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**STATE OF IOWA**

**Senate Journal**

**THURSDAY, FEBRUARY 7, 2008**

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# JOURNAL OF THE SENATE

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TWENTY-FIFTH CALENDAR DAY  
SIXTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, February 7, 2008

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

Prayer was offered by Dr. David Ruhe of Plymouth Congregational Church in Des Moines, Iowa. He was the guest of Senators McCoy and Ward.

The Journal of Wednesday, February 6, 2008, 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 6, 2008, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 2103**, a bill for an act relating to appointments to the college student aid commission and including an effective date and applicability provision.

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

**House File 2140**, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

Read first time and attached to **companion Senate File 2118**.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lundby, until she arrives, on request of Senator Gaskill.

## CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2118](#).

### [Senate File 2118](#)

On motion of Senator Schoenjahn, [Senate File 2118](#), a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date, was taken up for consideration.

Senator Schoenjahn asked and received unanimous consent that [House File 2140](#) be **substituted** for [Senate File 2118](#).

### [House File 2140](#)

On motion of Senator Schoenjahn, [House File 2140](#), a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date, was taken up for consideration.

The Senate stood at ease at 9:15 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:12 a.m., President Kibbie presiding.

Senator Johnson offered amendment [S-5002](#), filed by him from the floor to page 1 of the bill.

Senator Gronstal raised the point of order that amendment [S-5002](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-5002](#) out of order.

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?” ([H.F. 2140](#)), the vote was:

Yeas, 48:

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

Nays, 1:

Warnstadt

Absent, 1:

Lundby

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

### WITHDRAWN

Senator Schoenjahn asked and received unanimous consent that [Senate File 2118](#) be **withdrawn** from further consideration of the Senate.

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [House File 2140](#) be **immediately messaged** to the House.

**CONFIRMATION OF GOVERNOR'S APPOINTMENT**  
(Individual Confirmation Calendar)

Senator Schoenjahn called up the appointment of Darrell Hanson, as a member of the Utilities Board, placed on the Individual Confirmation Calendar on January 31, 2008, and found on page 153 of the Senate Journal.

Senator Schoenjahn moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Lundby

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

**CONFIRMATION OF GOVERNOR'S APPOINTMENTS**

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Sandra Ryan – Commission for the Blind

Ruth MacDonald – Iowa Economic Development Board

Gloria Reber – Commission of Elder Affairs

Chad Campion – Electrical Examining Board  
Chad Layland – Electrical Examining Board  
Barbara Mentzer – Electrical Examining Board  
KG Perley – Electrical Examining Board  
Duane Quirk – Electrical Examining Board

Russell Allen – Elevator Safety Board

Kyle Carlson – Generation Iowa Commission  
Erin Cumings – Generation Iowa Commission  
Christian Fong – Generation Iowa Commission  
Karris Golden – Generation Iowa Commission  
Jodi Grover – Generation Iowa Commission  
Rachel Judisch – Generation Iowa Commission  
Emiliano Lerda – Generation Iowa Commission  
Emilia Martin – Generation Iowa Commission  
Jordan Oster – Generation Iowa Commission  
Michael Schneider – Generation Iowa Commission

Patricia Higby – Iowa Power Fund Board  
Fred Hubbell – Iowa Power Fund Board  
Carrie LaSeur – Iowa Power Fund Board  
Mary Norton – Iowa Power Fund Board  
Thomas Wind – Iowa Power Fund Board

Andrew Smith – IowAccess Advisory Council

James Ingram – Investment Board of the IPERS

Christopher Seeger – Landscape Architectural Examining Board

Colleen Kennedy – Board of Medicine  
Rodney Zeitler – Board of Medicine

Theresa Hegmann – Board of Physician Assistants  
Ted Smith – Board of Physician Assistants

Kenneth Pangburn – Renewable Fuel Infrastructure Board  
Sandy Simpson – Renewable Fuel Infrastructure Board

Susan Hjelm – State Soil Conservation Committee  
 Esther Leyda – State Soil Conservation Committee

Deborah Petersen – Title Guaranty Division Board

Michael Blouin – State Transportation Commission

Tammy Robinson – Vision Iowa Board

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question “Shall the appointees be confirmed?” the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Lundby

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 2065](#).

## House File 2065

On motion of Senator Beall, House File 2065, a bill for an act relating to military leaves of absence and reemployment and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Beall 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?" (H.F. 2065), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Lundby

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 House File 2065 be **immediately messaged** to the House.



## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:37 a.m. until 1:00 p.m., Monday, February 11, 2008.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

**Convened:** February 6, 2008, 10:50 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentations on operations and budgets of the Parole Board, the State Public Defender, and the Iowa Law Enforcement Academy.

