PROOF

STATE OF IOWA

Senate Journal

MONDAY, APRIL 2, 2007

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JOURNAL OF THE SENATE

EIGHTY-FIFTH CALENDAR DAY FORTY-NINTH SESSION DAY

Senate Chamber Des Moines, Iowa, Monday, April 2, 2007

The Senate met in regular session at 12:39 p.m., President Kibbie presiding.

Prayer was offered by Pastor Bill Shewmaker of the Keosauqua Christian Church in Keosauqua, Iowa. He was the guest of Senator Schmitz.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Erin Pettit.

The Journal of Thursday, March 29, 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 March 29, 2007, **passed** the following bill in which the concurrence of the House was asked:

<u>Senate File 169</u>, a bill for an act providing for county eligibility for state payment of certain mental health, mental retardation, and developmental disabilities services funding and providing effective and retroactive applicability dates.

ALSO: That the House has on March 29, 2007, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 403, a bill for an act addressing financial and regulatory matters by making and revising appropriations, providing for properly related matters, and providing effective dates. (S-3225)

ALSO: That the House has on March 29, 2007, **passed** the following bill in which the concurrence of the Senate is asked:

House File 611, a bill for an act relating to human growth and development and health education under the educational standards, requiring school districts to provide curricular information to agencies and organizations upon request, and providing related duties for the director of the department of education.

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

SPECIAL GUESTS

Senator Mulder introduced to the Senate chamber the Orange City Tulip Time Queen Rebekah Kuiken and her court: Maggie Achterhof, Julynda Eekhoff, Anna Schiebout, and Emily Muilenburg.

The Queen and her attendants entertained the Senate with a song inviting visitors to Orange City for Tulip Time.

The Senate stood at ease at 1:02 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:02 p.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 2:03 p.m. until 3:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 3:30 p.m., President Kibbie presiding.

The Senate stood at ease at 3:31 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:52 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Fraise, until he returns, on request of Senator Courtney.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Connolly asked and received unanimous consent to take up for consideration Senate Files 545, 510, and 488.

Senate File 545

On motion of Senator Kreiman, <u>Senate File 545</u>, a bill for an act relating to the department of corrections by increasing penalties for engaging in sex acts with offenders under the supervision of the department of corrections or a judicial district department of correctional services, and eliminating certain reporting requirements, was taken up for consideration.

Senator Kreiman offered amendment <u>S-3140</u>, filed by him on March 20, 2007, to the title page of the bill, and moved its adoption.

Amendment $\underline{S-3140}$ was adopted by a voice vote.

Senator Kreiman 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. 545), the vote was:

Yeas, 49:

Angelo	Gaskill	Kreiman	Schoenjahn
Appel	Gronstal	Lundby	Seng
Beall	Hahn	McCoy	Seymour
Behn	Hancock	McKibben	Stewart
Black	Hartsuch	McKinley	Ward
Boettger	Hatch	Mulder	Warnstadt
Bolkcom	Heckroth	Noble	Wieck

Wood Connolly Hogg Olive Courtney Horn Zaun Putney Danielson Houser Quirmbach Zieman Dearden Johnson Ragan Dotzler Kettering Rielly Kibbie Schmitz Dvorsky

Nays, none.

Absent, 1:

Fraise

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

Senate File 510

On motion of Senator Wood, <u>Senate File 510</u>, a bill for an act concerning electrical and mechanical amusement devices and providing penalties, was taken up for consideration.

Senator Wood 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. 510), the vote was:

Schoenjahn

Seng

Ward

Wieck

Wood

Zaun

Zieman

Seymour

Stewart

Warnstadt

Yeas, 49:

Gaskill Angelo Kreiman Appel Gronstal Lundby Beall Hahn McCov Behn Hancock McKibben Black Hartsuch McKinley Hatch Mulder Boettger Bolkcom Heckroth Noble Connolly Hogg Olive Courtney Horn Putney Danielson Houser Quirmbach Dearden Johnson Ragan Dotzler Kettering Rielly Schmitz Dvorsky Kibbie

Nays, none.

Absent, 1:

Fraise

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 488

On motion of Senator Connolly, <u>Senate File 488</u>, a bill for an act concerning assessments for funding of municipal utility retirement systems, was taken up for consideration.

Senator Connolly offered amendment <u>S-3104</u>, filed by him on March 13, 2007, to page 1 of the bill, and moved its adoption.

Amendment <u>S-3104</u> was adopted by a voice vote.

