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**STATE OF IOWA**

**Senate Journal**

**TUESDAY, FEBRUARY 20, 2007**

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# JOURNAL OF THE SENATE

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FORTY-FOURTH CALENDAR DAY  
TWENTY-SIXTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, February 20, 2007

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

Prayer was offered by the Honorable Gene Fraise, member of the Senate from Lee County, Fort Madison, Iowa.

The Journal of Monday, February 19, 2007, was approved.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 20, 2007, **adopted** the following resolution in which the concurrence of the Senate is asked:

**House Concurrent Resolution 6**, that a joint convention of the two houses of the 2007 session of the Eighty-second General Assembly be held on Tuesday, March 20, 2007, at 9:00 a.m. for Major General Ron Dardis to present his message of the Condition of the Iowa National Guard.

Read first time and **placed on the calendar**.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration **House Concurrent Resolution 6**.

## House Concurrent Resolution 6

On motion of Senator Gronstal, [House Concurrent Resolution 6](#), that a joint convention of the two houses of the 2007 session of the Eighty-second General Assembly be held on Tuesday, March 20, 2007, at 9:00 a.m. for Major General Ron Dardis to present his message of the Condition of the Iowa National Guard, was taken up for consideration.

Senator Gronstal moved the adoption of [House Concurrent Resolution 6](#), which motion prevailed by a voice vote.

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [House Concurrent Resolution 6](#) be **immediately messaged** to the House.

### COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to receive the Senate in joint convention.

In accordance with [House Concurrent Resolution 6](#), duly adopted, the Senate proceeded to the House chamber under the direction of the Secretary of the Senate and the Sergeant-at-Arms.

### JOINT CONVENTION

In accordance with law and [House Concurrent Resolution 6](#), duly adopted, the joint convention was called to order at 9:04 a.m., President Kibbie presiding.

Senator Gronstal moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present, which motion prevailed by a voice vote.

Senator Gronstal moved that a committee of six, three members from the Senate and three members from the House, be appointed to escort Governor Chet Culver to the House chamber.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Hancock, Rielly, and McKinley, on the part of the Senate, and Representatives D. Olson, Berry, and Worthan, on the part of the House.

Senator Gronstal moved that a committee of ten, five members from the Senate and five members from the House be appointed to notify the Adjutant General of the Iowa National Guard, Major General Ron Dardis, that the joint convention was ready to receive him.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Warnstadt, Danielson, Wood, Seymour, and Noble, on the part of the Senate, and Representatives Bailey, Whitead, Jacoby, Tymeson, and Windschitl, on the part of the House.

Treasurer of State Michael Fitzgerald, State Auditor David Vaudt, Secretary of State Michael Mauro, and Attorney General Tom Miller were escorted into the House chamber.

Major General Dardis's wife, Carmel, was escorted into the House chamber.

Lieutenant Governor Patty Judge was escorted into the House chamber.

The committee waited upon Governor Chet Culver and escorted him into the House chamber.

The committee waited upon Major General Ron Dardis, Adjutant General of the Iowa National Guard, and escorted him to the Speaker's station.

President Kibbie presented Major General Ron Dardis, Adjutant General of the Iowa National Guard, who delivered the following Condition of the Iowa National Guard Address:

Thank you very much. I am honored once again to stand before you representing the fine men and women of the Iowa National Guard Team. A team drawn from throughout Iowa's communities—large and small—dedicated to excellence and committed to defending our state and nation, both here at home and around the world.

Speaker Murphy, President Kibbie—thank you for the invitation to present the Condition of the National Guard address before this joint convention of the Eighty-second General Assembly of the Iowa Legislature.

Governor Culver, Lt. Governor Judge, members of the General Assembly, distinguished guests, fellow Iowans:

I am pleased to report the Iowa National Guard is strong—quite possibly the strongest it has been in generations. During the first five months of this recruiting year, the Iowa Army National Guard set recruiting records by enlisting more new soldiers during that period than ever before. Both the Iowa Army and Air National Guard remain at over 100 percent strength—thanks in large part to members who have chosen to continue serving after their current enlistments expire.

The Iowa National Guard is a national leader, consistently ranking near the top among the 54 states and territories. Our ranks are filled with dedicated, skilled, and experienced combat and deployment veterans who remain ready and willing to serve when called. Our infrastructure and facilities programs have provided quality facilities where our service members can work and train. Our units continue to meet requirements to source, train, and equip soldiers and airmen for the Global War on Terrorism. Our employer and family support programs remain strong and vibrant. We continue to have sufficient resources to meet our homeland security requirements despite equipment challenges caused by the Global War on Terrorism and service transformation.

