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**STATE OF IOWA**

**Senate Journal**

**TUESDAY, FEBRUARY 5, 2008**

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Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

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# JOURNAL OF THE SENATE

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TWENTY-THIRD CALENDAR DAY  
FOURTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, February 5, 2008

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

Prayer was offered by Rabbi Beryl Padorr of the Tifereth Israel Synagogue in Des Moines, Iowa. She was the guest of Senator McCoy.

The Journal of Monday, February 4, 2008, was approved.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Resolution 102](#).

### [Senate Resolution 102](#)

On motion of Senator Gronstal, [Senate Resolution 102](#), a resolution designating February 5, 2008, as Iowa Insurance Day, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved the adoption of [Senate Resolution 102](#), which motion prevailed by a voice vote.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:57 a.m. until 9:00 a.m., Wednesday, February 6, 2008.

## APPENDIX

### 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:

#### DEPARTMENT OF TRANSPORTATION

Midwest Regional Rail Passenger annual report, pursuant to Iowa Code section 327J.3(5). Report received on February 5, 2008.

Registered Flexible Fuel Vehicles annual report, pursuant to Iowa Code section 452A.33(3). Report received on February 5, 2008.

### CERTIFICATES OF RECOGNITION

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

Othel and Lora Adams, Woodbine—For celebrating their 65th wedding anniversary. Senator Seymour (2/5/08).

Dana Anderson, Dunlap—For receiving the excellence youth award presented by Alegent Health Community Memorial Hospital Medical Services Foundation. Senator Seymour (2/5/08).

Dr. John W. Barnes, Missouri Valley—For receiving the excellence award for health and medicine presented by Alegent Health Community Memorial Hospital Medical Services Foundation. Senator Seymour (2/5/08).

Thomas J. Case, Dow City—For celebrating his 80th birthday. Senator Seymour (2/5/08).

The Council Bluffs Arts Council—For celebrating its 25th anniversary. Senator Gronstal (2/5/08).

Frank and Jacqueline Diblasi—For celebrating their 50th wedding anniversary. Senator Gronstal (2/5/08).

Ron and Delores Driver, Missouri Valley—For celebrating their 50th wedding anniversary. Senator Seymour (2/5/08).

Phil Fouts, Woodbine—For receiving the excellence award for business presented by Alegent Health Community Memorial Hospital Medical Services Foundation. Senator Seymour (2/5/08).

Michael and Jo Lene Gray—For celebrating their 25th wedding anniversary. Senator Gronstal (2/5/08).

Don Groff, Woodbine—For receiving the excellence award for education presented by Alegent Health Community Memorial Hospital Medical Services Foundation. Senator Seymour (2/5/08).

Patricia Hall—For celebrating her 90th birthday. Senator Gronstal (2/5/08).

David and Vera Stewart, Jacksonville—For celebrating their 50th wedding anniversary. Senator Boettger (2/5/08).

Carl and Mary Tedesco—For celebrating their 60th wedding anniversary. Senator Gronstal (2/05/28).

Walt and Ferrel Wilson, Missouri Valley—For celebrating their 50th wedding anniversary. Senator Seymour (2/5/08).

## REPORTS OF COMMITTEE MEETINGS

### EDUCATION

**Convened:** February 4, 2008, 3:05 p.m.

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

**Members Absent:** None.

**Committee Business:** Approved SSBs 3006, 3009, and 3070. Presentation by Shanell Wagler from Empowerment.

**Adjourned:** 4:05 p.m.

### HUMAN RESOURCES

**Convened:** February 4, 2008, 4:10 p.m.

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

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

**Committee Business:** Passed [SF 2050](#). Discussion of gubernatorial appointments. Presentation by Kristi Lohmeier and Beth Pearson of the Iowa Policy Project on the cost of living in Iowa.

**Adjourned:** 4:50 p.m.

**TRANSPORTATION**

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

**Members Present:** Rielly, Chair; Danielson, Vice Chair; Noble, Ranking Member; Dearden, Hancock, Heckroth, Houser, Putney, and Ziemann.

**Members Absent:** Beall, McCoy, Warnstadt, and Zaun (all excused).

**Committee Business:** Discussion of governor's appointee.

**Adjourned:** 4:10 p.m.

**COMMERCE**

**Convened:** February 5, 2008, 2:05 p.m.

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

**Members Absent:** Heckroth, Vice Chair; McCoy and McKibben (all excused).

**Committee Business:** Approved SSBs 3036, 3037, and 3038. Approved governor's nominee to the En Bloc Confirmation Calendar.

**Adjourned:** 2:25 p.m.

**ECONOMIC GROWTH**

**Convened:** February 5, 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:** Discussion of governor's appointees. Presentation by Michael Tramontina, Director, Department of Economic Development on the Iowa Power Fund.

**Adjourned:** 1:50 p.m.

**NATURAL RESOURCES AND ENVIRONMENT**

**Convened:** February 5, 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. Approval of governor's appointees. Presentation by Rich Leopold, DNR Director, on his 2008 legislative priorities.

