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**STATE OF IOWA**

**Senate Journal**

**WEDNESDAY, MARCH 5, 2008**

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# JOURNAL OF THE SENATE

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FIFTY-SECOND CALENDAR DAY  
THIRTY-FIRST SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, March 5, 2008

The Senate met in regular session at 8:45 a.m., President Pro Tempore Danielson presiding.

Prayer was offered by Pastor Tim Leathers of the Heartland Fellowship Church in Wilton, Iowa. He was the guest of Senator Hahn.

The Journal of Tuesday, March 4, 2008, was approved.

Senator Wood took the chair at 9:05 a.m.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:15 a.m. until 8:45 a.m., Thursday, March 6, 2008.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### JUDICIARY

**Convened:** March 4, 2008, 4:05 p.m.

**Members Present:** Kreiman, Chair; Hogg, Vice Chair; McKibben, Ranking Member; Dvorsky, Fraise, Hancock, Hartsuch, Horn, Noble, Quirmbach, Schoenjahn, Ward, Warnstadt, and Ziemán.

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

**Committee Business:** Passed [SF 531](#) and approved SSBs 3212, 3215, 3232, 3240, 3241, and 3248.

**Adjourned:** 4:34 p.m.

#### TRANSPORTATION

**Convened:** March 4, 2008, 2:35 p.m.

**Members Present:** Rielly, Chair; Danielson, Vice Chair; Noble, Ranking Member; Beall, Dearden, Hancock, Heckroth, Houser, McCoy, Putney, Warnstadt, Zaun, and Ziemán.

**Members Absent:** None.

**Committee Business:** Passed [SF 2171](#) and approved SSBs 3085 and 3127.

**Recessed:** 2:45 p.m.

**Reconvened:** 3:10 p.m.

**Adjourned:** 3:50 p.m.

#### APPROPRIATIONS

**Convened:** March 5, 2008, 12:40 p.m.

**Members Present:** Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Behn, Black, Bolkom, Connolly, Danielson, Dotzler, Fraise, Hahn, Hancock, Hatch, Hogg, Johnson, Putney, Ragan, Seng, Seymour, Ward, Warnstadt, and Wood.

**Members Absent:** Angelo, Boettger, and Gaskill (all excused).

**Committee Business:** Passed [SF 2131](#), as amended, and approved [SSB 3262](#).

**Recessed:** 12:45 p.m.

**Reconvened:** 1:00 p.m.

**Adjourned:** 1:25 p.m.

## COMMERCE

**Convened:** March 5, 2008, 11:25 a.m.

**Members Present:** Warnstadt, Chair; Heckroth, Vice Chair; Behn, Ranking Member; Bolkom, Courtney, Kettering, McCoy, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward.

**Members Absent:** Angelo and McKibben (both excused).

**Committee Business:** Passed SFs 2091, 2115, 2191, and 2233, and approved SSBs 3108, 3171, 3238, and 3268.

**Adjourned:** 12:15 p.m.

## LABOR AND BUSINESS RELATIONS

**Convened:** March 5, 2008, 1:40 p.m.

**Members Present:** Dearden, Chair; Courtney, Vice Chair; Ward, Ranking Member; Behn, Dotzler, Dvorsky, Hahn, Hatch, Horn, Kettering, and Seng.

**Members Absent:** None.

**Committee Business:** Approved SSBs 3044, as amended, 3255, 3257, and 3260.

**Adjourned:** 2:20 p.m.

## LOCAL GOVERNMENT

**Convened:** March 5, 2008, 10:30 a.m.

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

**Members Absent:** None.

**Committee Business:** Passed SFs 2247, as amended, and 2256, as amended.

**Adjourned:** 11:10 a.m.

## STATE GOVERNMENT

**Convened:** March 5, 2008, 10:00 a.m.

**Members Present:** Connolly, Chair; Horn, Vice Chair; Zieman, Ranking Member; Appel, Behn, Black, Danielson, Hahn, Hatch, Kettering, Kibbie, Schmitz, and Wood.