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. 488), the vote was:

Yeas, 29:

•			
Appel	Dotzler	Kibbie	Schoenjahn
Beall	Dvorsky	Kreiman	Seng
Black	Gronstal	McCoy	Stewart
Bolkcom	Hancock	Olive	Warnstadt
Connolly	Hatch	Quirmbach	Wood
Courtney	Heckroth	Ragan	
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	
Nays, 20:			
Angolo	Hartsuch	MaKibbon	Soumour

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

Absent, 1:

Fraise

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 Files 488, 510, and 545 be immediately messaged to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 485, 462, 460, and 499.

Senate File 485

On motion of Senator Bolkcom, <u>Senate File 485</u>, a bill for an act requiring consideration of greenhouse gas emissions in issuing specified air quality permits, was taken up for consideration.

Senator Bolkcom 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. 485), the vote was:

Schoenjahn Seng Stewart Warnstadt Wood

Yeas, 29:

Appel	Dotzler	Kibbie
Beall	Dvorsky	Kreiman
Black	Gronstal	McCoy
Bolkcom	Hancock	Olive
Connolly	Hatch	Quirmbach
Courtney	Heckroth	Ragan
Danielson	Hogg	Rielly
Dearden	Horn	Schmitz

Navs, 20:

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

Absent. 1:

Fraise

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 462

On motion of Senator Bolkcom, <u>Senate File 462</u>, a bill for an act relating to body piercing, body modification, and tattooing, and providing penalties, was taken up for consideration.

Senator Boettger offered amendment <u>S-3229</u>, filed by Senator Boettger, et al., from the floor to page 1 and to the title page of the bill.

Senator Bolkcom raised the point of order that amendment <u>S-3229</u> was not germane to the bill.

The ruled the point well-taken and amendment <u>S-3229</u>, out of order.

Senator Bolkcom offered amendment <u>S-3227</u>, filed by him from the floor to pages 1 and 2 of the bill, and moved its adoption.

Amendment <u>S-3227</u> was adopted by a voice vote.

Senator Bolkcom 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. 462), the vote was:

Yeas, 47:

Appel Gaskill Kibbie Schmitz
Beall Gronstal Kreiman Schoenjahn
Behn Hahn McCoy Seng

Black Hancock McKibben Seymour Hartsuch Stewart Boettger McKinley Bolkcom Hatch Mulder Ward Heckroth Noble Warnstadt Connolly Olive Wieck Courtney Hogg Wood Danielson Horn Putney Zaun Dearden Houser Quirmbach Johnson Ragan Zieman Dotzler

Kettering Rielly Dvorsky

Navs, 2:

Angelo Lundby

Absent. 1:

Fraise

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 460.

Senate File 460

On motion of Senator Kreiman, Senate File 460, a bill for an act relating to providing an appeal process for medical assistance providers, was taken up for consideration.

Senator Kreiman offered amendment S-3209, filed by him on March 28, 2007, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment S=3209 was adopted by a voice vote.

Senator Kreiman 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. 460), the vote was:

Yeas, 49:

Angelo Gaskill Kreiman Schoeniahn Appel Gronstal Lundby Seng Beall Hahn McCov Seymour Behn Hancock McKibben Stewart Black Hartsuch McKinlev Ward Boettger Hatch Mulder Warnstadt Bolkcom Heckroth Noble Wieck Wood Connolly Hogg Olive Horn Courtney Putney Zaun Danielson Houser Quirmbach Zieman Dearden Ragan Johnson Dotzler Kettering Rielly Dvorsky Kibbie Schmitz

Nays, none.

Absent, 1:

Fraise

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 499

On motion of Senator Wood, <u>Senate File 499</u>, a bill for an act relating to regulation of underground storage tanks by the department of natural resources, making appropriations, and providing contingent effective date provisions, was taken up for consideration.

Senator Wood offered amendment <u>S-3226</u>, filed by him from the floor to pages 9 and 10 of the bill, and moved its adoption.

Amendment $\underline{S-3226}$ was adopted by a voice vote.

Senator Wood 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. 499), the vote was:

Yeas, 49:

Angelo Gaskill Kreiman Schoenjahn Appel Gronstal Lundby Seng Beall Hahn McCov Seymour Behn Hancock McKibben Stewart Black Hartsuch McKinley Ward Boettger Hatch Mulder Warnstadt Bolkcom Heckroth Noble Wieck Wood Connolly Hogg Olive Courtney Horn Putney Zaun Danielson Houser Quirmbach Zieman Dearden Johnson Ragan Dotzler Kettering Rielly Dvorsky Kibbie Schmitz

Nays, none.

