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**STATE OF IOWA**

**Senate Journal**

**THURSDAY, FEBRUARY 14, 2008**

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# JOURNAL OF THE SENATE

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THIRTY-SECOND CALENDAR DAY  
TWENTIETH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, February 14, 2008

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

Prayer was offered by Jan Heckroth, staff chaplain at Allen Hospital in Waterloo, Iowa. She was the guest of her husband, Senator Heckroth.

The Journal of Wednesday, February 13, 2008, was approved.

## SPECIAL GUESTS

President Kibbie welcomed to the chamber the Honorable Richard Vande Hoef and his wife Harriet. Former Senator Vande Hoef represented northwest Iowa and now lives in Sibley, Iowa.

The Senate rose and expressed its welcome.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, for the day, on request of Senator Hahn.

## BILL REFERRED TO COMMITTEE

Senator Rielly asked and received unanimous consent that [Senate File 2163](#) be referred from the Regular Calendar to the committee on **Appropriations**.

## ADJOURNMENT

On motion of Senator Rielly, the Senate adjourned at 8:52 a.m. until 1:00 p.m., Monday, February 18, 2008.

## APPENDIX

### CERTIFICATES OF RECOGNITION

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

Ron and Delores Driver—For celebrating their 50th wedding anniversary. Senator Gronstal (2/14/08).

Wayne McDonald, Clemons—For celebrating his 80th birthday. Senator McKibben (2/14/08).

Dean and Ann Miller—For celebrating their 25th wedding anniversary. Senator Gronstal (2/14/08).

Vic and Irene Schlautman—For celebrating their 65th wedding anniversary. Senator Gronstal (2/14/08).

### REPORTS OF COMMITTEE MEETINGS

#### LOCAL GOVERNMENT

**Convened:** February 13, 2008, 3:05 p.m.

**Members Present:** Quirmbach, Chair; Beall, Vice Chair; Zaun, Ranking Member; Angelo, Hartsuch, Kreiman, McKinley, Olive, Rielly, Schoenjahn, and Stewart.

**Members Absent:** Heckroth and Houser (both excused).

**Committee Business:** Reviewed subcommittee assignments.

**Adjourned:** 3:10 p.m.

#### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** February 13, 2008, 10:15 a.m.

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

**Members Absent:** Ward (excused).

**Committee Business:** Presentations by the World Food Prize ambassador, the Workers' Compensation commissioner, the Labor commissioner, and the Iowa Finance Authority director.

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

## NATURAL RESOURCES AND ENVIRONMENT

**Convened:** February 14, 2008, 1:05 p.m.

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

**Members Absent:** Wood (excused).

**Committee Business:** Subcommittee assignments. Passed [SF 2108](#). Presentation on Hewitt Watershed.

**Adjourned:** 1:55 p.m.

## COMMERCE

**Convened:** February 14, 2008, 11:40 a.m.

**Members Present:** Warnstadt, Chair; Heckroth, Vice Chair; Behn, Ranking Member; Angelo, Bolkcom, Courtney, Kettering, McKibben, Olive, Putney, Rielly, Schoenjahn, and Ward.

**Members Absent:** McCoy and Stewart (both excused).

**Committee Business:** Approved [SSB 3105](#).

**Adjourned:** 11:45 a.m.

## ECONOMIC GROWTH

**Convened:** February 14, 2008, 1:05 p.m.

**Members Present:** Stewart, Chair; Olive, Vice Chair; Danielson, Dotzler, Hahn, Hatch, Mulder, Rielly, Schmitz, Seymour, and Zaun.

**Members Absent:** Houser, Ranking Member; and Beall (both excused).

**Committee Business:** Approved [SSB 3128](#). Presentations on the Endow Iowa Program, the Iowa Council of Foundations, and the Ida County Community Betterment Foundation.

**Adjourned:** 1:30 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** February 14, 2008, 10:30 a.m.

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

**Members Absent:** Houser (excused).

**Committee Business:** Panel discussion on a five-year plan to study the effects of livestock odor.

**Adjourned:** 11:20 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** February 14, 2008, 10:30 a.m.

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

**Members Absent:** Wood, Chair (excused).

**Committee Business:** Presentations concerning library services and before and afterschool programs.

**Adjourned:** 11:30 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

**Convened:** February 14, 2008, 10:30 a.m.

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

**Members Absent:** None.

**Committee Business:** Medicare waiver discussion. Presentation on Elder Affairs.

**Adjourned:** 11:30 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** February 14, 2008, 10:25 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentations by Department of Corrections.

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

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,  
INFRASTRUCTURE, AND CAPITALS**

**Convened:** February 14, 2008, 10:20 a.m.

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

**Members Absent:** McKibben (excused).

**Committee Business:** Presentation by Department of Corrections director.

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

INTRODUCTION OF RESOLUTION

[Senate Resolution 105](#), by Gaskill and Ragan, a resolution honoring Winnebago Industries on its 50th anniversary.

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

INTRODUCTION OF BILLS

[Senate File 2172](#), by committee on Human Resources, a bill for an act relating to dental homes for children.

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

[Senate File 2173](#), by committee on Human Resources, a bill for an act relating to case permanency plans, consent decrees, and attendance at proceedings in juvenile court.

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

[Senate File 2174](#), by committee on Ways and Means, a bill for an act providing an Iowa individual income tax checkoff for the department of human services' child abuse prevention program, making an appropriation, and providing for the Act's implementation and including a retroactive applicability date provision.

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

[Senate File 2175](#), by committee on Veterans Affairs, a bill for an act increasing the penalties that may be imposed by courts-martial under the Iowa code of military justice.

