

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, JANUARY 23, 2008

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JOURNAL OF THE SENATE

TENTH CALENDAR DAY
SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 23, 2008

The Senate met in regular session at 8:46 a.m., President Kibbie presiding.

Prayer was offered by Reverend Dr. Lee Zachary Maxey of the Corinthian Baptist Church in Des Moines, Iowa. He was the guest of Senator Hatch.

The Journal of Tuesday, January 22, 2008, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:57 a.m. until 8:45 a.m., Thursday, January 24, 2008.

APPENDIX

APPOINTMENTS TO BOARD AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on January 23, 2008, to investigate the appointment and reappointment of the following appointees:

AGRICULTURE

As members of the State Soil Conservation Committee:

ESTHER LEYDA – Rielly, Chair; Courtney and Houser
SUSAN HJELM – Olive, Chair; Kibbie and Johnson

COMMERCE

As a member of the Title Guaranty Division Board:

DEBORAH PETERSEN – Stewart, Chair; Warnstadt and Putney

As a member of the Utilities Board:

DARRELL HANSON – Schoenjahn, Chair; Warnstadt and McKibben

ECONOMIC GROWTH

As members of the Iowa Economic Development Board:

RUTH MACDONALD – Danielson, Chair; Dotzler and Mulder
ROBERT RILEY, JR. – Rielly, Chair; Stewart and Hahn

As members of the Iowa Power Fund Board:

PETER HEMKEN – Olive, Chair; Schmitz and Houser
PATRICIA HIGBY – Dotzler, Chair; Hatch and Seymour
FRED HUBBELL – Hatch, Chair; Beall and Zaun
CARRIE LASEUR – Schmitz, Chair; Olive and Hahn
MARY NORTON – Stewart, Chair; Rielly and Mulder
THOMAS WIND – Beall, Chair; Danielson and Houser

HUMAN RESOURCES

As a member of the Commission for the Blind:

SANDRA RYAN – Wood, Chair; Dotzler and Johnson

As a member of the Commission of Elder Affairs:

GLORIA REBER – Quirmbach, Chair; Bolkcom and Boettger

As members of the Board of Physician Assistants:

TED SMITH – Dotzler, Chair; Hatch and Johnson
THERESA HEGMANN – Dotzler, Chair; Hatch and Boettger

As Director of the Department of Public Health:

THOMAS NEWTON – Schmitz, Chair; Ragan and Seymour

JUDICIARY

As a member of the Iowa State Civil Rights Commission:

RICH EYCHANER – Quirmbach, Chair; Kreiman and Hartsuch

As Director of the Department of Corrections:

JOHN BALDWIN – Hogg, Chair; Kreiman and Ward

NATURAL RESOURCES AND ENVIRONMENT

As a member of the Environmental Protection Commission:

PAUL W. JOHNSON – Black, Chair; Lundby and Seng

As members of the Renewable Fuel Infrastructure Board:

DIANE DENNLER – Johnson, Chair; Hancock and Bolkcom
KENNETH PANGBURN – Gaskill, Chair; Dearden and Schoenjahn
ERIC SEUREN – Hogg, Chair; Dearden and Noble
SANDY SIMPSON – Ragan, Chair; Bolkcom and Behn

STATE GOVERNMENT

As members of the Electrical Examining Board:

VALYNDA AKIN – Connolly, Chair; Danielson and Hahn
CHAD CAMPION – Horn, Chair; Schmitz and McKibben
CHAD LAYLAND – Black, Chair; Hatch and Behn
LORI MEASE – Appel, Chair; Hatch and Behn
BARBARA MENTZER – Appel, Chair; Schmitz and Behn
KG PERLEY – Kibbie, Chair; Wood and Gaskill
DUANE QUIRK – Danielson, Chair; Connolly and Ziemann
ANDREA RIVERA-HARRISON – Hatch, Chair; Appel and Kettering
RODRICK VAN WART – Hatch, Chair; Black and Gaskill
RANDY VANVOORST – Kibbie, Chair; Wood and Gaskill

As a member of the Elevator Safety Board:

RUSSELL ALLEN – Horn, Chair; Connolly and Hahn

As a member of the Iowa Emergency Response Commission:

SHERRY SIEVERS – Wood, Chair; Danielson and Hahn

As members of the Generation Iowa Commission:

KYLE CARLSON – Connolly, Chair; Appel and Behn
 ERIN CUMINGS – Appel, Chair; Kibbie and Behn
 CHRISTIAN FONG – Horn, Chair; Appel and McKibben
 KARRIS GOLDEN – Danielson, Chair; Connolly and Behn
 MITCHELL GROSS – Kibbie, Chair; Schmitz and Hahn
 JODI GROVER – Danielson, Chair; Connolly and McKibben
 JESSE HARRIS – Appel, Chair; Hatch and Kettering
 RACHEL JUDISCH – Schmitz, Chair; Kibbie and McKibben
 EMILIANO LERDA – Hatch, Chair; Black and Zieman
 SOPHIA MAGILL – Schmitz, Chair; Black and Behn
 EMILIA MARTIN – Wood, Chair; Horn and Gaskill
 ISAIAH MCGEE – Appel, Chair; Black and Hahn
 SARA MORROW – Kibbie, Chair; Horn and Kettering
 JORDAN OSTER – Hatch, Chair; Black and McKibben
 MICHAEL SCHNEIDER – Black, Chair; Hatch and Zieman

As a member of the IowAccess Advisory Council:

ANDREW SMITH – Schmitz, Chair; Hatch and Kettering

As a member of the Landscape Architectural Examining Board:

CHRISTOPHER SEEGER – Black, Chair; Schmitz and Zieman

As members of the Board of Medicine:

COLLEEN KENNEDY – Horn, Chair; Connolly and Gaskill
 RODNEY ZEITLER – Horn, Chair; Connolly and Hahn

As a member of the Vision Iowa Board:

TAMMY ROBINSON – Danielson, Chair; Connolly and McKibben

TRANSPORTATION

As a member of the State Transportation Commission:

MICHAEL BLOUIN – Danielson, Chair; Hancock and Noble

COMMUNICATIONS RECEIVED

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

JUDICIAL BRANCH

Enhanced Court Collections Fund and Court Technology Fund report, pursuant to 2007 Iowa Acts, [Senate File 563](#). Report received on January 23, 2008.

DEPARTMENT OF PUBLIC HEALTH

Postnatal Tissue and Fluid Banking Task Force report, pursuant to 2007 Iowa Acts, [House File 910](#). Report received on January 22, 2008.

Child Death Review Team 2006 annual report, pursuant to Iowa Code section 135.43. Report received on January 22, 2008.

Anatomical Gifts 2007 annual report, pursuant to Iowa Code section 142C.17. Report received on January 22, 2008.

Hemophilia Advisory Committee 2007 annual report, pursuant to Iowa Code section 135N.6. Report received on January 22, 2008.

Iowa Board of Medicine and Iowa Board of Physician Assistants Collaboration annual report, pursuant to Iowa Code section 148C.12. Report received on January 22, 2008.

AGENCY ICN REPORT

Iowa Communications Network (ICN) usage report for FY 2007, pursuant to Iowa Code section 8D.10, was received from the following agency:

DEPARTMENT OF PUBLIC HEALTH – Report received on January 22, 2008.

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: January 22, 2008, 3:10 p.m.

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

Members Absent: Zaun (excused).

Committee Business: Presentation on bio-based products by Pioneer and Dupont.

Adjourned: 4:35 p.m.

EDUCATION

Convened: January 23, 2008, 1:05 p.m.

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

Members Absent: None.

Committee Business: Subcommittee assignments.

Adjourned: 1:15 p.m.

HUMAN RESOURCES

Convened: January 23, 2008, 2:00 p.m.

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

Members Absent: None.

Committee Business: Presentations by senators.

Adjourned: 2:30 p.m.

WAYS AND MEANS

Convened: January 23, 2008, 3:05 p.m.

Members Present: Bolkcom, Chair; McKibben, Ranking Member; Angelo, Appel, Connolly, Dotzler, Hogg, Houser, Noble, Putney, Quirmbach, Schmitz, Seng, Stewart, Ward, and Ziemann.

Members Absent: McCoy, Vice Chair (excused).

Committee Business: Presentations on future general fund revenue impact of legislation and the tax credits tracking and analysis program.

Adjourned: 3:55 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: January 23, 2008, 10:05 a.m.

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

Members Absent: Houser (excused).

Committee Business: Discussion of bills and presentation on Governor Culver's budget recommendations by Deb Kozel, LSA staff.

Adjourned: 10:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: January 23, 2008, 10:05 a.m.

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

Members Absent: Ward (excused).

