

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, JANUARY 30, 2007

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JOURNAL OF THE SENATE

TWENTY-THIRD CALENDAR DAY
FOURTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 30, 2007

The Senate met in regular session at 8:47 a.m., President Kibbie presiding.

Prayer was offered by Pat Nemmars, pastor of the Saylorville Baptist Church in Des Moines, Iowa. He was the guest of Senator Johnson.

The Journal of Monday, January 29, 2007, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:50 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:53 a.m., President Kibbie presiding.

The Senate stood at ease at 8:55 a.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 9:32 a.m., President Kibbie presiding.

COMMITTEE FROM THE HOUSE

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

Senator Gronstal moved that upon dissolution of the joint convention, the Senate recess until 3:00 p.m.

JOINT CONVENTION

In accordance with law and [House Concurrent Resolution 5](#), duly adopted, the joint convention was called to order at 9:42 a.m., President Kibbie presiding.

Senator Gronstal moved to dispense with the roll call and to authorize the President of the joint convention to declare a quorum present, which motion prevailed by a voice vote.

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

Senator Gronstal moved that a committee of twelve, consisting of six members from the Senate and six members from the House, be appointed to notify Governor Culver that the joint convention was ready to receive him.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Dearden, Olive, Appel, Putney, Ward, and Johnson, on the part of the Senate, and Representatives Shomshor, Frevert, Abdul-Samad, Alons, Jacobs, and Raecker, on the part of the House.

The following guests were escorted into the House Chamber:

Chief Justice Ternus and the Justices of the Supreme Court; Chief Judge Sackett and the judges of the Court of Appeals.

Treasurer of State Michael Fitzgerald, Secretary of Agriculture Bill Northey, Auditor of State David Vaudt, and Attorney General Tom Miller.

Lieutenant Governor Patty Judge and her husband, the former Senator John Judge.

The committee waited upon Governor Culver and escorted him to the Speaker's station.

President Kibbie presented Governor Culver, who delivered the following Budget Message:

Good morning. President Kibbie, Speaker Murphy, leaders Gronstal, McCarthy, Lundby and Rants, members of the 82nd General Assembly, statewide elected officials and judges. Welcome Lt. Governor Judge.

I want to thank you for the opportunity to address this joint legislative session. It's an honor and a privilege. I would like to start by congratulating you on the progress you have already made.

An increase in the minimum wage was an Iowa priority. You acted quickly and decisively, approving an increase from \$5.15 to \$7.25 per hour. Better wages will mean significant changes in the lives of nearly 260,000 Iowans and their families. I am very proud of the fact that the first bill I signed as Governor was [House File 1](#), to increase the minimum wage. I am so proud that not a single leader, majority or minority, voted against this bill. This bipartisan effort is an example of what's possible when we work together.

However, the minimum wage is just the start. We have a lot of work to do. As I said in my inaugural address, this is our time. It's time for us to lead Iowa forward and fulfill our state's unlimited potential.

I also talked about a new 21st Century Iowa expedition, one on which we will be judged — whether or not we meet the challenges related to renewable energy, the environment, workforce development and job creation, educational excellence, health care, quality of life, and most importantly, balancing the budget.

Today we begin this difficult challenge. We need to find common ground and agree upon a budget that benefits all Iowans. Through this process we must remember, we have an historic opportunity to create One Iowa. Let us continue to lock arms and work for the common good, just like we did with the minimum wage.

As we set out on this expedition and look at Iowa's economic and fiscal picture, there is some pretty good news.

Fortunately, we have an expanding economy and enjoy a modest budget surplus. General fund receipts, personal income tax, and sales tax receipts are all up. Our median household income is higher than the national average, and our unemployment rate is lower than the national average. In addition, statewide land values and commodity prices are at all-time highs, and our state's export of value-added agricultural and manufacturing goods has steadily increased.

This strong economic growth fortunately means state revenues are coming in at a rate higher than anticipated. We also enjoy a growing bioeconomy that holds promise, and makes us a real player in the new global marketplace.

While this solid financial outlook should reinforce the belief that our future is unlimited, we all must realize that state revenues are always limited. We can do virtually anything we put our minds to — we just can't do everything we might want to.

So, because of these inherent revenue limitations, I believe we must always be guided by five responsible budgeting practices.