Our soldiers and airmen have built strong relationships and developed vital capabilities with local, state, and federal law enforcement and homeland security agencies. Our soldiers and airmen add vitality to our communities by serving as role models to young Iowans and by giving back with their time and talents. Our soldiers and airmen are proud of their military heritage, they are proud of their service and performance in the Global War on Terrorism, and they are proud to be part of America's national defense team. Simply put, the soldiers and airmen of the Iowa National Guard are strong—Iowa strong!

Some may ask, "How can this be?" After six years of war, multiple deployments, long and difficult mobilizations, hardship and loss—how can the Iowa National Guard be in such good shape? The answer is simple—it's people. We are blessed with remarkable and talented service members who are committed to and believe in what they are doing; who are supported by understanding families, employers, and communities; and who benefit greatly from the benefits and incentives provided by their state and nation.

A prime example of this is the veterans' supplemental appropriation passed by the legislature and signed into law by Governor Culver last week. The Home Ownership Assistance Program and the Injured Veteran Grant Program both received a much-needed infusion of cash—\$2 million each. These are wonderful programs that keep the faith with those who have sacrificed to protect our state and defend our nation. The Injured Veteran Grant Program is a critical benefit that helps families cope during difficult and trying times. The Home Ownership Assistance Program, coupled with membership in the Iowa National Guard and participation in the Iowa National Guard Tuition Assistance Program, helps create powerful opportunities for our young soldiers, airmen, and their families to live, learn, and lead happy and fulfilling lives right here in Iowa. These young men and women join Iowa National Guard units, they attend Iowa colleges and universities, they are hired by Iowa employers, and they buy Iowa homes, all of which creates a solid foundation for maintaining Iowa roots. None of this would be possible without these significant investments made by the citizens of Iowa.

Additionally, your financial support of our capital and infrastructure programs enables us to leverage federal dollars to begin upgrading and refurbishing armories

and maintenance facilities in critical locations around the state. This allows us to provide our soldiers and airmen with facilities that are on par with local school buildings, business facilities, and other community amenities. On behalf of the Iowa National Guard Team, I want to publicly thank the legislature and all Iowans for their unmatched support of our infrastructure and quality of life programs for soldiers, airmen, and veterans. This support has truly made a difference.

Governor Culver, I also want to thank you for your strong support of the Iowa National Guard. During our very first meeting together, you said, "What more can we do to help the young men and women serving and sacrificing today?" We greatly appreciate your support of our programs. Your decision to issue proclamations lowering flags to half-staff is a fitting tribute in honor of our fallen comrades and a moving reminder to all Iowans of the cost and sacrifice of war. Governor, thank you for this truly remarkable gesture of respect and honor for Iowans who have given their lives in defense of our state and nation.

With us today is very special group of people. For them, sacrifice, honor, and hero are not words to be taken lightly. They are the families of our most recent Iowa National Guard soldiers lost in battle. At this time I ask the family members to stand as I call the name of your fallen hero:

- Sergeant Daniel L. Sesker, April 6, 2006—Operation Iraqi Freedom
- Sergeant Kampha B. Sourivoung, September 30, 2006—Operation Iraqi Freedom
- Sergeant First Class Scott E. Nisely, September 30, 2006—Operation Iraqi Freedom
- Command Sergeant Major Marilyn L. Gabbard, January 20, 2007—Operation Iraqi Freedom

These three men and one woman will long be remembered as heroes, not because of how they died but because of how they lived. They lived in service to their state and nation, they lived to be part of something larger than themselves, and they lived to make a difference in the lives of others. These humble soldiers stepped forward so others wouldn't have to; they willingly put themselves in harm's way to defend our nation and bring freedom and liberty to an oppressed people.

To you, the families left behind, there are no words or deeds to offer that will take away your pain or fill the void left by the loss of your loved one. I only hope that you receive some small measure of comfort in knowing that millions of Iowans stand with you to honor the memory of your fallen hero. We are humbled by your presence with us today, we are eternally grateful for your sacrifice on behalf of our nation, and we are honored to have this opportunity to comfort and salute you.

As we gather here today, nearly 1100 Iowa National Guard soldiers and airmen are currently deployed or are preparing to deploy in support of the Global War on Terrorism. They are doing dangerous and important work—performing security, aviation, and support missions in Iraq and training the Afghan National Army. They are performing bravely and doing a superb job. I ask all Iowans to remember and pray for all our military members and their families.

The National Guard is a uniquely American organization with a proud military lineage and strong community ties. Despite recent attention focused on the National Guard resulting from its support and participation in the Global War on Terrorism, many Iowans do not fully understand or appreciate the role, mission, and responsibility the National Guard plays in securing the homeland and defending our national interest.