Absent, 1:

Fraise

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 Files 460, 462, 485, and 499 be immediately messaged to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 440, 533, and 519.

Senate File 440

On motion of Senator Olive, <u>Senate File 440</u>, a bill for an act modifying water service requirements for rural water providers, was taken up for consideration.

Senator Black asked and received unanimous consent that action on **Senate File 440** be **deferred.**

Senate File 533

On motion of Senator Hogg, <u>Senate File 533</u>, a bill for an act relating to a debtor's exempt personal injury payments in state court debt collection and federal bankruptcy actions, was taken up for consideration.

Senator Hogg asked and received unanimous consent that action on **Senate File 533** be **deferred.**

Senate File 519

On motion of Senator Danielson, <u>Senate File 519</u>, a bill for an act providing for energy performance-based contracts for certain public entities, was taken up for consideration.

Senator Danielson offered amendment <u>S-3199</u>, filed by him on March 28, 2007, to pages 3 and 7 of the bill.

Senator Lundby asked and received unanimous consent that action on amendment <u>S-3199</u> and <u>Senate File 519</u> be **deferred.**

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 573.

Senate File 573

On motion of Senator Hatch, <u>Senate File 573</u>, a bill for an act creating an interim commission on affordable health care plans for small businesses and families and a health care data research advisory council, and providing an effective date, was taken up for consideration.

The Senate stood at ease at 4:55 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 5:07 p.m., President Kibbie presiding.

Senator Hartsuch asked and received unanimous consent that action on **Senate File 573** be **deferred.**

HOUSE AMENDMENT CONSIDERED

Senate File 403

Senator Gronstal called up for consideration <u>Senate File 403</u>, a bill for an act addressing financial and regulatory matters by making and revising appropriations, providing for properly related matters, and providing effective dates, amended by the House in House amendment <u>S-3225</u>, filed April 2, 2007.

Senator Angelo moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Johnson moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 403), the vote was:

Yeas, 49:

Angelo Gaskill Appel Gronstal Beall Hahn Behn Hancock Black Hartsuch Hatch Boettger Bolkcom Heckroth Connolly Hogg Courtney Horn Danielson Houser Dearden Johnson Dotzler Kettering Dvorsky Kibbie

Kreiman Lundby McCoy McKibben McKinley Mulder Noble Olive Putney Quirmbach Ragan

Rielly

Schmitz

Schoenjahn Seng Seymour Stewart Ward Warnstadt Wieck Wood Zaun Nays, none.

Absent, 1:

Fraise

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 403** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:20 p.m. until 8:45 a.m., Tuesday, April 3, 2007.

APPENDIX

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 29, 2007, when the vote was taken on the En Bloc Confirmation Calendar. Had I been present, I would have voted "Yea."

LARRY NOBLE

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF TRANSPORTATION

Quarterly Report on the progress of the building project for the Motor Vehicle Division, pursuant to 2005 Iowa Acts, <u>House File 466</u>. Report received on April 2, 2007.

REPORT OF COMMITTEE MEETING

EDUCATION

Convened: Monday, April 2, 2007, 2:05 p.m.

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

Members Absent: None.

Committee Business: Passed HF 615.

Adjourned: 2:45 p.m.

INTRODUCTION OF BILLS

<u>Senate File 574</u>, by committee on Appropriations, a bill for an act relating to statewide greenhouse gas emissions.

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

<u>Senate File 575</u>, by committee on Appropriations, a bill for an act relating to and making appropriations to the justice system.

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

STUDY BILL RECEIVED

SSB 1348 Appropriations

Establishing the office of energy independence and the Iowa power fund and related provisions, making appropriations, and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS

Senate File 553

APPROPRIATIONS: Connolly, Chair; Boettger, Dvorsky, Johnson, and Wood

House File 611

HUMAN RESOURCES: Bolkcom, Chair; Boettger and Hatch

House File 829

ECONOMIC GROWTH: Stewart, Chair; Hahn, Hatch, Houser, and Olive

House File 874

APPROPRIATIONS: Danielson, Chair; Dvorsky and Hahn

SSB 1348

APPROPRIATIONS: Dotzler, Chair; Angelo, Hancock, Hogg, and Johnson

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: *SENATE FILE 574 (formerly SF 494), a bill for an act relating to statewide greenhouse gas emissions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Dvorsky, McCoy, Black, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Ragan, Seng, Warnstadt, and Wood. Nays, 10: Angelo,