First, Iowa common sense is our best guide to budgeting. Simply put, we can't spend more than we take in. We are expected to balance our checkbook and put money into savings the same way Iowans do.

Second, we must respect state law regarding our reserves. These include the cash reserve fund and the economic emergency fund.

Third, we need to be guided by the actual numbers. They don't lie. Smoke and mirrors, games and gimmicks, just don't work.

Fourth, we must always realize we can't possibly fund all of the budget requests made of us. Difficult and painful decisions are required.

Fifth, we must never be satisfied with our state's fiscal condition. There is always room for improvement. Our state's bond rating does matter. While we have done well to receive a double-A rating, we should always strive for excellence. Why can't we work toward a triple-A bond rating? Why not become the best-managed state in the nation? I believe we should do all we can to leave this state in better financial condition than we found it.

I have applied these five important budgeting practices in the document that is being presented here today. Now I challenge each of you to do the same. As a result, the state's fiscal health will be preserved, our reserves and surplus will be protected, and we will meet the needs of our people.

Here's what this budget will allow us to do:

Most importantly, it will maintain a year-end balance of nearly \$200 million. This will allow us to be prepared for any unforeseen and unanticipated needs. After setting aside reserves, the most important priorities remaining are in: energy, education and health care. This budget meets those challenges too.

Remember, this is our time. It's time for us to take control of our energy future. It's time to win the race to become the energy capital of the world. It's time for Iowa to break free from our dependence on foreign oil. It's time for Iowa to become the Silicon Valley of the Midwest. It's time to create the jobs of the future that will keep your children and my children here at home, where they belong.

To meet the energy challenge I am proposing the creation of a \$100 million Iowa Power Fund, with a down payment of \$25 million this year. This priority is of such critical importance, I am asking you to authorize a supplemental appropriation immediately. This will help us rapidly develop the next-generation energy economy in Iowa. This new investment will incent the growth of Iowa-based businesses in this exciting new industry, create jobs, and attract millions of dollars in public research and development funds. It will also result in hundreds of millions of dollars in private investment in renewable energy in Iowa.

In addition, the Power Fund money will be used to help conduct the important research and development necessary for all forms of renewable energy and alternative fuel. It doesn't matter whether its related to wind or solar power, geothermal or biomass cellulosic ethanol, biodiesel, or E-85. Iowa needs to lead the way. The Power Fund will allow us to do this. We need to create the essential public-private partnerships required to further develop these alternative energy opportunities and commercialize them.

However, we are not the only state working towards energy independence. In order to maintain the leadership we have worked so hard to develop, we must compete and do so aggressively. Let's put Iowa in a position to win the race to become the energy capital of the world. Together, we can achieve this goal and I ask you to act immediately to create the Iowa Power Fund.

This budget proposal also allows us to restore excellence in education. As a state, we must rededicate ourselves to this worthy goal. I believe we need a comprehensive pre-K to post-secondary education plan. That's why today I am proposing we invest nearly 190 million dollars in new funding for education. This will begin to allow us to meet the needs of our students at all levels.

A strong start for every Iowa child must be a shared goal. Ninety percent of brain development occurs from birth through age 6. We can't afford not to invest in our kids. We need them to arrive at kindergarten prepared, ready, and able to learn. To that end, I am asking you to make an additional 20-million-dollar commitment to early

childhood education. This step is part of annual increases in funding necessary until every Iowa four-year-old has access.

To improve education at the K–12 level, we've set aside an additional 165 million dollars, which represents an increase from fiscal year '07 of 6.5 percent. This will help us reach our goal of getting teacher pay to 25th in the nation. A 70-million-dollar investment in teacher pay is the largest ever. This unprecedented investment in teacher pay will allow us to recruit and retain the best teachers, close the gap in teacher pay between urban and rural school districts, ensure quality teaching, and most important, show our classroom teachers the respect they deserve for the important work they do every day.

Finally, we must renew our commitment to higher education. Today, there are real challenges for Iowa college students and their families; Iowa is at the bottom among states when it comes to needs-based access to higher education and at the top when it comes to student debt load. This is not a good combination, and we must do something about it.

This budget proposes five steps to accomplish this goal:

First, I am asking you fund the salary bill. This will assist in the constant battle to recruit and retain talented faculty and staff at our world-class public universities and excellent community colleges.

