

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, FEBRUARY 22, 2007

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JOURNAL OF THE SENATE

FORTY-SIXTH CALENDAR DAY
TWENTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 22, 2007

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

Prayer was offered by Pastor Stephen Anenson of the Immanuel Lutheran Church in Story City, Iowa. He was the guest of Senator Olive.

The Journal of Wednesday, February 21, 2007, 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 21, 2007, **passed** the following bills in which the concurrence of the House was asked:

[Senate File 32](#), a bill for an act extending the future repeal of a provision requiring the issuance of certificates for furnishing local telecommunications services, and providing an effective date.

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

ALSO: That the House has on February 21, 2007, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 298](#), a bill for an act relating to the conveyance or encumbrance of a homestead and providing an effective and applicability date.

Read first time and referred to committee on **Judiciary**.

[House File 368](#), a bill for an act relating to the boiler and pressure vessel safety program enforced by the division of labor services of the department of workforce development.

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

[House File 369](#), a bill for an act relating to elevator conveyance safety standards enforced by the division of labor services of the department of workforce development.

Read first time and attached to **similar** [Senate File 114](#).

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:18 a.m. until 1:00 p.m., Monday, February 26, 2007.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Viola Fisher, Waterloo—For celebrating her 90th birthday. Senator Dotzler (2/22/07).

Sam McReynolds, Des Moines—For celebrating his 90th birthday. Senator Dearden (2/22/07).

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: Wednesday, February 21, 2007, 2:00 p.m.

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

Members Absent: None.

Committee Business: Approved [SSB 1118](#) (as amended).

Recessed: 3:30 p.m.

Reconvened: 6:00 p.m.

Adjourned: 6:30 p.m.

GOVERNMENT OVERSIGHT

Convened: Thursday, February 22, 2007, 10:00 a.m.

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

Members Absent: Lundby (excused).

Committee Business: Presentations by the Department of Management, the Department of Human Services, Iowa College Student Aid Commission, and Homeland Security and Emergency Management.

Adjourned: 10:45 a.m.

VETERANS AFFAIRS

Convened: Thursday, February 22, 2007, 11:40 a.m.

Members Present: Beall, Chair; Warnstadt, Vice Chair; Seymour, Ranking Member; Danielson, Hartsuch, Kibbie, and McKinley.

Members Absent: Black, Horn, McKibben, and Ragan (all excused).

Committee Business: Presentation by Representative Whitead.

Adjourned: 11:55 a.m.

WAYS AND MEANS

Convened: Thursday, February 22, 2007, 1:00 p.m.

Members Present: Bolkcom, Chair; McCoy, Vice Chair; Appel, Connolly, Dotzler, Hogg, Lundby, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, Ward, and Wieck.

Members Absent: McKibben, Ranking Member; and Angelo (both excused).

Committee Business: Approved SSBs 1059 and 1060.

Adjourned: 2:25 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Thursday, February 22, 2007, 10:00 a.m.

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

Members Absent: None.

Committee Business: Budget discussion.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Thursday, February 22, 2007, 10:30 a.m.

Members Present: Dotzler, Chair; Kettering, Ranking Member; Olive and Ward.

Members Absent: Heckroth, Vice Chair (excused).

Committee Business: Budget discussion.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Thursday, February 22, 2007, 10:00 a.m.

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

Members Absent: None.

Committee Business: Budget discussion.

Adjourned: 11:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Thursday, February 22, 2007, 9:55 a.m.

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

Members Absent: None.

Committee Business: Presentations by the Department of Human Services, Linn County Youth Services, American Home Finding Association, and the Coalition for Family and Children Services.

Adjourned: 12:00 p.m.

INTRODUCTION OF BILLS

[Senate File 265](#), by committee on Labor and Business Relations, a bill for an act relating to asbestos removal and encapsulation regulations as enforced by the labor commissioner.

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

[Senate File 266](#), by Danielson, Appel, Beall, Black, Bolkcom, Connolly, Dearden, Dotzler, Dvorsky, Fraise, Gronstal, Hancock, Heckroth, Horn, Houser, Kettering, Kibbie, McCoy, Olive, Putney, Quirmbach, Ragan, Rielly, Schmitz, Schoenjahn, Seng, Seymour, Stewart, Warnstadt, Wieck, and Wood, a bill for an act relating to the regulation of contributions for a gubernatorial inauguration and providing a penalty.

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

[Senate File 267](#), by Bolckom, a bill for an act relating to policies granting resident status for purposes of paying postsecondary tuition and fees at public institutions of higher education.

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

[Senate File 268](#), by Beall, Hogg, Kreiman, Quirnbach, and Kibbie, a bill for an act providing that third-party payment of health care coverage costs for biologically based mental illness includes eating disorders.

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

[Senate File 269](#), by McKinley, a bill for an act relating to postsecondary tuition and fee remission for veterans and survivors at community colleges and state universities.

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

[Senate File 270](#), by committee on State Government, a bill for an act relating to the military code by amending the powers of the adjutant general and by allowing the armory board to enter into design-build contracts for the construction of certain national guard facilities.

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

[Senate File 271](#), by committee on Judiciary, a bill for an act relating to the duties of directors of nonprofit corporations.

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

[Senate File 272](#), by committee on Judiciary, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

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

[Senate File 273](#), by committee on Labor and Business relations, a bill for an act relating to registration of construction contractors.