The National Guard is a community-based organization with global responsibilities. It plays a unique role in our national defense strategy. Because of its funding, structure, and constitutional origins, the National Guard spans the federal-state

divide, provides balance between our active and reserve component military, and helps connect the American public to military operations conducted on their behalf. In an era when less than one percent of the American population serves in uniform or has any association to the military, this connection is critically important.

The National Guard is a vital element of the nation's all-volunteer force, a thirty-four-year-old concept that is being tested like never before. In the past six years, the reserve component has provided nearly half of the military forces required for the Global War on Terrorism. And as I've reported many times from this rostrum, the Iowa National Guard has been at the forefront of this effort, mobilizing and deploying more than 9,500 soldiers and airmen—more than 100 percent of our authorized strength.

Some wonder why so much reliance on the National Guard and whether this level of use is appropriate. Since the end of the Cold War, the National Guard has evolved from a strategic to an operational reserve of the active duty military. Cuts in the size of our active duty military following the end of the Cold War, coupled with federal mobilization and sourcing policies, have created a situation that when this nation goes to war it must necessarily rely on its reserve component forces. Many have realized that cuts in the size of the active component following the end of the Cold War were too great.

Congress and the Department of Defense are working to increase the number of military members serving on active duty. Replacing them will take time. And given current operational needs, it is clear demand for reserve component forces will continue.

Because we have a federal mission to provide combat-ready units in support of the national military strategy, more than 95 percent of our budget is provided by the federal government. That means this year alone more than \$375 million in federal funding came into the state to pay our soldiers and airmen, fund our training and operations, procure our equipment, and support our infrastructure programs.

This funding results in an economic impact of more than a half of billion dollars to the state of Iowa. This investment by the federal government enables us to meet our state mission requirements of providing units and equipment to protect life and property, coming to the aid of Iowans in time of need, preserving peace and order, and ensuring public safety for our fellow citizens.

Many of you have asked about the status of our equipment and whether we have sufficient equipment to perform our state mission requirements. Allow me to put your mind at ease: We have adequate equipment to perform our ten core capabilities for homeland security and homeland defense. That's not to say we don't have equipment shortfalls overall—clearly we do—but when it comes to having what we need to perform our state mission, I am confident we can get the job done.

The equipment issues of most concern to us deal with having what we need to train and prepare in support of the Global War on Terrorism. Transformation and mobilizations have left us short in a few critical areas. The Iowa National Guard is not alone. The National Guard Bureau has asked the U.S. Army for \$21 billion in funding to modernize equipment; the Army has indicated that it will allocate those funds to be spent over a seven-year period. The Iowa National Guard will benefit from these equipment upgrades.

As an operational reserve of the active duty military, mobilizations and deployments of Iowa National Guard Army and Air units will continue for the foreseeable future. After six years of war, anyone joining our ranks today knows and understands this fact. Working through the National Guard Bureau and the Secretary of Defense, we have sought to establish some level of predictability for our service

members, their families and employers. As a result, the Department of Defense recently announced significant changes in its mobilization policy goals.

First and foremost is its desire to limit reserve component call-ups to 365 days, start to finish, including predeployment training and boots-on-the-ground time. This is a significant change to the 18- to 24-month call-ups we experienced in the past. Second, the new policy seeks to provide reserve component soldiers with a minimum of 60 months between mobilizations.

In order to accomplish these goals, the Iowa National Guard will play a larger role in training and validating service members prior to mobilizing. This will change the time commitments our traditional members typically make in support of their military duties in the months preceding deployments.

In order to facilitate the transition to this new policy, the Secretary of Defense has modified the cumulative limit of 24 months for involuntary mobilizations. This change effectively resets everyone's mobilization clock. Regardless of prior mobilizations in the past six years, all of our members are now eligible for immediate involuntary call-ups. While this could have adverse affects on some units and selected leadership personnel, we expect the majority of our soldiers and airmen to have a minimum of 48 months between deployments. However, in war nothing is certain. We understand and ask our members, families, and employers to recognize that the new mobilization strategy is a goal, not a set-in-stone policy.

Like we have seen in the past, most recently with the extension of the 1-133rd Infantry Battalion, sourcing requirements generated by the Global War on Terrorism, may break stated policy goals. When this happens, the Iowa National Guard, working through family and soldier readiness programs, will do everything it can to help those most impacted by these events.

The recent alert of the 833rd Engineer Company from Ottumwa is clearly a break in the Department of Defense's mobilization policy goal. This company was previously deployed with the 224<sup>th</sup> Engineer Battalion in support of Operation Iraqi Freedom from October 2004 until December 2005. The soldiers from this company have been home for less than 14 months and are now preparing for another deployment. This unit is being alerted because it is the best of its kind in the Army. I know these soldiers will serve honorably and with distinction, just like they did before. Our thoughts and prayers go out to the families who must now prepare for another separation.

