site consumption rather than sale, and providing effective and applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Black, Hancock, Gaskill, Behn, Bolkcom, Dearden, Hogg, Johnson, Kettering, Noble, Ragan, Schoenjahn, Seng, and Wood. Nays, none. Absent, 1: Lundby.

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 Natural Resources and Environment Committee on [Senate File 2223](#), and they were attached to the committee report.

AMENDMENT FILED

[S-5009](#)

[S.F. 2137](#)

John P. Kibbie