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

**APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

**Convened:** February 5, 2008, 10:05 a.m.

**Members Present:** Danielson, Chair; Appel, Vice Chair; Hahn, Ranking Member; Hartsuch and Stewart.

**Members Absent:** None.

**Committee Business:** Presentation by John Norris, Iowa Utilities Board Chairman.

**Adjourned:** 11:05 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** February 5, 2008, 10:10 a.m.

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

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

**Committee Business:** Presentation by DNR staff members on the State Water Quantity Program and the Flood Plain Permit Program.

**Adjourned:** 10:45 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** February 5, 2008, 10:10 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentations by Iowa State University staff members.

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

**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** February 5, 2008, 10:10 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentation on early childhood education and community empowerment work in early childhood.

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

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

**Convened:** February 5, 2008, 10:05 a.m.

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

**Members Absent:** None.

**Committee Business:** Discussion on Medicaid funding.

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

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

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

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

**Members Absent:** Fraise, Vice Chair; and Hogg (both excused).

**Committee Business:** Presentation by Sally Kramer, 5th Judicial District CBC director.

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

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

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

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

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

**Committee Business:** Presentation by Mollie Anderson, Director, Department of Administrative Services, and staff on FY 09 budget requests and updates and status of DAS projects.

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

## INTRODUCTION OF RESOLUTION

[Senate Resolution 103](#), by Appel, a resolution designating March 2008 as Iowa Women's History Month.

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

## INTRODUCTION OF BILLS

[Senate File 2096](#), by Bolkcom, McCoy, Kibbie, Gronstal, Appel, Fraise, Dearden, Wood, Olive, Hatch, Dvorsky, Heckroth, Danielson, Schmitz, Ragan, Stewart, Beall, Connolly, Kreiman, and Schoenjahn, a bill for an act providing for the local regulation of smoking.

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

[Senate File 2097](#), by Bolkcom, Black, Kibbie, Quirmbach, Fraise, Dearden, Wood, Hatch, Hogg, Dvorsky, Heckroth, Schmitz, Ragan, Stewart, Beall, Connolly, and Kreiman, a bill for an act specifying a maximum finance charge applicable to delayed deposit service transactions and making penalties applicable.

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

[Senate File 2098](#), by Bolkcom, Connolly, Stewart, Kreiman, Schmitz, Dotzler, Hogg, Dvorsky, and Heckroth, a bill for an act relating to recycling waste oil filters, establishing fees, and making an appropriation.

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

[Senate File 2099](#), by committee on State Government, a bill for an act relating to campaign finance procedures and requirements and providing an effective date.

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

[Senate File 2100](#), by committee on Education, a bill for an act relating to the membership requirements and oversight responsibilities of the board of educational examiners.

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

[Senate File 2101](#), by committee on Education, a bill for an act transferring administration of the entrepreneurs with disabilities program to the department of education.

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

[Senate File 2102](#), by Olive, a bill for an act relating to uninsured and underinsured motor vehicle liability coverage requirements.

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

[Senate File 2103](#), by Angelo, a bill for an act prohibiting employment discrimination against an employee witness in a civil proceeding.

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

#### STUDY BILLS RECEIVED

##### [SSB 3128](#)      **Economic Growth**

Relating to the annual aggregate amount of tax credits available under the endow Iowa program and to the amount of credits a taxpayer may receive.

##### [SSB 3129](#)      **Economic Growth**

Increasing the total aggregate amount of tax credits issued for business investment and contributions to seed capital funds.

**SSB 3130 Economic Growth**

Requiring the state board of regents to submit reports on the commercialization of research and providing for approval of projects.

**SSB 3131 Economic Growth**

Relating to programs administered by the commission on volunteer service by establishing Iowa summer youth corps and green corps programs, creating the Iowa summer youth corps account and making appropriations from the account, excluding certain payments provided to an AmeriCorps volunteer from state income tax, and providing a retroactive applicability provision.

**SSB 3132 Judiciary**

Concerning claims for material or labor on certain public and private property.

**SSB 3133 Natural Resources and Environment**

Relating to the water quality protection fund by changing the calculation of operating fees assessed against public water supply systems.

**SSB 3134 Natural Resources and Environment**

Relating to the disposal of solid waste by changing permitting requirements and updating and clarifying existing provisions.

**SSB 3135 Human Resources**

Revising family investment program requirements for limited benefit plans.

**SSB 3136 Human Resources**

Providing for implementation of an emergency mental health crisis services system.

**SSB 3137 Human Resources**

Relating to health-related activities and regulation by the department of public health.

**SSB 3138 Human Resources**

Requiring record checks of certain persons employed in a hospital facility that is licensed as a health care facility.

**SSB 3139 State Government**

Providing for the oversight of persons organized or doing business in this state on a nonprofit basis, providing for fees, and making an appropriation.