Because the Department of Defense is breaking its stated goals, the right and fair thing for it to do is provide an appropriate package of federal benefits and incentives to compensate for the additional burdens the department is placing on these soldiers and their families. I've asked Governor Culver to carry this issue forward to make sure it gets the attention it deserves.

The sacrifice made by the families of our deployed soldiers and airmen is an often unseen aspect of the Global War on Terrorism. In many respects, these noble Americans alone bear the home-front burden of fighting the Global War on Terrorism. While their loved ones go off to war, they remain behind in a nation where for the majority of the population, daily life remains unchanged. Each of them in their own way learns to cope with the separation, anxiety, and uncertainty that come with long deployments. They keep the "home fires" burning so their loved ones can remain focused on their mission. Although often overlooked, these brave Americans are an important part of the nation's defense team.

With me today are representatives from the family support groups of our current deployed Iowa National Guard soldiers. Please join me in honoring and thanking them for their strong support of their loved ones and the key role they play in contributing to successful deployments.

The vast majority of our citizen soldiers and airmen maintain full-time employment in addition to their military careers. Mobilizations and deployments have significant impacts on their employers. They must do without or hire replacement workers to fill the void. In spite of these hardships, many employers choose to continue providing compensation and benefits while their service members are deployed. They reach out and do what they can to help families cope with separation. They work with our service members to provide them with the flexibility they need to prepare and train for their deployments. We couldn't succeed without the tremendous help and support of our employers.

Barry Spear, the state chairman of the Employer Support of the Guard and Reserve, and his committees work to educate service members and their employers on the rights and obligations each have in this process. Like families, employers play an important role in the success of the Iowa National Guard. With Barry in the gallery today are Dennis McGuire from Allied Insurance, Kent Simmer from Des Moines Bolt and Supply Co., and Jim Leach from John Deere Des Moines Works. These gentlemen represent the hundreds of employers around this great state who employ and support our soldiers and airmen. Please join me in thanking them for being part of America's national defense team.

Community participation and support are other vital elements in the success of the Iowa National Guard. Our soldiers and airmen participate in community programs that add value to our communities, to Iowa, and to America. They work to be true role models and make our communities safer and better places to raise our families. In turn our communities provide us with unbelievable support.

In light of the debate and rhetoric about the Global War on Terrorism, one of the greatest concerns our service members express is whether the American people continue to support them. We need look no further than the gallery for an answer. Here today are a number of community groups that are making a difference in the lives of our service members and their families. They represent but a few of the thousands of such individuals and groups throughout our state and nation.

The Patriot Guard Riders is full of noble Americans who have made it their mission to ensure our military members and their families receive the support and honor they deserve. They are there when we send our units off to war; they are there to help welcome them home; and on those sad occasions when we lay to rest those lost in battle, they are here to show the colors, protect the family, and honor the fallen.

Iowa's Bravest is another community group that is committed to standing with our service members. Formed shortly after the war began in 2003, this group wanted to ensure the men and women fighting this war were treated better than their Vietnam era counterparts. This group has grown immensely in the last few years and now includes many community members, schoolchildren, Boy and Girl Scout troops, veterans' organizations, churches, and businesses. To date, they have sent nearly 1650 care packages containing over 27,000 pounds of items to deployed Iowa service members serving overseas.

The Iowa Cattlemen's Association raised more than \$75,000 from hundreds of individual cattlemen and cattlemen's organizations to send over three and half tons of beef sticks to deployed Iowa National Guard and Iowa Reserve units. In addition they donated more than \$7,200 to help meet the emergency needs of deployed service members and their families. We thank Iowa's cattlemen and women for bringing a little taste of home to those deployed and helping those left behind. But most important, we thank them for standing with our soldiers and airmen as they sacrifice to protect our values and freedoms.

Over the years, the Iowa Cubs have shown great community support for our soldiers and airmen by sponsoring an Iowa National Guard Night at Principal Park.

They have given away thousands of tickets to our members and their families in appreciation for the sacrifices they make in protecting our state and nation.

The Des Moines Menace donated 100 soccer balls to the 1-133rd Infantry Battalion for them to provide to a youth soccer park in Baghdad. This donation helps our soldiers build goodwill while they patrol Iraqi streets.

Carl Jacob, the “Tootsie Roll man,” is a Charles City Vietnam vet who wanted to do something for our soldiers. Remembering his days on patrol in Vietnam where he substituted Tootsie Roll pops for cigarettes, Carl knew what to do. He immediately went to the Tootsie Roll company and asked for their help, which has resulted in more than 100,000 Tootsie Rolls, Tootsie Roll pops, and other Tootsie Roll candy products being sent to our deployed Iowa National Guard soldiers.