Behn, Boettger, Gaskill, Hahn, Johnson, Kettering, Putney, Seymour, and Ward. 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 Appropriations Committee on <u>Senate File 574</u>, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 575 (SSB 1338), a bill for an act relating to and making appropriations to the justice system.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 25: Dvorsky, McCoy, Angelo, Behn, Black, Boettger, Bolkcom, Connolly, Danielson, Dotzler, Fraise, Gaskill, Hahn, Hancock, Hatch, Hogg, Johnson, Kettering, Putney, Ragan, Seng, Seymour, Ward, Warnstadt, 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 Appropriations Committee on <u>Senate File 575</u>, and they were attached to the committee report.

EDUCATION

Bill Title: <u>HOUSE FILE 615</u>, a bill for an act relating to the membership of the board of educational examiners.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Schoenjahn, Appel, Mulder, Angelo, Beall, Boettger, Connolly, Heckroth, Johnson, Kreiman, Quirmbach, Schmitz, Wood, Zaun, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 30, 2007, the Governor approved and transmitted to the Secretary of State the following bill:

 $\underline{\textbf{Senate File 548}} - \textbf{Creating a hemophilia advisory committee and providing a contingent effective date}.$

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling <u>Senate File 361</u>, the following corrections were made:

- 1. Page 7, line 19: change "public funds" to "public fund's"
- 2. Page 9, line 4: change "section" to "sections"

MICHAEL E. MARSHALL Secretary of the Senate

GOVERNOR'S APPOINTEES PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointees, assigned to standing committee for investigation, were placed on the Individual Confirmation Calendar with recommendations for confirmation:

EDUCATION

Cyndi Pederson - Director of the Department of Cultural Affairs

Judy Jeffrey - Board of Educational Examiners

Craig Lang - State Board of Regents

GOVERNOR'S APPOINTEE PLACED ON EN BLOC CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

EDUCATION

Bradley Dirks - Board of Educational Examiners

WITHDRAWAL AND DEFERRAL OF GOVERNOR'S APPOINTEES

The following letters from the Governor were received in the office of the Secretary of the Senate on April 2, 2007:

I am withdrawing the name of Rhonda Newman to serve as a Commission on Community Action Agencies member from further consideration by the Senate.

Pursuant to Iowa Code sections 2.32(1a) and 216A.92A, please accept this letter as the notice of deferment of the appointment to the Commission on Community Action Agencies, formerly held by Rhonda Newman. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

I am withdrawing the name of Christopher Seeger to serve as a Landscape Architecture Examining Board member from further consideration by the Senate.

Pursuant to Iowa Code sections 2.32(1a) and 554B.3, please accept this letter as the notice of deferment of the appointment to the Landscape Architecture Examining Board, formerly held by Christopher Seeger. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

I am withdrawing the name of Shahid Habib to serve as a Board of Medical Examiners member from further consideration by the Senate.

Pursuant to Iowa Code sections 2.32(1a) and 147.16, please accept this letter as the notice of deferment of the appointment to the Board of Medical Examiners, formerly held by Shahid Habib. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

I am withdrawing the name of Susan Ammons to serve as a State Soil Conservation Committee member from further consideration by the Senate.

Pursuant to Iowa Code sections 2.32(1a) and 161A.4, please accept this letter as the notice of deferment of the appointment to the State Soil Conservation Committee, formerly held by Susan Ammons. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

I am withdrawing the name of Melanie Cloud Gross to serve as a Vision Iowa Board member from further consideration by the Senate.

Pursuant to Iowa Code sections 2.32(1a) and 15F.1023, please accept this letter as the notice of deferment of the appointment to the Vision Iowa Board, formerly held by Melanie Cloud Gross. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

AMENDMENTS FILED

S - 3225	S.F.	403	House
S - 3226	S.F.	499	Frank B. Wood
S-3227	S.F.	462	Joe Bolkcom
S-3228	S.F.	574	Joe Bolkcom

S-3229	S.F. 462	Nancy J. Boettger
		David Johnson
		Mary A. Lundby
		Ron Wieck
		Jerry Behn
		Paul McKinley
		Brad Zaun
		James F. Hahn
		Larry McKibben
		David Mulder
		Steve Kettering
		Hubert Houser
		David L. Hartsuch
		Mark Zieman
		James A. Seymour
		Jeff Angelo
		John Putney
		Larry Noble
<u>S-3230</u>	S.F. 564	Thomas Rielly