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

[Senate File 2176](#), by committee on State Government, a bill for an act relating to cultural affairs by providing for the preservation of electronic records, establishing regional cultural committees, and creating a civil war sesquicentennial advisory committee.

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

[Senate File 2177](#), by committee on Human Resources, a bill for an act relating to health-related activities and regulation by the department of public health.

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

#### STUDY BILLS RECEIVED

##### [SSB 3180](#)      **Local Government**

Providing that a city may adopt an ordinance regulating the siting of certain confinement feeding operation structures within an unincorporated area adjacent to the city limits.

##### [SSB 3181](#)      **Agriculture**

Regulating persons who transport, handle, store, or apply manure.

##### [SSB 3182](#)      **Human Resources**

Relating to the regulation of health-related professions.

##### [SSB 3183](#)      **Commerce**

Relating to identity theft, including providing for the notification of a breach in the security of computerized data that includes

personal information, establishing a business duty to safeguard personal information against a breach of security, and providing penalties.

**SSB 3184      Ways and Means**

Relating to providing sales, use, and property tax exemptions for certain web search portal businesses.

**SUBCOMMITTEE ASSIGNMENTS**

**Senate File 2148**

JUDICIARY: Hogg, Chair; Hancock and Hartsuch

**Senate File 2149**

JUDICIARY: Schoenjahn, Chair; Kreiman and Noble

**Senate File 2164**

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

**Senate File 2165**

COMMERCE: Warnstadt, Chair; Kettering and Stewart

**Senate File 2167**

NATURAL RESOURCES AND ENVIRONMENT: Wood, Chair; Bolkcom and Lundby

**Senate File 2170**

EDUCATION: Connolly, Chair; Wood and Zaun

**SSB 3180**

LOCAL GOVERNMENT: Quirmbach, Chair; Kreiman and Angelo

**SSB 3181**

AGRICULTURE: Black, Chair; Johnson and Seng

**SSB 3182**

HUMAN RESOURCES: Schmitz, Chair; Mulder and Wood

[SSB 3183](#)

COMMERCE: Warnstadt, Chair; Kettering and Stewart

[SSB 3184](#)

WAYS AND MEANS: Dotzler, Chair; Appel and Ward

FINAL COMMITTEE REPORTS OF BILL ACTION

**HUMAN RESOURCES**

**Bill Title:** [SENATE FILE 2172\\*](#) ([SSB 3001](#)), a bill for an act relating to dental homes for children.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Ragan, Schmitz, Boettger, Bolkcom, Dotzler, Hartsuch, Hatch, Johnson, Kreiman, Mulder, Quirnbach, and Wood. Nays, none. Absent, 1: Seymour.

**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 Human Resources Committee on [Senate File 2172](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** [SENATE FILE 2173](#) ([SSB 3013](#)), a bill for an act relating to case permanency plans, consent decrees, and attendance at proceedings in juvenile court.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Ragan, Schmitz, Boettger, Bolkcom, Dotzler, Hartsuch, Hatch, Johnson, Kreiman, Mulder, Quirnbach, and Wood. Nays, none. Absent, 1: Seymour.

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

**ALSO:**

**Bill Title:** [SENATE FILE 2177\\*](#) ([SSB 3137](#)), a bill for an act relating to health-related activities and regulation by the department of public health.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Ragan, Schmitz, Boettger, Bolkcom, Dotzler, Hartsuch, Hatch, Johnson, Kreiman, Mulder, Quirnbach, and Wood. Nays, none. Absent, 1: Seymour.

**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 Human Resources Committee on [Senate File 2177](#), and they were attached to the committee report.

#### NATURAL RESOURCES AND ENVIRONMENT

**Bill Title:** [SENATE FILE 2108](#), a bill for an act relating to the designation of a Gift to Iowa's Future Recognition Day.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Black, Hancock, Gaskill, Behn, Bolcom, Dearden, Hogg, Johnson, Kettering, Lundby, Noble, Ragan, Schoenjahn, and Seng. Nays, none. Absent, 1: Wood.

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

#### STATE GOVERNMENT

**Bill Title:** [SENATE FILE 2176\\*](#) ([SSB 3067](#)), a bill for an act relating to cultural affairs by providing for the preservation of electronic records, establishing regional cultural committees, and creating a civil war sesquicentennial advisory committee.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Connolly, Horn, Zieman, Appel, Behn, Black, Danielson, Gaskill, Hahn, Hatch, Kettering, Kibbie, Schmitz, and Wood. Nays, none. Absent, 1: McKibben.

**Fiscal Note:** 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 2176](#), and they were attached to the committee report.

#### VETERANS AFFAIRS

**Bill Title:** [SENATE FILE 2175](#) ([SSB 3065](#)), a bill for an act increasing the penalties that may be imposed by courts-martial under the Iowa code of military justice.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Horn, Kibbie, and Ragan. Nays, none. Absent, 2: McKibben and McKinley.

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

**WAYS AND MEANS**

**Bill Title:** [SENATE FILE 2174\\*](#) ([SSB 3148](#)), a bill for an act providing an Iowa individual income tax checkoff for the department of human services' child abuse prevention program, making an appropriation, and providing for the Act's implementation and including a retroactive applicability date provision.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Bolkcom, Angelo, Appel, Dotzler, Hogg, Noble, Putney, Quirmbach, Schmitz, Seng, Stewart, Ward, and Ziemann. Nays, none. Absent, 4: McCoy, McKibben, Connolly, and Houser.

**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 Ways and Means Committee on [Senate File 2174](#), and they were attached to the committee report.

**AMENDMENT FILED**

[S-5004](#)      [S.F. 2137](#)      John P. Kibbie