**SSB 3140 Human Resources**

Relating to health care reform in Iowa including the Iowa health care coverage exchange; medical homes; prevention and chronic care management; the Iowa health information technology system; health care quality, consumer information, strategic planning, and resource development; and the certificate of need program.

**SSB 3141 Appropriations**

Relating to and making appropriations to the judicial branch.

**SSB 3142 State Government**

Relating to the conduct of elections and voter registration and including effective date, applicability date, and transition provisions.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2077**

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

**Senate File 2081**

COMMERCE: Rielly, Chair; Angelo and Olive

[Senate File 2083](#)

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

[Senate File 2086](#)

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Black and Gaskill

[Senate File 2094](#)

EDUCATION: Connolly, Chair; Kreiman and McKinley

[Senate File 2098](#)

NATURAL RESOURCES AND ENVIRONMENT: Bolkcom, Chair; Kettering and Schoenjahn

[SSB 3128](#)

ECONOMIC GROWTH: Schmitz, Chair; Beall and Houser

[SSB 3129](#)

ECONOMIC GROWTH: Danielson, Chair; Houser and Stewart

[SSB 3130](#)

ECONOMIC GROWTH: Hatch, Chair; Dotzler and Houser

[SSB 3131](#)

ECONOMIC GROWTH: Rielly, Chair; Mulder and Olive

[SSB 3132](#)

JUDICIARY: Fraise, Chair; Horn and Noble

[SSB 3133](#)

NATURAL RESOURCES AND ENVIRONMENT: Seng, Chair; Behn and Ragan

[SSB 3134](#)

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

[SSB 3135](#)

HUMAN RESOURCES: Hatch, Chair; Bolkcom and Johnson

[SSB 3136](#)

HUMAN RESOURCES: Bolkcom, Chair; Johnson and Ragan

[SSB 3137](#)

HUMAN RESOURCES: Schmitz, Chair; Dotzler and Hartsuch

[SSB 3138](#)

HUMAN RESOURCES: Wood, Chair; Ragan and Seymour

[SSB 3139](#)

STATE GOVERNMENT: Connolly, Chair; Schmitz and Zieman

[SSB 3140](#)

HUMAN RESOURCES: Hatch, Chair; Bolkcom, Johnson, Ragan, and Seymour

[SSB 3141](#)

APPROPRIATIONS: Hogg, Chair; Angelo, Dvorsky, Hancock, and Kettering

[SSB 3142](#)

STATE GOVERNMENT: Appel, Chair; Danielson and Zieman

## FINAL COMMITTEE REPORTS OF BILL ACTION

### EDUCATION

**Bill Title:** [SENATE FILE 2100 \(SSB 3006\)](#), a bill for an act relating to the membership requirements and oversight responsibilities of the board of educational examiners.

**Recommendation:** APPROVED COMMITTEE BILL.

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

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

### ALSO:

**Bill Title:** [SENATE FILE 2101 \(SSB 3070\)](#), a bill for an act transferring administration of the entrepreneurs with disabilities program to the department of education.

**Recommendation:** APPROVED COMMITTEE BILL.

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

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

## STATE GOVERNMENT

**Bill Title:** [SENATE FILE 2099 \(SSB 3062\)](#), a bill for an act relating to campaign finance procedures and requirements and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

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

**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 recommendations for confirmation:

### COMMERCE

Deborah Petersen – Title Guaranty Division Board

### ECONOMIC GROWTH

Peter Hemken – Iowa Power Fund Board

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

Ruth MacDonald – Iowa Economic Development Board

Robert Riley, Jr. – Iowa Economic Development Board

### HUMAN RESOURCES

Sandra Ryan – Commission for the Blind

Gloria Reber – Commission of Elder Affairs

Theresa Hegmann – Board of Physician Assistants

Ted Smith – Board of Physician Assistants

**STATE GOVERNMENT**

Valynda Akin – Electrical Examining Board  
Chad Campion – Electrical Examining Board  
Chad Layland – Electrical Examining Board  
Lori Mease – Electrical Examining Board  
Barbara Mentzer – Electrical Examining Board  
KG Perley – Electrical Examining Board  
Duane Quirk – Electrical Examining Board  
Randy VanVoorst – Electrical Examining Board

Russell Allen – Elevator Safety Board

Sherry Sievers – Iowa Emergency Response Commission

Kyle Carlson – Generation Iowa Commission  
Erin Cumings – Generation Iowa Commission  
Christian Fong – Generation Iowa Commission  
Karris Golden – Generation Iowa Commission  
Mitchell Gross – Generation Iowa Commission  
Jodi Grover – Generation Iowa Commission  
Jesse Harris – Generation Iowa Commission  
Rachel Judisch – Generation Iowa Commission  
Sophia Magill – Generation Iowa Commission  
Emilia Martin – Generation Iowa Commission  
Isaiah McGee – Generation Iowa Commission  
Sara Morrow – Generation Iowa Commission  
Michael Schneider – Generation Iowa Commission

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

Tammy Robinson – Vision Iowa Board