

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, FEBRUARY 27, 2007

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JOURNAL OF THE SENATE

FIFTY-FIRST CALENDAR DAY
THIRTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 27, 2007

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

Prayer was offered by Pastor John De Boef of the Hilltop Chapel in What Cheer, Iowa. He was the guest of Senator Rielly.

The Journal of Monday, February 26, 2007, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:09 a.m. until 8:45 a.m., Wednesday, February 28, 2007.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Jared Enderton, Graettinger—For becoming the Class 1A 189-pound 1st place finisher at the 2007 State Wrestling Tournament. Senator Kibbie (2/27/07).

Kathleen Higgins, Waterloo—For celebrating her 90th birthday. Senator Dotzler (2/27/07).

Kyle Simonson, Algona—For becoming the Class 2A 215-pound 1st place finisher at the 2007 State Wrestling Tournament. Senator Kibbie (2/27/07).

Twin River Valley/West Bend–Mallard Wrestling Team—For being named the Class 1A 2nd place Team Champs at the State Wrestling Tournament. Senator Kibbie (2/27/07).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: Thursday, February 22, 2007, 9:30 a.m.

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

Members Absent: None.

Committee Business: Budget discussion.

Adjourned: 11:00 a.m.

EDUCATION

Convened: Monday, February 26, 2007, 3:00 p.m.

Members Present: Schoenjahn, Chair; Appel, Vice Chair; Beall, Connolly, Heckroth, Johnson, Kreiman, Quirmbach, Schmitz, and Wood.

Members Absent: Mulder, Ranking Member; Angelo, Boettger, Zaun, and Zieman.

Committee Business: Presentation on the Midwestern Higher Education Compact.

Recessed: 3:35 p.m.

Reconvened: 3:40 p.m.

Adjourned: 4:05 p.m.

AGRICULTURE

Convened: Tuesday, February 27, 2007, 2:10 p.m.

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

Members Absent: None.

Committee Business: Approved [SSB 1267](#) and presentation by the Secretary of Agriculture.

Adjourned: 2:35 p.m.

ECONOMIC GROWTH

Convened: Tuesday, February 27, 2007, 1:10 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: Passed [SF 158](#) and approved [SSB 1016](#).

Adjourned: 1:25 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Tuesday, February 27, 2007, 1:10 p.m.

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

Members Absent: Lundby.

Committee Business: Subcommittee assignments.

Adjourned: 2:05 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Tuesday, February 27, 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 Cedar Rapids/Iowa City Elevate Youth Program, the Child and Family Policy Center, and the Department of Human Services.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Tuesday, February 27, 2007, 9:50 a.m.

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

Members Absent: None.

Committee Business: Discussion of bills.

Adjourned: 11:25 a.m.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Nine 11th and 12th grade students from Hinton Public High School, Hinton, Iowa, accompanied by Amy Brighton. Senator Mulder.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution 2, by Courtney, a joint resolution designating the channel catfish as the official state fish for the State of Iowa.

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

INTRODUCTION OF BILLS

Senate File 290, by Kettering, a bill for an act relating to adult mental health, mental retardation, and developmental disabilities services by shifting responsibility for such services from the counties to the state, revising county levy authority for such services, and providing effective and applicability dates.

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

[Senate File 291](#), by Bolkcom, a bill for an act relating to tonnage fees retained by certain sanitary landfills.

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

[Senate File 292](#), by Angelo, a bill for an act relating to under legal age consumption or possession of an alcoholic beverage on certain property, and providing penalties.

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

[Senate File 293](#), by Beall, a bill for an act relating to restraint requirements for motor vehicle occupants and making a penalty applicable.

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

[Senate File 294](#), by Hancock, a bill for an act relating to national pollutant discharge elimination system permits for disposal systems of certain cities.

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

[Senate File 295](#), by Dotzler, 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.

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

[Senate File 296](#), by Hogg, a bill for an act establishing a local government energy innovation competitive grant program, and making an appropriation.

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

[Senate File 297](#), by Hogg, a bill for an act relating to the use of a cellular telephone by a motor vehicle operator with an instruction permit or intermediate driver's license issued under the graduated driver licensing program and making penalties applicable.

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

[Senate File 298](#), by Zaun, a bill for an act relating to requirements under the linked investments for tomorrow program.

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

[Senate File 299](#), by McKinley, a bill for an act relating to the characterization of personal injuries for purposes of workers' compensation liability.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations.**

[Senate File 300](#), by McKinley, a bill for an act establishing a value-added assessment system to calculate annually the academic growth of students enrolled in school districts at grade levels three through eleven.

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

[Senate File 301](#), by Hogg, Danielson, and Dotzler, a bill for an act requiring the Iowa utilities board to establish rules applicable to merchant power plants providing for energy conservation, energy efficiency, renewable energy, and research and technology development requirements comparable to those applying to utilities regulated by the board, and providing effective and applicability dates.

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

STUDY BILLS RECEIVED

SSB 1275 **Education**

Prohibiting parent-teacher conferences on the day of a general election.