Committee Business: Organizational meeting. Presentation by Ron Robinson, LSA, Fiscal Services Division.

Adjourned: 10:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: January 23, 2008, 10:05 a.m.

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

Members Absent: None.

Committee Business: Reviewed governor's budget recommendations.

Adjourned: 10:55 a.m.

INTRODUCTION OF BILLS

[Senate File 2031](#), by Bolkcom, Hatch, Beall, Black, Kibbie, Appel, Courtney, Fraise, Dearden, Wood, Olive, Quirnbach, Hogg, Seng, Horn, Heckroth, Danielson, Schoenjahn, Dotzler, Schmitz, Ragan, Stewart, Connolly, McCoy, and Kreiman, a bill for an act making an appropriation for case management under the Medicaid elderly waiver.

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

[Senate File 2032](#), by Bolkcom, Beall, Hatch, Black, Kibbie, Appel, Courtney, Fraise, Dearden, Wood, Olive, Quirnbach, Hogg, Seng,

Horn, Dvorsky, Heckroth, Dotzler, Danielson, Schmitz, Ragan, Stewart, Connolly, Schoenjahn, McCoy, and Kreiman, a bill for an act providing for 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 2033](#), by Zieman, a bill for an act relating to the disposition of school property.

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

[Senate File 2034](#), by Ragan, Hogg, Seymour, and Beall, a bill for an act relating to transfer procedures for and compensation of health care providers not participating in IowaCare.

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

[Senate File 2035](#), by committee on State Government, a bill for an act relating to campaign signs and contributions.

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

[Senate File 2036](#), by committee on Judiciary, a bill for an act relating to the division of criminal and juvenile justice planning of the department of human rights by making changes to the membership of the council, permitting access to the records of the department of workforce development, and modifying the sex offender treatment and supervision task force.

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

[Senate File 2037](#), by Bolkcom, Kreiman, Danielson, Dotzler, Dvorsky, Horn, Hancock, Dearden, Quirmbach, Appel, Courtney, Gronstal, Kibbie, and Hatch, a bill for an act relating to disclosures of information by health care workers and providing penalties.

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

[Senate File 2038](#), by Rielly, Ragan, Beall, Danielson, Olive, Stewart, Dotzler, and Hatch, a bill for an act increasing the total aggregate amount of tax credits available for business investment and contributions to seed capital funds.

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

[Senate File 2039](#), by Angelo, a bill for an act relating to the sale of certain seized rifles and shotguns by county law enforcement agencies at a public auction.

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

[Senate File 2040](#), by Noble, a bill for an act relating to a property assessment adjustment for certain elderly persons, providing a penalty, and including retroactive applicability date provisions.

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

[Senate File 2041](#), by Heckroth, a bill for an act appropriating moneys to partially reimburse commissioners of soil and water conservation districts for administrative expenses.

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

[Senate File 2042](#), by Heckroth, a bill for an act requiring the use of headlights when a motor vehicle's windshield wipers are in use and making a penalty applicable.

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

[Senate File 2043](#), by Hancock, a bill for an act relating to consuming and possessing alcohol, and providing penalties.

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

[Senate File 2044](#), by Putney, a bill for an act relating to the calculation of registration fees for certain motor trucks and providing effective and applicability dates.

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

[Senate File 2045](#), by Putney, a bill for an act relating to early school starts and providing effective dates.

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

STUDY BILLS RECEIVED

[SSB 3068](#) **Education**

Relating to the statewide preschool program for four-year-old children and funding associated with the program and providing an effective date.

[SSB 3069](#) **Education**

Relating to the elimination of the educational excellence phase II program and providing for the equivalent of the education excellence phase II funding to be transferred into the state school foundation aid formula and providing an appropriation and effective and applicability dates.

[SSB 3070](#) **Education**

Transferring administration of the entrepreneurs with disabilities program to the department of education.

[SSB 3071](#) **Education**

Relating to the duties and operations of the state board of education, the department of education, and local school boards.

SSB 3072 Education

Allowing the director of the department of education to withhold certain state funding from school districts, area education agencies, and community colleges when required report submissions are late.

SSB 3073 Labor and Business Relations

Relating to unemployment insurance tax penalties.

SSB 3074 Labor and Business Relations

Relating to late settlement fees in contested cases for workers' compensation benefits and appropriating such fees to the division of workers' compensation within the department of workforce development.