Carol Duncan, the phone card lady, is a Camp Dodge institution. Carol has done more than any other Iowan to help our service members and their families stay connected by raising more than \$70,000 in phone cards to send with our deployed units.

These are but a few of the millions of grateful Americans who stand with our soldiers and airmen. They didn’t wait idly by for someone to give them a role to play in the Global War on Terrorism. They looked around and said, “Here’s what I can do, these are my talents, this is what needs to be done, and this is what I can contribute on behalf of those on whom we have placed such a heavy burden.” These humble and caring citizens are an example to all of us of the generosity and gratitude of the American people. Please join me in showing our appreciation for all they have done.

As I wrap up my comments, I want to introduce you to a few of our citizen soldiers and airmen sitting in the gallery. They represent some of the significant accomplishments and contributions our members have made this past year.

The 2168th Transportation Company, Iowa Army National Guard, received the National Defense Transportation Association’s Transportation Unit of the Year Award for its distinguished service during its 2005 deployment to Iraq. While deployed to Iraq, the unit logged over 2 million miles and delivered more than 15 thousand pieces of equipment to support the war effort—all without accident, damage to equipment being delivered, or loss of a single soldier.

The 132nd Fighter Wing, Iowa Air National Guard, was selected as the recipient for the 2006 Air Force Outstanding Unit Award in the nation for exceptional meritorious service from September 1, 2004, to August 31, 2006. This is an extraordinary accomplishment by a truly outstanding unit.

The 185th Air Refueling Wing, Iowa Air National Guard, continued to support the Global War on Terror with individual and group deployments while completing their conversion. Their new mission has taken them to many locations across the globe—Europe, the Middle East, the Caribbean, the North Atlantic, the South Pacific, Asia, and various U.S. locations, including Alaska and Hawaii. Three weeks ago the 185th participated in the Ability to Survive and Operate exercise to verify personnel would be ready to deploy at a moment’s notice to anywhere in the world, and survive. This was the unit’s first Operational Readiness Inspection since converting from F-16 fighters to KC-135 tankers in 2003. They received an “excellent” rating overall—almost unheard of the first time through this type of inspection—a truly remarkable accomplishment.

The 133rd Test Squadron is the only Command and Control Test Squadron in the United States Air Force. The unit is chartered with ensuring that Air Force and Joint military systems are thoroughly tested prior to delivery.

The 3655th Maintenance Company returned from Iraq last year where it established and enforced forward-operating base defenses, which helped protect thousands of coalition forces and civilians, and provided maintenance and training support for critical scout surveillance systems.

The 134th Medical Company returned from Iraq this fall, where its soldiers provided medical support to detainees at Abu Ghraib prison, operated troop medical clinics, provided medical and evacuation support, and trained and gave medical support to Iraqi Special Forces units.

The Joint Forces Headquarters Afghan National Army training team returned from Afghanistan last summer where they trained, mentored, and advised more than 2,000 Afghan National Army soldiers during more than 50 major combat operations and patrols.

Ladies and gentlemen, please join me in thanking these great soldiers and airmen for all they and their colleagues have done for our state and nation.

I want to end with an extraordinary story about a few dedicated members of Troop C, 1st Squadron, 113th Cavalry. This unit was deployed to Iraq last year. On May 20, 2006, these troopers were on mission in Baghdad when they heard a large explosion. The mission leader, Staff Sergeant Jeremy Koch, immediately ordered his squad to turn around and investigate. Arriving on scene they saw wounded U.S. personnel and civilians on the ground. Without regard for their own personal safety, they established security and began first aid.

As they began treating the injured, Staff Sergeant Koch came upon CBS reporter Kimberly Dozier. He immediately saw that her injuries were life-threatening and began first aid. Staff Sergeant Koch stayed with Ms. Dozier the entire time, treating her injuries and providing comfort. Staff Sergeant Koch, along with Staff Sergeant Mitchell Hall, Sergeant Patrick Flattery, and Specialist Corey Heaberlin, stayed on the ground providing security and critical first aid for 45 minutes while waiting for a MEDEVAC to arrive.

One U.S. service member, one U.S. local national interpreter, and two CBS crewman died in the explosion. Six U.S. service members and one U.S. civilian, Kimberly Dozier, the CBS reporter, were injured. Had these brave troopers not arrived on the scene when they did, the death toll surely would have been higher. In doing their job that day, these ordinary soldiers did something extraordinary. Someone needed help, and these humble soldiers from the heartland stepped forward without hesitation. They will insist they did nothing special or unique; they were just doing their duty.

Every day around the world thousands of brave Americans put their lives on the line to do their duty. We must never forget what they are doing for all of us. Please join me in thanking these outstanding soldiers for their service on behalf of our state and nation.