Second, I am asking you to provide an additional 25 million dollars to our regents institutions and 12.5 million dollars to our community college system. This step is designed to increase course offerings and to provide some immediate tuition relief.

Third, I am proposing we initiate a brand new college scholarship, called the All-Iowa Opportunity Scholarship. The scholarship will provide greater access to higher education for Iowa high school graduates based on financial need. It will allow a student to cover up to \$2,500 in tuition at an Iowa community college or up to \$5,000 toward their first year at any regents institution of their choice. This budget sets aside 5 million dollars for this important college scholarship program.

Fourth, for Iowa high school graduates who attend one of Iowa's 31 private colleges, we will increase the amount of the highly successful Iowa Tuition Grant. This will expand access for thousands of students who need it and keep them in the state.

Fifth, we will create a statewide Senior Year Plus program. This will allow every high school senior the chance to earn up to a year of college credit before they graduate from high school. This investment will save students and their families thousands in tuition dollars.

If we make these investments, the rewards of educational excellence will be with us for generations to come. That's why I ask you to support these important initiatives.

Perhaps the biggest and most expensive challenge we face, however, is in the area of health care. Two hundred fifty thousand Iowans including 50,000 kids have no health care coverage. None. There is not one legislator in this chamber today who didn't promise to do something about this.

In an attempt to deliver on our promises and significantly increase access to quality health care for all Iowans, I am proposing an additional \$140 million to meet our most immediate health care needs.

And I've identified, I believe, the only responsible way to pay for it. That's why I am asking you to increase Iowa's cigarette tax by one dollar per pack. This step will generate approximately 140 million dollars in new revenue the first year. By taking this important step we will be able to do the following:

1. Save more than 17,000 lives.
2. Create a powerful disincentive to start smoking and help others quit.
3. Improve the quality of life for tens of thousands of Iowans by preventing illness and reducing the incidence of cancer, stroke, heart disease, and emphysema.

4. Close the smoke-related budget deficit. Because we have the 9th lowest tobacco tax in the country, the state's costs of treating smoke-related illnesses is greater than our cigarette tax revenue by more than \$50 million dollars annually. This simply isn't fair. Nonsmoking Iowans shouldn't be expected to pay for health care costs of those who choose to smoke. It's time to close the gap.

5. Expand coverage to the most vulnerable among us, including up to 50,000 Iowa kids who have no coverage today.

6. Expand health care coverage to more than 6,000 Iowa parents living at or near the poverty level.

7. Double the size of the state's nursing home ombudsman's office which advocates for quality long-term care on behalf of thousands of Iowa seniors who need it.

8. Keep our commitment to fund the Senior Living Trust, which allows more Iowans to remain in an independent living setting for a longer period of time.

9. Fund other important programs like: child and family health services, mental health community services, efforts to fight infectious disease, child health specialty clinics, and adoption services.

10. Provide significant funding for worthy health care related ideas being brought forth by legislators like Senator Hatch, and Representatives Foege and Heaton, who are helping to drive this important discussion.

I know some legislators only want to increase the cigarette tax by 30 to 60 cents. But half-measures will only produce half the results. The fact is, we have hundreds of millions of dollars in health care related needs. I am not willing to ignore any of the important priorities I just outlined. We must find a responsible way to pay for all of them. Raiding our limited reserves is not possible. And severely underfunding health care and/or cutting necessary funding in other areas like education and energy are simply not viable options. I strongly believe the number needs to be one dollar, and I respectfully ask for it.

There is one more important step we need to take related to health care and saving lives. Today I am asking you to lift the ban on stem-cell research. The health care budget I have outlined will allow us to create the Center for Regenerative Medicine at the University of Iowa with a commitment of 12.5 million dollars. We are well positioned, as one of only 15 National Cancer Institute sites in the country, to forge ahead in the search for lifesaving cures for diseases like cardiovascular, diabetes, cancer, Parkinson's, and Alzheimer's. We have the chance to bring hope to thousands of Iowans suffering from these life-threatening illnesses. Let Iowa be known as a center for science research and technology, not only in energy but in the health sciences too.

As we work to lead Iowa forward, we must remember to honor the commitment of the veterans who have fought to defend our freedom, and those who are serving today. Our actions should show veterans the honor and respect they have earned. I believe we have an obligation to honor their sacrifices and those of their families.