**Adjourned:** 12:05 p.m.

#### ECONOMIC GROWTH

**Convened:** February 7, 2008, 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:** Approved governor's appointment to the En Bloc Confirmation Calendar. Passed [SF 2063](#). Approved [SSB 3064](#). Presentations by Karen Merrick, Department of Economic Development, and Christian Fong, Generation Iowa Commission.

**Adjourned:** 2:00 p.m.

#### JUDICIARY

**Convened:** February 7, 2008, 2:05 p.m.

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

**Members Absent:** McKibben, Ranking Member (excused).

**Committee Business:** Passed [SF 522](#) and [SF 2012](#). Approved governor's appointments to the En Bloc and Individual Confirmation Calendar.

**Adjourned:** 2:40 p.m.

## NATURAL RESOURCES AND ENVIRONMENT

**Convened:** February 7, 2008, 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 (excused).

**Committee Business:** Subcommittee assignments. Presentation by Dwayne McAninch, Chairman/CEO of McAninch Corporation.

**Adjourned:** 1:45 p.m.

## APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**Convened:** February 6, 2008, 10:45 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentation on lake restoration in Iowa by DNR staff members.

**Adjourned:** 11:15 a.m.

## APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** February 7, 2008, 10:45 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentation by Randy Pilkington and Maureen Collins-Williams regarding small business development.

**Adjourned:** 11:35 a.m.

## APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

**Convened:** February 7, 2008, 10:45 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentation by community college presidents.

**Adjourned:** 12:05 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

**Convened:** February 7, 2008, 10:00 a.m.

**Members Present:** Hatch, Chair; Kreiman, Vice Chair; and Ragan.

**Members Absent:** Johnson, Ranking Member; and Seymour (both excused).

**Committee Business:** Discussion concerning I-CARE and University of Iowa College of Medicine funding.

**Adjourned:** 11:50 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** February 7, 2008, 10:50 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentations on the operations and budgets of the Department of Public Defense, Iowa National Guard, and the Homeland Security and Emergency Management Division.

**Adjourned:** 12:00 p.m.

### **INTRODUCTION OF BILLS**

**Senate File 2119**, by Johnson, a bill for an act providing for the prohibition of human cloning, providing penalties, and providing for a repeal.

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

**Senate File 2120**, by Johnson, a bill for an act providing compensation and expenses for certain members of the watershed improvement review board and providing an appropriation.

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

[Senate File 2121](#), by Johnson, a bill for an act relating to water quality by establishing a water resources coordinating council, authorizing a marketing campaign, directing assistance to local communities for monitoring and measurement, and creating a regional assessment program, a community-based improvement program, and a wastewater and storm water infrastructure program.

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

[Senate File 2122](#), by committee on State Government, a bill for an act making technical and corrective changes to the law relating to elections and voter registration and making a penalty applicable.

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

[Senate File 2123](#), by committee on Ways and Means, a bill for an act updating the Code references to the Internal Revenue Code and including effective date and retroactive applicability date provisions.

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

[Senate File 2124](#), by committee on Veterans Affairs, a bill for an act relating to authorized expenditures from the veterans trust fund and providing for emergency rulemaking authority.

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

[Senate File 2125](#), by committee on Veterans Affairs, a bill for an act concerning eligibility for receiving a Vietnam Conflict veterans bonus for a certain period of active duty military service and including an effective date and retroactive applicability provision.

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

[Senate File 2126](#), by McCoy, Connolly, Appel, Dearden, Hatch, Hogg, Dvorsky, Stewart, and Bolckcom, a bill for an act relating to

state and local regulation of smoking and making penalties applicable.

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

[Senate File 2127](#), by Zaun, Mulder, Heckroth, and Olive, a bill for an act relating to nonresident deer hunting licenses.

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

[Senate File 2128](#), by Dvorsky, a bill for an act establishing a therapeutic recreation board, requiring the licensure of therapeutic recreation specialists, and providing for fees and penalties.

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

#### STUDY BILLS RECEIVED

##### [SSB 3149](#)      **Government Oversight**

Relating to pharmacy benefits management including the timely payment of claims payable under a pharmacy benefits management plan and disclosure of certain information.

##### [SSB 3150](#)      **State Government**

Relating to conflicts of interest, lobbying activities, and receipt of gifts by certain government officials and employees.

##### [SSB 3151](#)      **State Government**

Concerning the Iowa public employees' retirement system and providing effective date provisions.

##### [SSB 3152](#)      **State Government**

Concerning the Iowa public employees' retirement system and including effective date and retroactive applicability provisions.

**SSB 3153      Human Resources**

Relating to criminal and abuse records of prospective and current employees of licensed hospitals and health care facilities and certain health-related programs and services and providing penalties.

**SSB 3154      Human Resources**

Creating a heart disease and stroke prevention program and making an appropriation.

**SSB 3155      Human Resources**

Relating to services associated with the family investment program by moving the family development and self-sufficiency council and grant program to the department of human rights and revising confidentiality provisions involving the programs.