Ladies and gentlemen, thanks for allowing me to share my comments with you today, and thank you for your continued support of the Iowa National Guard and of the dedicated men and women in uniform who call Iowa home.

May God continue to bless you and your families, the great state of Iowa, and the United States of America! Thank you!

Major General Ron Dardis was escorted from the House chamber by the committee previously appointed.

Governor Chet Culver was escorted from the House chamber by the committee previously appointed.

Representative McCarthy moved that the joint resolution be dissolved, which motion prevailed by a voice vote.

### RECESS

On motion of Senator Gronstal, the Senate recessed at 9:52 a.m. until the completion of the meeting of the committee on Agriculture.

### AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., President Kibbie presiding.

### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:31 p.m. until 9:00 a.m., Wednesday, February 21, 2007.

**APPENDIX****CERTIFICATES OF RECOGNITION**

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

Glenn and Treva Beard—For celebrating their 70th wedding anniversary. Senator Courtney (2/20/07).

Candace Carlson, Council Bluffs—For achieving national recognition for exemplary volunteer service by receiving a 2007 Prudential Spirit of Community Award. Senator Houser (2/20/07).

Betty Jean Carter, formerly of Burlington—For celebrating her 75th birthday. Senator Courtney (2/20/07).

Louis Dehner, Burlington—For celebrating his 103rd birthday. Senator Courtney (2/20/07).

Duane and Ruth Dravis—For celebrating their 40th wedding anniversary. Senator Courtney (2/20/07).

Grace Goble—For celebrating her 90th birthday. Senator Courtney (2/20/07).

John and Darlene Hupp, Wapello—For celebrating their 60th wedding anniversary. Senator Courtney (2/20/07).

Virgil and Joyce Kehe, Readlyn—For celebrating their 62nd wedding anniversary. Senator Heckroth (2/20/07).

Jim and Mabel Kelly—For celebrating their 60th wedding anniversary. Senator Courtney (2/20/07).

Norma Lange, Marion—For celebrating her 80th birthday. Senator Courtney (2/20/07).

Irene Anders Renshaw—For celebrating her 80th birthday. Senator Courtney (2/20/07).

Darlene Stevens, Mediapolis—For celebrating her 80th birthday. Senator Courtney (2/20/07).

Gerald Stevens, Mediapolis—For celebrating his 80th birthday. Senator Courtney (2/20/07).

Roy Van Tine—For celebrating his 90th birthday. Senator Courtney (2/20/07).

## REPORTS OF COMMITTEE MEETINGS

### LOCAL GOVERNMENT

**Convened:** Monday, February 19, 2007, 2:30 p.m.

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

**Members Absent:** None.

**Committee Business:** Approved [SSB 1162](#) (as amended).

**Adjourned:** 4:00 p.m.

### ECONOMIC GROWTH

**Convened:** Tuesday, February 20, 2007, 1:10 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 bills.

**Adjourned:** 1:20 p.m.

### GOVERNMENT OVERSIGHT

**Convened:** Tuesday, February 20, 2007, 10:20 a.m.

**Members Present:** Courtney, Chair; Wieck, Ranking Member; Lundby and Schmitz.

**Members Absent:** Connolly, Vice Chair (excused).

**Committee Business:** Presentation by the Iowa Communications Network.

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

### NATURAL RESOURCES AND ENVIRONMENT

**Convened:** Tuesday, February 20, 2007, 1:05 p.m.

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

**Members Absent:** None.

**Committee Business:** Subcommittee assignments.

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

#### APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

**Convened:** Tuesday, February 20, 2007, 10:25 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentation by the Department of Human Services.

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

#### APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

**Convened:** Tuesday, February 20, 2007, 10:25 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentation by the Justice Reform Consortium.

**Adjourned:** 11:00 a.m.

### INTRODUCTION OF RESOLUTION

[Senate Resolution 17](#), by Appel, a resolution honoring the memory of John Wayne on the 100th anniversary of his birth.

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

### INTRODUCTION OF BILLS

[Senate File 223](#), by Warnstadt and Wieck, a bill for an act making an appropriation to the department of education for a pilot program for a summer educational enrichment program for low-income students.

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

[Senate File 224](#), by Bolkcom and McCoy, a bill for an act relating to the Iowa civil rights Act and discrimination based upon a person's sexual orientation or gender identity.

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

[Senate File 225](#), by Hatch, Appel, and Quirmbach, a bill for an act to support the establishment of a George Washington Carver endowed chair at the Iowa state university of science and technology and making an appropriation.

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

[Senate File 226](#), by Rielly, a bill for an act relating to issuing subpoenas for an investigation or prosecution of a simple misdemeanor.