As you know, Iowa suffered another tragic loss just ten days ago. Command Sergeant Major Marilyn Gabbard of Polk City, whose funeral is being held this morning, died January 20 while serving in Iraq. She was a committed and courageous wife, mother, and soldier who answered the call of duty. She was asked to make the ultimate sacrifice. Today, we mourn along with her family, friends, and her community. With my first executive order as Governor, I have ordered flags throughout the state to be flown at half staff on this day to honor Sergeant Major Gabbard.

Will you please join me now in a moment of silence for Sergeant Major Gabbard and the 49 other Iowans who have died in this conflict. Thank you.

In an effort to meet the needs of all of our returning veterans and their families, I am proposing 6.5 million dollars for the Enduring Freedom Support Program and for critically needed injury and housing assistance. They fought for us. Now it is time we fought for them.

All Iowa law enforcement officers and correctional officers also protect us every day by keeping our communities safe. They too deserve our gratitude. I am proposing to fund 130 unfilled positions at our corrections institutions in an effort to increase staffing levels. Unfortunately, we have some prisons in Iowa that are almost 50 percent above capacity. In an effort to reduce the strain caused by inadequate staffing levels, we have set aside \$17.5 million dollars to significantly reduce the strain on the system and to operate the new facility at Oakdale.

This budget proposal also cuts taxes and saves taxpayers millions. We have found a way to close certain out-of-state corporate tax loopholes and use available new information technology methods to improve tax collections. These important steps will not only allow us to save millions but they will also allow us to offer up to \$25 million in immediate commercial property tax relief.

Finally, there are some additional important priorities in this budget. They are:

— committing nearly \$20 million for our water quality initiatives. This will allow us to better protect the land, lakes, rivers, and streams we all love.

— setting aside \$9 million to improve our Mainstreet, Community Attractions and Tourism, and Great Places programs.

— providing resources to fund the CASAs, or Court Appointed Special Advocates, who often represent abused and neglected children in our court system.

— protecting and expanding access to shelter services for at-risk women, mothers, and children. I can tell you the First Lady will continue to be a real advocate on behalf of shelter service care providers and the vulnerable individuals who desperately need them.

In closing, this is our time. These are our priorities. We must take advantage of our unique opportunities and meet our unique challenges.

Let this 82nd legislative session be remembered as an historic one for the people of this great state. Let this session be remembered as the one in which Iowa turned the corner toward energy independence, protected its precious environment, led the way in job creation, recommitted itself to excellence in education, dramatically expanded health care access, and improved the quality of life for all of its people. I ask you to join me in this worthy effort.

I stand ready to work with you in good faith to get the job done. This budget is an opportunity to reach consensus and create One Iowa. Together I know we will succeed and we will lead Iowa forward.

May God bless you all, and may God bless the great state of Iowa.

Governor Culver was escorted from the House chamber by the committee previously appointed.

On the motion of Representative McCarthy, the joint convention was dissolved.

APPENDIX—1

CERTIFICATES OF RECOGNITION

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

Iner and Barbara Gilson, Raymond—For celebrating their 50th wedding anniversary. Senator Dozler (1/30/07).

Valeria Martin, Waterloo—For celebrating her 80th birthday. Senator Dotzler (1/30/07).

Dorothy Schneider, Waterloo—For celebrating her 90th birthday. Senator Dotzler (1/30/07).

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: Monday, January 29, 2007, 5:05 p.m.

Members Present: Ragan, Chair; Schmitz, Vice Chair; Seymour, Ranking Member; Behn, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Mulder, Quirnbach, and Wood.

Members Absent: Kreiman (excused).

Committee Business: Approved Governor's appointments and approved SSBs 1032, 1034, 1037, and 1039.

Adjourned: 5:25 p.m.

JUDICIARY

Convened: Monday, January 29, 2007, 4:10 p.m.

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

Members Absent: Ward.

Committee Business: Approved SSBs 1005 and 1051.

Adjourned: 4:35 p.m.

STATE GOVERNMENT

Convened: Monday, January 29, 2007, 3:00 p.m.

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

Members Absent: Hatch (excused).

Committee Business: Approved Governor's appointments and presentation by Berkley Bedell.

Adjourned: 3:35 p.m.

TRANSPORTATION

Convened: Monday, January 29, 2007, 5:00 p.m.