**Members Absent:** Gaskill and McKibben (both excused).

**Committee Business:** Passed [SF 2188](#) and approved SSBs 3117, as amended, and 3164, as amended.

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

## VETERANS AFFAIRS

**Convened:** March 5, 2008, 2:30 p.m.

**Members Present:** Beall, Chair; Warnstadt, Vice Chair; Seymour, Ranking Member; Black, Danielson, Hartsuch, Horn, Kibbie, and Ragan.

**Members Absent:** McKibben and McKinley (both excused).

**Committee Business:** Passed [SF 2224](#) and approved SSBs 3035, 3202, and 3274.

**Adjourned:** 3:00 p.m.

## INTRODUCTION OF BILLS

[Senate File 2307](#), by committee on Education, a bill for an act establishing committees to formulate plans for a state research and development prekindergarten through grade twelve school and providing an effective date.

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

[Senate File 2308](#), by committee on Commerce, a bill for an act relating to identity theft by providing for the notification of a breach in the security of computerized data that includes personal information, and providing penalties.

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

[Senate File 2309](#), by committee on Economic Growth, a bill for an act relating to the membership of the vision Iowa board and including an applicability provision.

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

[Senate File 2310](#), by Warnstadt, a bill for an act relating to targeted jobs withholding credit agreements for certain pilot project cities located in border counties.

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

[Senate File 2311](#), by Seng, a bill for an act establishing the foster child scholarship program Act.

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

[Senate File 2312](#), by committee on State Government, a bill for an act relating to the conduct of elections and voter registration, making penalties applicable, and including effective date, applicability date, and transition provisions.

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

[Senate File 2313](#), by committee on Human Resources, a bill for an act requiring health benefit coverage for certain cancer treatment delivered pursuant to approved cancer clinical trials, establishing a cancer clinical trial review board, and providing an applicability date.

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

[Senate File 2314](#), by Dotzler, a bill for an act requiring imposition of a penalty for certain delays in commencement or terminations of workers' compensation benefits, and providing an applicability date.

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

[Senate File 2315](#), by committee on Economic Growth, a bill for an act relating to the property tax exemption for speculative shell buildings and including effective and retroactive applicability date provisions.

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

[Senate File 2316](#), by committee on Judiciary, a bill for an act creating the Iowa uniform prudent management of institutional funds Act and including an applicability provision.

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

[Senate File 2317](#), by committee on Judiciary, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

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

[Senate File 2318](#), by committee on Veterans Affairs, a bill for an act concerning veterans, including expenditures from the veterans trust fund and authorization of lottery games for veterans.

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

#### STUDY BILLS RECEIVED

##### [SSB 3271](#)      **Education**

Providing postsecondary education lending requirements for lending institutions, the Iowa student loan liquidity corporation, accredited postsecondary institutions, and private student loan creditors.

##### [SSB 3272](#)      **Judiciary**

Relating to the rights of a victim of an alleged sexual assault and notification of these rights by a peace officer.

##### [SSB 3273](#)      **Ways and Means**

Authorizing a city or county to collect a public safety impact fee for each night of lodging rental within the jurisdiction of the city or county.

##### [SSB 3274](#)      **Veterans Affairs**

Concerning veterans, including expenditures from the veterans trust fund and authorization of lottery games for veterans.

## SUBCOMMITTEE ASSIGNMENTS

### Senate File 2285

(Reassigned)

JUDICIARY: Kreiman, Chair; Hartsuch and Quirmbach

### Senate File 2311

EDUCATION: Wood, Chair; Connolly and Mulder

### SSB 3271

EDUCATION: Quirmbach, Chair; Connolly and Zieman

### SSB 3272

JUDICIARY: Kreiman, Chair; Hartsuch and Quirmbach

### SSB 3273

WAYS AND MEANS: Hogg, Chair; Noble and Stewart

### SSB 3274

VETERANS AFFAIRS: Beall, Chair; Warnstadt, Seymour, Black, Danielson, Hartsuch, Horn, Kibbie, McKibben, McKinley, and Ragan

## FINAL COMMITTEE REPORTS OF BILL ACTION

### COMMERCE

**Bill Title:** SENATE FILE 2308\* (SSB 3200), a bill for an act relating to identity theft by providing for the notification of a breach in the security of computerized data that includes personal information, and providing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Warnstadt, Heckroth, Bolkcom, Courtney, Kettering, McCoy, McKibben, Olive, Putney, Rielly, Schoenjahn, Stewart, and Ward. Nays, none. Absent, 2: Behn and Angelo.