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

[Senate File 274](#), by Johnson, a bill for an act relating to applicators of pesticides by providing for exemptions from certification requirements.

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

[Senate File 275](#), by committee on Labor and Business Relations, a bill for an act relating to the boiler and pressure vessel safety program enforced by the division of labor services of the department of workforce development.

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

[Senate File 276](#), by committee on Labor and Business Relations, a bill for an act requiring reimbursement of the division of labor services of the department of workforce development when the labor commissioner or an employee of the division of labor services is compelled to give testimony or depositions concerning their official duties in civil proceedings.

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

STUDY BILLS RECEIVED

[SSB 1270](#) **State Government**

Providing procedures to increase the number of city council members in certain cities.

[SSB 1271](#) **Commerce**

Relating to real estate education programs and the real estate education fund, providing an effective date, and making appropriations.

SSB 1272 Education

Requiring school districts and accredited nonpublic schools to provide articulated sequential guidance programs and providing for a waiver.

SSB 1273 Transportation

Relating to safe walkways for railroad workers and making penalties applicable.

SUBCOMMITTEE ASSIGNMENTS**Senate File 147**

EDUCATION: Schmitz, Chair; Boettger and Heckroth

Senate File 185

EDUCATION: Connolly, Chair; Quirmbach and Zaun

Senate File 189

EDUCATION: Connolly, Chair; Beall and Johnson

Senate File 192

EDUCATION: Kreiman, Chair; Angelo and Heckroth

Senate File 211

EDUCATION: Appel, Chair; Boettger and Schmitz

Senate File 221

WAYS AND MEANS: Hogg, Chair; Noble and Quirmbach

Senate File 228

WAYS AND MEANS: Connolly, Chair; Appel and Lundby

Senate File 237

WAYS AND MEANS: Schmitz, Chair; Noble and Stewart

Senate File 238

WAYS AND MEANS: Dotzler, Chair; Seng and Wieck

[Senate File 239](#)

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

[Senate File 240](#)

COMMERCE: Rielly, Chair; McKibben and Olive

[Senate File 245](#)

LOCAL GOVERNMENT: Quirnbach, Chair; Kreiman and McKinley

[Senate File 257](#)

VETERANS AFFAIRS: Danielson, Chair; Black and Seymour

[Senate File 262](#)

NATURAL RESOURCES AND ENVIRONMENT: Bolkcom, Chair; Hogg and Johnson

[House File 258](#)

JUDICIARY: Hogg, Chair; Kreiman and Ziemann

[House File 385](#)

LOCAL GOVERNMENT: Quirnbach, Chair; Rielly and Zaun

[SSB 1270](#)

STATE GOVERNMENT: Schmitz, Chair; Hahn and Hatch

[SSB 1271](#)

COMMERCE: Warnstadt, Chair; Angelo and Olive

[SSB 1272](#)

EDUCATION: Connolly, Chair; Mulder and Schoenjahn

[SSB 1273](#)

TRANSPORTATION: Dearden, Chair; Hancock and Putney

FINAL COMMITTEE REPORTS OF BILL ACTION

JUDICIARY

Bill Title: [SENATE FILE 271 \(SSB 1092\)](#), a bill for an act relating to the duties of directors of nonprofit corporations.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 272 \(SSB 1219\)](#), a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LABOR AND BUSINESS RELATIONS

Bill Title: [SENATE FILE 265 \(SSB 1192\)](#), a bill for an act relating to asbestos removal and encapsulation regulations as enforced by the labor commissioner.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Dearden, Courtney, Ward, Dotzler, Dvorsky, Hahn, Hatch, Horn, McKinley, Seng, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *[SENATE FILE 273 \(SSB 1156\)](#), a bill for an act relating to registration of construction contractors.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Dearden, Courtney, Dotzler, Hatch, Horn, and Seng. Nays, 4: Ward, Hahn, McKinley, and Wieck. Absent, 1: Dvorsky.

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

ALSO:

Bill Title: *[SENATE FILE 275 \(SSB 1064\)](#), a bill for an act relating to the boiler and pressure vessel safety program enforced by the division of labor services of the department of workforce development.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Dearden, Courtney, Ward, Dotzler, Dvorsky, Hahn, Hatch, Horn, McKinley, Seng, and Wieck. 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 275](#), and they were attached to the committee report.

ALSO:

Bill Title: *[SENATE FILE 276 \(SSB 1063\)](#), a bill for an act requiring reimbursement of the division of labor services of the department of workforce development when the labor commissioner or an employee of the division of labor services is compelled to give testimony or depositions concerning their official duties in civil proceedings.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Dearden, Courtney, Ward, Dotzler, Dvorsky, Hahn, Hatch, Horn, McKinley, Seng, and Wieck. 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 276](#), and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: *[SENATE FILE 270 \(SSB 1008\)](#), a bill for an act relating to the military code by amending the powers of the adjutant general and by allowing the armory board to enter into design-build contracts for the construction of certain national guard facilities.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Connolly, Horn, Zieman, Appel, Behn, Black, Danielson, Gaskill, Hahn, Hatch, Kettering, Kibbie, McKibben, Schmitz, and Wood. 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 State Government Committee on [Senate File 270](#), and they were attached to the committee report.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on February 22, 2007, the Governor approved and transmitted to the Secretary of State the following bill:

[Senate File 109](#) – Providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.