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

[Senate File 227](#), by Hogg, a bill for an act relating to agreements to pay compensation to recover or assist in the recovery of certain unclaimed property.

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

[Senate File 228](#), by Bolkcom, a bill for an act relating to the instructional support property tax levy of a school district collected in an urban renewal area and providing for the Act's applicability.

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

[Senate File 229](#), by Bolkcom, a bill for an act providing for the establishment of an energy conservation technician for capitol complex building maintenance purposes, and making an appropriation.

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

[Senate File 230](#), by Bolckcom, a bill for an act requiring certain Iowa national pollutant discharge elimination system program permit holders to post signs at discharge points, including a reporting requirement, and providing a penalty.

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

[Senate File 231](#), by Bolckcom, a bill for an act to allow a person whose driver's license has been suspended or revoked to be issued a temporary restricted license while a civil penalty is owing.

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

[Senate File 232](#), by committee on State Government, a bill for an act authorizing payroll deduction for dues to a certified bargaining representative for individuals receiving payment for work performed from the state.

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

[Senate File 233](#), by Dearden, a bill for an act providing for the licensure of elevator contractors and elevator mechanics and providing penalties.

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

[Senate File 234](#), by Wood, Gaskill, and Stewart, a bill for an act relating to enterprise zones that include the site of a biodiesel or biodiesel blended fuel production facility.

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

[Senate File 235](#), by Wood, a bill for an act relating to joint physical care of children in dissolution cases.

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

[Senate File 236](#), by committee on Local Government, a bill for an act relating to local regulation of smoking.

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

[Senate File 237](#), by Ragan and Beall, a bill for an act concerning the sales tax on the operation of bingo games.

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

[Senate File 238](#), by Rielly, a bill for an act concerning the manufacture and sale of native distilled spirits, and establishing a related permit fee and excise tax.

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

[Senate File 239](#), by Black, a bill for an act relating to the exercise of regulatory authority by the department of natural resources and the natural resource commission within the boundaries of the Sac and Fox tribe settlement in Tama county, and providing for applicability and effective dates.

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

[Senate File 240](#), by Rielly, a bill for an act providing for the development of a uniform health insurance application form for use by small employers.

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

[Senate File 241](#), by Bolkcom, a bill for an act specifying an increasing percentage of electricity to be owned or purchased by electric utilities from alternative energy production facilities.

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

[Senate File 242](#), by Bolkcom, a bill for an act providing for the inclusion of energy usage information in a real estate disclosure statement.

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

### STUDY BILLS RECEIVED

#### [SSB 1247](#)      **Appropriations**

Relating to financial and regulatory matters by making and revising appropriations for the fiscal years beginning July 1, 2004, 2005, and 2006, and providing an effective date.

#### [SSB 1248](#)      **Appropriations**

Relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources.

#### [SSB 1249](#)      **Appropriations**

Relating to and making appropriations to the department of human services, the department of elder affairs, the department of public health, the department of veterans affairs, and the Iowa veterans home, the state board of regents, the department of inspections and appeals, and including other related provisions and appropriations, and including effective date provisions.

#### [SSB 1250](#)      **Ways and Means**

Relating to the disposition of certain real estate transfer tax receipts by the treasurer of state to certain funds.

**SSB 1251**      **Judiciary**

Relating to the sale of pseudoephedrine product by a pharmacy or retailer, and providing penalties and contingent applicability.

**SSB 1252**      **Human Resources**

Providing for county and state financial responsibility for certain human services programs and treatment or support services.

**SSB 1253**      **Economic Growth**

Relating to programs, funds, authority, and duties of the Iowa finance authority.

**SSB 1254**      **Labor and Business Relations**

Requiring the posting of close-clearance warning devices by railroads and providing a penalty.

**SSB 1255**      **State Government**

Relating to the voter registration deadline for primary elections and providing an immediate effective date.

**SSB 1256**      **State Government**

Relating to publishing notice of examination and testing of voting machines and voting system tabulating devices.

**SSB 1257**      **State Government**

Relating to requirements for persons seeking election to township office.

**SSB 1258**      **State Government**

Relating to membership on election boards.

**SSB 1259 State Government**

Allowing a county commissioner of elections to appoint certain high school students to serve as precinct election board members.