**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 Commerce Committee on Senate File 2308, and they were attached to the committee report.

## ECONOMIC GROWTH

**Bill Title:** [SENATE FILE 2309](#) (formerly [SF 2209](#)), a bill for an act relating to the membership of the vision Iowa board and including an applicability provision.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Stewart, Olive, Houser, Beall, Danielson, Dotzler, Hahn, Hatch, Mulder, Rielly, Schmitz, Seymour, and Zaun. Nays, none. Absent, none.

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

### ALSO:

**Bill Title:** [SENATE FILE 2315](#) (formerly [SF 2195](#)), a bill for an act relating to the property tax exemption for speculative shell buildings and including effective and retroactive applicability date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Stewart, Olive, Houser, Beall, Danielson, Dotzler, Hahn, Mulder, Rielly, Schmitz, Seymour, and Zaun. Nays, none. Present, 1: Hatch Absent, none.

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

## EDUCATION

**Bill Title:** [SENATE FILE 2307\\*](#) (formerly [SF 2236](#)), a bill for an act establishing committees to formulate plans for a state research and development prekindergarten through grade twelve school and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Schoenjahn, Appel, Mulder, Beall, Boettger, Connolly, Heckroth, Kreiman, McKinley, Quirmbach, Schmitz, Wood, Zaun, and Zieman. Nays, none. Absent, 1: Johnson.

**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 Education Committee on [Senate File 2307](#), and they were attached to the committee report.

## HUMAN RESOURCES

**Bill Title:** [SENATE FILE 2313](#) ([SSB 3190](#)), a bill for an act requiring health benefit coverage for certain cancer treatment delivered pursuant to approved cancer clinical trials, establishing a cancer clinical trial review board, and providing an applicability date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Ragan, Schmitz, Bolkcom, Dotzler, Hatch, Kreiman, Mulder, Quirnbach, and Wood. Nays, 3: Seymour, Boettger, and Hartsuch. Absent, 1: Johnson.

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

## JUDICIARY

**Bill Title:** [SENATE FILE 531](#), a bill for an act relating to expunging a record of conviction for theft in the fifth degree offenses.

**Recommendation:** DO PASS.

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

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

## ALSO:

**Bill Title:** [SENATE FILE 2316 \(SSB 3232\)](#), a bill for an act creating the Iowa uniform prudent management of institutional funds Act and including an applicability provision.

**Recommendation:** APPROVED COMMITTEE BILL.

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

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

## ALSO:

**Bill Title:** [SENATE FILE 2317\\* \(SSB 3215\)](#), a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

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

**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 2317](#), and they were attached to the committee report.

**STATE GOVERNMENT**

**Bill Title:** [SENATE FILE 2312\\*](#) ([SSB 3142](#)), a bill for an act relating to the conduct of elections and voter registration, making penalties applicable, and including effective date, applicability date, and transition provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Connolly, Horn, Zieman, Appel, Danielson, Gaskill, Hahn, Hatch, Kettering, Kibbie, McKibben, and Schmitz. Nays, none. Present, 2: Black and Wood. Absent, 1: Behn.

**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 State Government Committee on [Senate File 2312](#), and they were attached to the committee report.

**VETERANS AFFAIRS**

**Bill Title:** [SENATE FILE 2318\\*](#) ([SSB 3274](#)), a bill for an act concerning veterans, including expenditures from the veterans trust fund and authorization of lottery games for veterans.

**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:** REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Veterans Affairs Committee on [Senate File 2318](#), and they were attached to the committee report.

**AMENDMENT FILED**[S-5045](#)[S.F. 2291](#)

Jeff Danielson