SSB 1276 **Education**

Relating to establishment and implementation of core content standards and a model core curriculum and making an appropriation.

SSB 1277 **Education**

Creating an all Iowa opportunity grant program and fund to be administered by the college student aid commission.

SSB 1278 **Local Government**

Relating to city elections by providing procedures for filling a city council vacancy by special election and by providing satellite absentee voting at certain city elections.

SSB 1279 **Ways and Means**

Relating to a commercial property tax credit for individual and corporation income tax, and including effective and retroactive applicability date provisions.

SSB 1280 **Judiciary**

Relating to civil protective orders and criminal no-contact orders.

SSB 1281 **Judiciary**

Relating to the postsecondary education subsidy.

SSB 1282 **Judiciary**

Relating to conciliation proceedings in a dissolution of marriage case and domestic abuse.

SSB 1283 **Judiciary**

Concerning the employment of unauthorized aliens and human trafficking and providing penalties and other sanctions and an appropriation.

SSB 1284 **Judiciary**

Relating to indecent exposure and providing penalties.

SSB 1285 **Judiciary**

Expanding the criminal offense of possessing contraband in correctional institutions to include possessing contraband in a secure facility for the detention or custody of juveniles, a detention facility, or a jail, and providing a penalty.

SSB 1286 **Judiciary**

Relating to specified types of business solicitations, providing an exception from applicability of certain requirements for sales conducted by mail, the telephone, or the internet.

SSB 1287 **Judiciary**

Relating to the statute of limitation period in an action involving a tort claim against a municipality.

SSB 1288 **Judiciary**

Relating to a revised uniform anatomical gift Act, and providing penalties.

SUBCOMMITTEE ASSIGNMENTS**Senate File 227**

COMMERCE: Stewart, Chair; Heckroth and Kettering

Senate File 241

COMMERCE: McCoy, Chair; Putney and Warnstadt

[Senate File 242](#)

COMMERCE: Olive, Chair; Courtney and Ward

[Senate File 255](#)

WAYS AND MEANS: Dotzler, Chair; Putney and Seng

[Senate File 258](#)

JUDICIARY: Hancock, Chair; Fraise and Ward

[Senate File 266](#)

STATE GOVERNMENT: Danielson, Chair; Black and Gaskill

[Senate File 267](#)

EDUCATION: Connolly, Chair; Angelo and Quirnbach

[Senate File 268](#)

COMMERCE: Rielly, Chair; McCoy and McKibben

[Senate File 269](#)

EDUCATION: Connolly, Chair; Kreiman and Zaun

[Senate File 274](#)

AGRICULTURE: Fraise, Chair; Black and Johnson

[Senate File 287](#)

STATE GOVERNMENT: Hatch, Chair; Behn and Connolly

[Senate File 288](#)

JUDICIARY: Hogg, Chair; Behn and Kreiman

[Senate File 291](#)

NATURAL RESOURCES AND ENVIRONMENT: Bolkom, Chair; Hogg and Noble

[Senate File 294](#)

NATURAL RESOURCES AND ENVIRONMENT: Hancock, Chair; Hogg and Kettering

[House File 298](#)

JUDICIARY: Fraise, Chair; Horn and Ziemann

[SSB 1275](#)

EDUCATION: Quirnbach, Chair; Johnson and Wood

[SSB 1276](#)

EDUCATION: Schoenjahn, Chair; Boettger and Heckroth

[SSB 1277](#)

EDUCATION: Wood, Chair; Mulder and Quirnbach

[SSB 1278](#)

LOCAL GOVERNMENT: Quirnbach, Chair; Hartsuch and Schoenjahn

[SSB 1279](#)

WAYS AND MEANS: Stewart, Chair; Bolkcom and McKibben

[SSB 1280](#)

JUDICIARY: Hancock, Chair; Horn and Noble

[SSB 1281](#)

JUDICIARY: Quirnbach, Chair; Hartsuch and Horn

[SSB 1282](#)

JUDICIARY: Quirnbach, Chair; Hancock and Zieman

[SSB 1283](#)

JUDICIARY: Kreiman, Chair; Fraise and Noble

[SSB 1284](#)

JUDICIARY: Quirnbach, Chair; Hartsuch and Kreiman

[SSB 1285](#)

JUDICIARY: Hancock, Chair; Noble and Quirnbach

[SSB 1286](#)

JUDICIARY: Kreiman, Chair; Behn and Schoenjahn

[SSB 1287](#)

JUDICIARY: Hogg, Chair; Kreiman and Ward

SSB 1288

JUDICIARY: Hancock, Chair; Hartsuch and Kreiman

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 32](#), the following correction was made:

- 1. Page 1, line 1: "92" Iowa Acts changed to "1992" Iowa Acts.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 27th day of February, 2007:

Senate Files 32, 40, and 162.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

<u>S-3040</u>	<u>S.F. 263</u>	John P. Kibbie Michael Connolly
<u>S-3041</u>	<u>S.F. 208</u>	Herman C. Quirnbach
<u>S-3042</u>	<u>S.F. 155</u>	Robert E. Dvorsky Herman C. Quirnbach