SSB 3075 Judiciary

Relating to the judicial branch including judicial review of state agency decisions, contested and uncontested parking violations, filing civil citations of municipal infractions with the clerk, appointments to the clerk of the district court, records kept by the clerk, and service of original notice in a small claims action.

SSB 3076 Judiciary

Relating to providing legal representation to an eligible indigent person and the appointment of a guardian ad litem.

SSB 3077 Judiciary

Relating to escape from custody by a person detained or committed as a sexually violent predator, and providing a penalty.

SSB 3078 Judiciary

Relating to the possession, distribution, and reporting of obscene material and making penalties applicable.

SSB 3079 **Judiciary**

Relating to deferred judgment records in a criminal proceeding.

SSB 3080 **Judiciary**

Relating to the confidentiality of court records and information.

SSB 3081 **Ways and Means**

Relating to bonds and notes providing for exemption from state income tax.

SSB 3082 **Transportation**

Relating to technical matters concerning the regulation of motor vehicles by the department of transportation and providing an effective date.

SSB 3083 **Transportation**

Providing increased penalties for speeding violations committed by a motor vehicle operator in a road work zone.

SSB 3084 **Transportation**

Relating to requirements for operation of a motor vehicle in merging traffic and providing a penalty.

SSB 3085 **Transportation**

Concerning the licensure of motor vehicle drivers under eighteen years of age and making a penalty applicable.

SSB 3086 **Local Government**

Relating to applications for absentee ballots.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2013

JUDICIARY: Quirnbach, Chair; Kreiman and Noble

Senate File 2022

JUDICIARY: Fraise, Chair; Behn and Horn

Senate File 2026

WAYS AND MEANS: Quirnbach, Chair; Angelo and Bolkom

Senate File 2029

HUMAN RESOURCES: Wood, Chair; Boettger and Ragan

Senate File 2033

EDUCATION: Beall, Chair; Connolly and Zieman

SSB 3068

EDUCATION: Appel, Chair; Schmitz and Zieman

SSB 3069

EDUCATION: Schoenjahn, Chair; Mulder and Wood

SSB 3070

EDUCATION: Schmitz, Chair; Beall and Zaun

SSB 3071

EDUCATION: Appel, Chair; Connolly and McKinley

SSB 3072

EDUCATION: Connolly, Chair; Appel and Boettger

SSB 3073

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Behn and Hatch

SSB 3074

LABOR AND BUSINESS RELATIONS: Courtney, Chair; Seng and Ward

[SSB 3075](#)

JUDICIARY: Kreiman, Chair; Schoenjahn and Ward

[SSB 3076](#)

JUDICIARY: Kreiman, Chair; Schoenjahn and Ward

[SSB 3077](#)

JUDICIARY: Kreiman, Chair; Behn and Dvorsky

[SSB 3078](#)

JUDICIARY: Kreiman, Chair; Hartsuch and Schoenjahn

[SSB 3079](#)

JUDICIARY: Hogg, Chair; Horn and Zieman

[SSB 3080](#)

JUDICIARY: Kreiman, Chair; Hancock and Noble

[SSB 3081](#)

WAYS AND MEANS: Dotzler, Chair; Stewart and Ward

[SSB 3082](#)

TRANSPORTATION: Rielly, Chair; Houser and Warnstadt

[SSB 3083](#)

TRANSPORTATION: Danielson, Chair; Dearden and Putney

SSN 3084

TRANSPORTATION: Beall, Chair; McCoy and Zaun

[SSB 3085](#)

TRANSPORTATION: Hancock, Chair; Heckroth and Zieman

[SSB 3086](#)

LOCAL GOVERNMENT: Quirmbach, Chair; Heckroth and McKinley

FINAL COMMITTEE REPORTS OF BILL ACTION

JUDICIARY

Bill Title: [SENATE FILE 2036*](#) ([SSB 3019](#)), a bill for an act relating to the division of criminal and juvenile justice planning of the department of human rights by making changes to the membership of the council, permitting access to the records of the department of workforce development, and modifying the sex offender treatment and supervision task force.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on [Senate File 2036](#), and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: [SENATE FILE 2035](#) ([SSB 3031](#)), a bill for an act relating to campaign signs and contributions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Connolly, Horn, Zieman, Appel, Behn, Black, Danielson, Gaskill, Hahn, Hatch, Kettering, Kibbie, and Schmitz. Nays, none. Absent, 2: McKibben and Wood.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.