Members Present: Rielly, Chair; Danielson, Vice Chair; Noble, Ranking Member; Beall, Dearden, Hancock, Heckroth, Houser, Putney, Warnstadt, Zaun, and Zieman.

Members Absent: McCoy (excused).

Committee Business: Subcommittee assignments.

Adjourned: 5:15 p.m.

RULES AND ADMINISTRATION

Convened: Tuesday, January 30, 2007, 8:55 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 admittance of Governor's staff to the Senate floor.

Adjourned: 9:00 a.m.

INTRODUCTION OF BILLS

[Senate File 64](#), by Bolkom, a bill for an act relating to and making an appropriation to the department of elder affairs for statewide expansion of the elder abuse initiative program.

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

[Senate File 65](#), by Johnson, Behn, Gaskill, Kettering, Zaun, Mulder, Ziemann, Boettger, Hahn, Angelo, Seymour, Ward, McKinley, and Noble, a bill for an act appropriating moneys to support researching nutrient usage and losses from manure application for a soybean crop.

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

[Senate File 66](#), by McCoy, a bill for an act requiring licensed and registered child care facilities to identify how financial responsibility for injuries is addressed.

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

[Senate File 67](#), by committee on Human Resources, a bill for an act relating to the regulation and practice of pharmacy, including providing for the establishment of a limited drug and device distributor license.

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

[Senate File 68](#), by committee on Human Resources, a bill for an act relating to the classification and regulation of controlled substances and making penalties applicable.

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

[Senate File 69](#), by committee on Judiciary, a bill for an act adding hallucinogenic substances to the list of schedule I controlled substances, and providing penalties.

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

[Senate File 70](#), by committee on Judiciary, a bill for an act relating to crime victim compensation.

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

FINAL COMMITTEE REPORTS OF BILL ACTION

HUMAN RESOURCES

Bill Title: [SENATE FILE 67 \(SSB 1037\)](#), a bill for an act relating to the regulation and practice of pharmacy, including providing for the establishment of a limited drug and device distributor license.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Schmitz, Seymour, Behn, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Mulder, Quirmbach, and Wood. Nays, none. Absent, 1: Kreiman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 68 \(SSB 1032\)](#), a bill for an act relating to the classification and regulation of controlled substances and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Schmitz, Seymour, Behn, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Mulder, Quirmbach, and Wood. Nays, none. Absent, 1: Kreiman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: [SENATE FILE 69 \(SSB 1051\)](#), a bill for an act adding hallucinogenic substances to the list of schedule I controlled substances, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kreiman, Hogg, McKibben, Behn, Dvorsky, Fraise, Hancock, Hartsuch, Horn, Noble, Quirmbach, Schoenjahn, Ward, Warnstadt, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 70 \(SSB 1005\)](#), a bill for an act relating to crime victim compensation.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 3:12 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED

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 January 25, 2007, **adopted** the following resolution in which the concurrence of the House was asked:

[Senate Concurrent Resolution 3](#), a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Eighty-second General Assembly.

The Senate stood at ease at 3:13 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:55 p.m., President Kibbie presiding.

CONSIDERATION OF RESOLUTIONS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolutions 5 and 6.

[Senate Resolution 5](#)

On motion of Senator Connolly, [Senate Resolution 5](#), a resolution relating to the Senate Rules Governing Lobbyists and their interactions with the Senate and members of the Senate during the Eighty-second General Assembly, was taken up for consideration.

Senator Connolly moved the adoption of [Senate Resolution 5](#), which motion prevailed by a voice vote.

Senate Resolution 6

On motion of Senator Dearden, [Senate Resolution 6](#), a resolution relating to the Senate Code of Ethics governing the conduct of members of the Senate in relation to their senatorial duties during the Eighty-second General Assembly, was taken up for consideration.

Senator Dearden moved the adoption of [Senate Resolution 6](#), which motion prevailed by a voice vote.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 61](#).

Senate File 61

On motion of Senator Connolly, [Senate File 61](#), a bill for an act relating to the establishment of state and school antiharassment and antibullying policies, providing data collection and reporting requirements, and providing for immunity and other related matters, was taken up for consideration.

Senator Zieman asked and received unanimous consent that action on amendment [S-3018](#) be **deferred**.

Senator Boettger asked and received unanimous consent that action on amendment [S-3013](#) be **deferred**.