**SSB 3156      Human Resources**

Relating to child care and family support subsidy services regulated or administered by the department of human services.

**SSB 3157      State Government**

Concerning the operation and governance of the Iowa lottery.

**SSB 3158      Natural Resources and Environment**

Authorizing establishment of maximum acceptable limits for greenhouse gas emissions.

**SSB 3159      Labor and Business Relations**

Relating to registration and bonding requirements for contractors, and providing criminal and civil penalties.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2096**

LOCAL GOVERNMENT: Quirmbach, Chair; Kreiman and Zaun

[Senate File 2102](#)

COMMERCE: Olive, Chair; Angelo and Rielly

[Senate File 2105](#)

LOCAL GOVERNMENT: Beall, Chair; Angelo and Heckroth

[Senate File 2106](#)

STATE GOVERNMENT: Kibbie, Chair; Behn and Danielson

[Senate File 2114](#)

WAYS AND MEANS: Quirnbach, Chair; Dotzler and Putney

[Senate File 2115](#)

COMMERCE: Rielly, Chair; Kettering and Olive

[Senate File 2119](#)

HUMAN RESOURCES: Bolkcom, Chair; Hatch and Johnson

[Senate File 2120](#)

NATURAL RESOURCES AND ENVIRONMENT: Johnson, Chair; Hancock and Wood

[House File 247](#)

LOCAL GOVERNMENT: Schoenjahn, Chair; Hartsuch and Rielly

[House File 2103](#)

EDUCATION: Quirnbach, Chair; Appel and Mulder

[SSB 3149](#)

GOVERNMENT OVERSIGHT: Schmitz, Chair; Connolly and Lundby

[SSB 3150](#)

STATE GOVERNMENT: Kibbie, Chair; Behn and Connolly

[SSB 3151](#)

STATE GOVERNMENT: Connolly, Chair; Appel, Kettering, Wood, and Zieman

[SSB 3152](#)

STATE GOVERNMENT: Connolly, Chair; Appel, Kettering, Wood, and Zieman

[SSB 3153](#)

HUMAN RESOURCES: Wood, Chair; Ragan and Seymour

[SSB 3154](#)

HUMAN RESOURCES: Hatch, Chair; Kreiman and Hartsuch

[SSB 3155](#)

HUMAN RESOURCES: Kreiman, Chair; Schmitz and Johnson

[SSB 3156](#)

HUMAN RESOURCES: Schmitz, Chair; Quirnbach and Boettger

[SSB 3157](#)

STATE GOVERNMENT: Connolly, Chair; Behn and Kibbie

[SSB 3158](#)

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

[SSB 3159](#)

LABOR AND BUSINESS RELATIONS: Dearden, Chair; Courtney and Kettering

## FINAL COMMITTEE REPORTS OF BILL ACTION

### STATE GOVERNMENT

**Bill Title:** [SENATE FILE 2122 \(SSB 3118\)](#), a bill for an act making technical and corrective changes to the law relating to elections and voter registration and making a penalty applicable.

**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.

### VETERANS AFFAIRS

**Bill Title:** [SENATE FILE 2124 \(SSB 3090\)](#), a bill for an act relating to authorized expenditures from the veterans trust fund and providing for emergency rulemaking authority.

**Recommendation:** APPROVED COMMITTEE BILL.



Ayes, 10: Beall, Warnstadt, Black, Danielson, Hartsuch, Horn, Kibbie, McKibben, McKinley, and Ragan. Nays, none. Absent, 1: Seymour.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [SENATE FILE 2125 \(SSB 3066\)](#), a bill for an act concerning eligibility for receiving a Vietnam Conflict veterans bonus for a certain period of active duty military service and including an effective date and retroactive applicability provision.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Beall, Warnstadt, Black, Danielson, Hartsuch, Horn, Kibbie, McKibben, McKinley, and Ragan. Nays, none. Absent, 1: Seymour.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### WAYS AND MEANS

**Bill Title:** [SENATE FILE 2123 \(SSB 3059\)](#), a bill for an act updating the Code references to the Internal Revenue Code and including effective date and retroactive applicability date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 16: Bolcom, McCoy, McKibben, Appel, Connolly, Dotzler, Hogg, Houser, Noble, Putney, Quirnbach, Schmitz, Seng, Stewart, Ward, and Zieman. Nays, none. Absent, 1: Angelo.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### 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:

#### ECONOMIC GROWTH

Michael Tramontina – Director of the Department of Economic Development

#### JUDICIARY

Rich Eychaner – Iowa State Civil Rights Commission

**GOVERNOR'S APPOINTEE PLACED ON  
INDIVIDUAL CONFIRMATION CALENDAR**

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

**JUDICIARY**

John Baldwin – Director of the Department of Corrections

**AMENDMENT FILED**

S-5002      H.F. 2140      Johnson