**SSB 1260 State Government**

Making changes to the conduct of elections and voter registration and including effective and applicability date provisions.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 145**

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

**Senate File 163**

TRANSPORTATION: Hancock, Chair; Dearden and Houser

**Senate File 179**

WAYS AND MEANS: Connolly, Chair; Bolkcom and Wieck

**Senate File 181**

WAYS AND MEANS: Quirnbach, Chair; Bolkcom and Putney

**Senate File 182**

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Courtney and McKinley

**Senate File 188**

TRANSPORTATION: Warnstadt, Chair; Beall and Ziemann

**Senate File 191**

COMMERCE: Rielly, Chair; Kettering and Olive

**Senate File 193**

COMMERCE: Rielly, Chair; McKibben and Olive

**Senate File 196**

APPROPRIATIONS: Dvorsky, Chair; and Angelo

[Senate File 197](#)

APPROPRIATIONS: Dvorsky, Chair; and Angelo

[Senate File 209](#)

AGRICULTURE: Appel, Chair; Black and Mulder

[Senate File 210](#)

HUMAN RESOURCES: Kreiman, Chair; Boettger and Bolcom

[Senate File 213](#)

JUDICIARY: Schoenjahn, Chair; Fraise and Hartsuch

[Senate File 214](#)

HUMAN RESOURCES: Hatch, Chair; Seymour and Wood

[Senate File 215](#)

JUDICIARY: Hancock, Chair; Hogg and Ward

[Senate File 216](#)

STATE GOVERNMENT: Danielson, Chair; Hahn and Horn

[Senate File 217](#)

HUMAN RESOURCES: Dotzler, Chair; Behn and Wood

[Senate File 218](#)

STATE GOVERNMENT: Danielson, Chair; Connolly and Zieman

[Senate File 219](#)

STATE GOVERNMENT: Danielson, Chair; Kettering and Kibbie

[Senate File 222](#)

APPROPRIATIONS: Dvorsky, Chair; and Angelo

[Senate File 223](#)

APPROPRIATIONS: Dvorsky, Chair; and Angelo

[Senate File 224](#)

STATE GOVERNMENT: Hatch, Chair; Behn and Connolly

[Senate File 225](#)

APPROPRIATIONS: Dvorsky, Chair; and Angelo

[SSB 1247](#)

APPROPRIATIONS: Dvorsky, Chair; Angelo, Hancock, Johnson, and McCoy

[SSB 1248](#)

APPROPRIATIONS: Seng, Chair; Angelo, Black, Dvorsky, and Gaskill

[SSB 1249](#)

APPROPRIATIONS: Hatch, Chair; Angelo, Dvorsky, Johnson, and Ragan

[SSB 1250](#)

WAYS AND MEANS: Appel, Chair; Angelo and Stewart

[SSB 1251](#)

JUDICIARY: Kreiman, Chair; Fraise and Noble

[SSB 1252](#)

HUMAN RESOURCES: Hatch, Chair; Johnson and Schmitz

[SSB 1253](#)

ECONOMIC GROWTH: Danielson, Chair; Hahn and Stewart

[SSB 1254](#)

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

[SSB 1255](#)

STATE GOVERNMENT: Kibbie, Chair; Appel and Zieman

[SSB 1256](#)

STATE GOVERNMENT: Kibbie, Chair; Appel and Zieman

[SSB 1257](#)

STATE GOVERNMENT: Kibbie, Chair; Appel and Hahn

[SSB 1258](#)

STATE GOVERNMENT: Kibbie, Chair; Appel and Gaskill

[SSB 1259](#)

STATE GOVERNMENT: Kibbie, Chair; Appel and Behn

[SSB 1260](#)

STATE GOVERNMENT: Appel, Chair; Connolly, Danielson, McKibben, and Ziemann

## FINAL COMMITTEE REPORTS OF BILL ACTION

### LOCAL GOVERNMENT

**Bill Title:** \*[SENATE FILE 236 \(SSB 1162\)](#), a bill for an act relating to local regulation of smoking.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Quirnbach, Beall, Hartsuch, Heckroth, Kreiman, Olive, Rielly, Schoenjahn, and Stewart. Nays, 3: Zaun, Angelo, and McKinley. Absent, 1: 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 Local Government Committee on [Senate File 236](#), and they were attached to the committee report.

### STATE GOVERNMENT

**Bill Title:** [SENATE FILE 232 \(SSB 1172\)](#), a bill for an act authorizing payroll deduction for dues to a certified bargaining representative for individuals receiving payment for work performed from the state.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Connolly, Horn, Appel, Black, Danielson, Hatch, Kibbie, Schmitz, and Wood. Nays, 6: Ziemann, Behn, Gaskill, Hahn, Kettering, and McKibben. Absent, none.

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

**BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 20th day of February, 2007:

[Senate File 109.](#)

MICHAEL E. MARSHALL  
Secretary of the Senate

**REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR**

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

Tom Colvin – Iowa Board of Veterinary Medicine

MARY A. LUNDBY

**AMENDMENTS FILED**

[S-3037](#)

[S.F. 161](#)

Thomas Rielly

[S-3038](#)

[S.F. 155](#)

Brad Zaun

Keith A. Kreiman

Herman C. Quirnbach