Senator Hartsuch asked and received unanimous consent that action on amendment [S-3011](#) be **deferred**.

Senator Angelo offered amendment [S-3012](#), filed by Senators Angelo and Zaun on January 29, 2007, to page 3 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3012](#) be adopted?” ([S.F. 61](#)), the vote was:

Yeas, 22:

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

Nays, 28:

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

Absent, none.

Amendment [S-3012](#) lost.

The Senate stood at ease at 5:37 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 5:51 p.m., President Kibbie presiding.

Senator Zieman asked and received unanimous consent that action on amendment [S-3018](#) be **deferred**.

Senator Boettger offered amendment [S-3013](#), filed by Senator Boettger, et al., from the floor to pages 1 and 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3013](#) be adopted?” ([S.F. 61](#)), the vote was:

Yeas, 20:

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

Nays, 30:

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

Absent, none.

Amendment [S-3013](#) lost.

Senator Zieman offered amendment [S-3018](#), filed by him from the floor to pages 1 and 4 of the bill, and moved its adoption.

Amendment [S-3018](#) lost by a voice vote.

Senator Hartsuch offered amendment [S-3011](#), filed by him on January 29, 2007, to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3011](#) be adopted?” ([S.F. 61](#)), the vote was:

Yeas, 20:

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

Nays, 30:

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

Absent, none.

Amendment [S-3011](#) lost.

Senator Hartsuch offered amendment [S-3014](#), filed by Senator Hartsuch, et al., from the floor to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3014](#) be adopted?” ([S.F. 61](#)), the vote was:

Yeas, 20:

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

Nays, 30:

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

Absent, none.

Amendment [S-3014](#) lost.

Senator Hartsuch asked and received unanimous consent that action on amendment [S-3017](#) be **deferred**.

Senator Zaun offered amendment [S-3015](#), filed by Senator Zaun, et al., from the floor to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3015](#) be adopted?” ([S.F. 61](#)), the vote was:

Yeas, 20:

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

Nays, 30:

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

Absent, none.

Amendment [S-3015](#) lost.

Senator Zieman asked and received unanimous consent to withdraw amendment [S-3016](#), filed by him from the floor to page 4 of the bill.

Senator Hartsuch offered amendment [S-3017](#), filed by Senator Hartsuch, et al., from the floor to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3017](#) be adopted?” ([S.F. 61](#)), the vote was:

Yeas, 15:

Angelo	Hahn	Kettering	Wieck
Behn	Hartsuch	McKinley	Zaun
Boettger	Houser	Mulder	Zieman
Gaskill	Johnson	Seymour	

Nays, 35:

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

Absent, none.

Amendment [S-3017](#) lost.

Senator Connolly 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?” ([S.F. 61](#)), the vote was:

Yeas, 36:

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

Nays, 14:

Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Mulder	Zieman
Gaskill	Johnson	Noble	
Hahn	Kettering	Seymour	

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 File 61](#) be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 62](#).

[Senate File 62](#)

On motion of Senator Schoenjahn, [Senate File 62](#), a bill for an act relating to the duties and operations of the state board of education, the department of education, and local school boards, was taken up for consideration.

Senator Schoenjahn 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?” ([S.F. 62](#)), 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 File 62](#) be **immediately messaged** to the House.

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 January 30, 2007, **amended and adopted** the following resolution in which the concurrence of the House was asked:

[Senate Concurrent Resolution 2](#), a concurrent resolution relating to the compensation of chaplains, officers, and employees of the Eighty-second general assembly. ([S-3019](#))

ALSO: That the House has on January 30, 2007, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 95](#), a bill for an act relating to the designation of pilot project cities for a targeted jobs withholding tax credit to be used for funding improvements in certain urban renewal areas and including effective and retroactive applicability date provisions.

Read first time and **attached to companion** [Senate File 53](#).

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:05 p.m. until 8:45 a.m., Wednesday, January 31, 2007.

APPENDIX—2

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: Tuesday, January 30, 2007, 1:05 p.m.

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

Members Absent: None.

Committee Business: Presentation by the Association of Iowa Workforce Partners.

Adjourned: 1:55 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Tuesday, January 30, 2007, 1:10 p.m.

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

Members Absent: None.

Committee Business: Approved Governor's appointments and approved [SSB 1068](#) (as amended).

Adjourned: 1:35 p.m.

TRANSPORTATION

Convened: Tuesday, January 30, 2007, 2:10 p.m.

Members Present: Rielly, Chair; Danielson, Vice Chair; Noble, Ranking Member; Beall, Dearden, Hancock, Heckroth, Houser, McCoy, Putney, Warnstadt, Zaun, and Ziemann.

Members Absent: None.

Committee Business: Presentation by Department of Transportation.

Adjourned: 2:50 p.m.

INTRODUCTION OF BILLS

[Senate File 71](#), by Johnson, a bill for an act relating to health care coverage for registered nurse first assistant benefits or services.

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

[Senate File 72](#), by Kettering, a bill for an act providing for county eligibility for state payment of certain mental health, mental retardation, and developmental disabilities services allowed growth funding and providing effective and retroactive applicability dates.

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

[Senate File 73](#), by Wieck, a bill for an act relating to the revocation or suspension of a law enforcement officer's certification.

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

[Senate File 74](#), by committee on Human Resources, a bill for an act renaming health-related examining boards as licensing boards.

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

[Senate File 75](#), by committee on Human Resources, a bill for an act relating to the registration of pharmacy technicians.

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

STUDY BILLS RECEIVED

[SSB 1125](#) **Local Government**

Relating to publication of property assessment equalization orders.

SSB 1126 **Local Government**

Relating to the salary of deputy officers in certain county offices and providing an applicability date.

SSB 1127 **Local Government**

Relating to county recorder fees for certified copies of certain vital statistics records, and providing an effective date.

SSB 1128 **Commerce**

Relating to the disapproval of rate filings of certain casualty insurers.

SSB 1129 **Judiciary**

Relating to judicial branch procedures, including appointments of court of appeals judges, district judges, district associate judges, associate juvenile judges, associate probate judges, magistrates, clerks of the district court, and patient advocates, and compensation to judges and other court personnel serving as fiduciaries.

SSB 1130 **Judiciary**

Modifying the definition of sexual abuse by including certain deceptive acts, and providing penalties.

SSB 1131 **Judiciary**

Creating a criminal offense for impeding the normal breathing or circulation of the blood of another, and providing penalties.

SSB 1132 **Commerce**

Requiring that certain liability insurance policy information be given to claimants.

SSB 1133 Commerce

Relating to prohibited business practices by a real estate broker or salesperson.

SSB 1134 Human Resources

Relating to acquired immune deficiency syndrome and the human immunodeficiency virus.

SSB 1135 Human Resources

Relating to the expenditures allowable from medical assistance income trusts.

SSB 1136 Human Resources

Replacing the interstate compact on the placement of children with the interstate compact for the placement of children, making a penalty applicable, and providing a contingent effective date.

SSB 1137 Transportation

Relating to administration of highways and regulation of motor vehicles by the state department of transportation, including provisions relating to qualifications of property appraisers, destruction of suspended or revoked driver's licenses, requirements for a temporary restricted driver's license, registration and titling of vehicles, legion of merit special registration plates and fees, antique motor vehicle registration plates and fees, licensing of motor vehicle dealers, motor carrier registration and fuel tax liability, and requirements for operation of motor vehicles in merging traffic including a penalty, and providing effective dates.

SSB 1138 Judiciary

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.

SSB 1139 Ways and Means

Relating to a biomass burning stove tax credit under the individual and corporate income taxes and including a retroactive applicability date provision.

SSB 1140 Agriculture

Regulating confinement feeding operations by providing for the evaluation of applications to construct confinement feeding operation structures.

SUBCOMMITTEE ASSIGNMENTS**Senate File 56**

EDUCATION: Schmitz, Chair; Boettger and Heckroth

Senate File 60

EDUCATION: Wood, Chair; Beall and Zaun

Senate File 63

EDUCATION: Connolly, Chair; Johnson and Quirmbach

Senate File 64

APPROPRIATIONS: Ragan, Chair; Bolckom and Seymour

Senate File 66

HUMAN RESOURCES: Wood, Chair; Boettger and Schmitz

SSB 1085

(Reassignment)

JUDICIARY: Kreiman, Chair; Dvorsky, Hogg, Noble, and Ward

SSB 1125

LOCAL GOVERNMENT: Schoenjahn, Chair; Angelo and Rielly

SSB 1126

LOCAL GOVERNMENT: Stewart, Chair; Beall and Hartsuch

[SSB 1127](#)

LOCAL GOVERNMENT: Stewart, Chair; Kreiman and McKinley

[SSB 1128](#)

COMMERCE: Rielly, Chair; McCoy and McKibben

[SSB 1129](#)

JUDICIARY: Kreiman, Chair; Hogg and Ward

[SSB 1130](#)

JUDICIARY: Kreiman, Chair; Hartsuch and Quirnbach

[SSB 1131](#)

JUDICIARY: Kreiman, Chair; Fraise and Hartsuch

[SSB 1132](#)

COMMERCE: McCoy, Chair; Angelo and Olive

[SSB 1133](#)

COMMERCE: Stewart, Chair; Olive and Ward

[SSB 1134](#)

HUMAN RESOURCES: Quirnbach, Chair; Bolcom and Seymour

[SSB 1135](#)

HUMAN RESOURCES: Wood, Chair; Boettger and Schmitz

[SSB 1136](#)

HUMAN RESOURCES: Kreiman, Chair; Hatch and Mulder

[SSB 1137](#)

TRANSPORTATION: Rielly, Chair; Danielson and Noble

[SSB 1138](#)

JUDICIARY: Hogg, Chair; Hartsuch and Kreiman

[SSB 1139](#)

WAYS AND MEANS: Dotzler, Chair; Putney and Seng

[SSB 1140](#)

AGRICULTURE: Kibbie, Chair; Fraise and Johnson

FINAL COMMITTEE REPORTS OF BILL ACTION

HUMAN RESOURCES

Bill Title: *[SENATE FILE 74 \(SSB 1039\)](#), a bill for an act renaming health-related examining boards as licensing boards.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Schmitz, Seymour, Behn, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Mulder, Quirnbach, and Wood. Nays, none. Absent, 1: Kreiman.

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

ALSO:

Bill Title: *[SENATE FILE 75 \(SSB 1034\)](#), a bill for an act relating to the registration of pharmacy technicians.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Schmitz, Seymour, Behn, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Mulder, Quirnbach, and Wood. Nays, none. Absent, 1: Kreiman.

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

GOVERNOR'S APPOINTEES PLACED ON
EN BLOC CALENDAR

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

NATURAL RESOURCES AND ENVIRONMENT

Jill Reams-Widder – Renewable Fuel Infrastructure Board
David Smitherman – Renewable Fuel Infrastructure Board

STATE GOVERNMENT

Treylla Lee-Chavis – Commission on the Status of African-Americans

Kimberly Setzer – Board of Cosmetology Arts and Sciences Examiners

Malinda Patch-Gray – Board of Massage Therapy Examiners

Mary Johnson – Board of Psychology Examiners

AMENDMENTS FILED

S-3013 S.F. 61 Nancy J. Boettger
 Brad Zaun
 Dave Mulder
 Paul McKinley
 David L. Hartsuch
 Larry McKibben
 James F. Hahn
 Jerry Behn
 Larry Noble
 Ron Wieck
 Mark Zieman
 David Johnson
 Steve Kettering
 John Putney
 E. Thurman Gaskill
 Jeff Angelo

S-3014 S.F. 61 James A. Seymour
 David L. Hartsuch
 Brad Zaun
 Paul McKinley
 Dave Mulder
 Nancy J. Boettger
 James F. Hahn
 Mark Zieman
 James A. Seymour
 Jeff Angelo
 Jerry Behn
 David Johnson
 Steve Kettering

S-3015 S.F. 61 Brad Zaun
 Paul McKinley

Nancy J. Boettger
 Dave Mulder
 Ron Wieck
 David L. Hartsuch
 James A. Seymour
 Mark Zieman
 David Johnson
 James F. Hahn
 Steve Kettering
 Jerry Behn
 Mark Zieman
 David Hartsuch
 Paul McKinley
 Brad Zaun
 Dave Mulder
 Nancy J. Boettger
 James F. Hahn
 Mark Zieman
 James A. Seymour
 Jeff Angelo
 David Johnson
 Jerry Behn
 Ron Wieck
 Steve Kettering
 Mark Zieman
 House

S-3016

S.F. 61

S-3017

S.F. 61

S-3018

S.F. 61

S-3019

S.C.R. 2