

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, JANUARY 18, 2007

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JOURNAL OF THE SENATE

ELEVENTH CALENDAR DAY
EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 18, 2007

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

Prayer was offered by Reverend Kendall Meyer, pastor of the Gloria Dei Lutheran Church in Urbandale, Iowa. He was the guest of Senator Zaun.

The Journal of Wednesday, January 17, 2007, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:48 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:51 a.m., President Kibbie presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 2](#), a resolution commemorating the sesquicentennial anniversary of the founding of the city of Sioux City.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, Lundby, Angelo, Courtney, Danielson, Dearden, Dvorsky, Mulder, Ragan, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Resolution 2](#).

[Senate Resolution 2](#)

On motion of Senator Warnstadt, [Senate Resolution 2](#), a resolution commemorating the sesquicentennial anniversary of the founding of the city of Sioux City, was taken up for consideration.

Senator Warnstadt moved the adoption of [Senate Resolution 2](#), which motion prevailed by a voice vote.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:53 a.m. until 1:00 p.m., Monday, January 22, 2007.

APPENDIX

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF ELDER AFFAIRS

Annual report of the State Long-Term Care Ombudsman. Report received on January 18, 2007.

CERTIFICATES OF RECOGNITION

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

Mr. and Mrs. Everett Colton, Sr.—For celebrating their 70th wedding anniversary. Senator Gronstal (1/18/07).

John Drayton Ingraham—For celebrating his 90th birthday. Senator Gronstal (1/18/07).

North Liberty Community Library, North Liberty—For celebrating its 20th anniversary. Senator Dvorsky (1/18/07).

John Ortega, Bettendorf—Upon his retirement. Senator Hartsuch (1/18/07).

Sue Shaughnessy—For celebrating her 85th birthday. Senator Gronstal (1/18/07).

Don Williams—For celebrating his 80th birthday. Senator Gronstal (1/18/07).

REPORTS OF COMMITTEE MEETINGS

WAYS AND MEANS

Convened: Thursday, January 11, 2007, 1:00 p.m.

Members Present: Bolkcom, Chair; McKibben, Ranking Member; Appel, Connolly, Dotzler, Hogg, Lundby, Noble, Putney, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wieck.

Members Absent: McCoy, Vice Chair; and Angelo (both excused).

Committee Business: Organizational meeting.

Adjourned: 1:25 p.m.

VETERANS AFFAIRS

Convened: Wednesday, January 17, 2007, 4:05 p.m.

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

Members Absent: None.

Committee Business: Presentations by Iowa Veterans Home, Iowa Veterans Council, Iowa American Legion, and Iowa Veterans Commission.

Adjourned: 5:05 p.m.

WAYS AND MEANS

Convened: Wednesday, January 17, 2007, 2:00 p.m.

Members Present: Bolkcom, Chair; McKibben, Ranking Member; Angelo, Appel, Connolly, Hogg, Putney, Quirnbach, Schmitz, Seng, and Stewart.

Members Absent: McCoy, Vice Chair; Dotzler, Lundby, Noble, Ward, and Wieck (all excused).

Committee Business: Discussion of future guest speakers.

Adjourned: 2:25 p.m.

COMMERCE

Convened: Thursday, January 18, 2007, 1:05 p.m.

Members Present: Warnstadt, Chair; Heckroth, Vice Chair; Wieck, Ranking Member; Bolkcom, Kettering, McKibben, Olive, Putney, Rielly, Schoenjahn, and Stewart.

Members Absent: Angelo, Courtney, McCoy, and Ward (all excused).

Committee Business: Approved [SSB 1002](#).

Adjourned: 1:10 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Thursday, January 18, 2007, 2:05 p.m.

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

Members Absent: Dearden, Lundby, and Noble.

Committee Business: Passed SFs 3 and 18. Presentation by Rich Leopold, director of the Department of Natural Resources.

Adjourned: 3:10 p.m.

RULES AND ADMINISTRATION

Convened: Thursday, January 18, 2007, 8:48 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Lundby, Ranking Member; Angelo, Courtney, Danielson, Dearden, Dvorsky, Mulder, Ragan, and Wieck.

Members Absent: None.

Committee Business: Approved [SR 2](#).

Adjourned: 8:51 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Thursday, January 18, 2007, 9:40 a.m.

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

Members Absent: None.

Committee Business: Presentations by the Department of Human Rights.

Adjourned: 11:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Thursday, January 18, 2007, 9:30 a.m.

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

Members Absent: None.

Committee Business: Presentation on sustainable natural resource funding.

Adjourned: 10:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Thursday, January 18, 2007, 9:45 a.m.

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

Members Absent: None.

Committee Business: Presentation by LSA fiscal services division.

Adjourned: 10:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Thursday, January 18, 2007, 9:40 a.m.

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

Members Absent: None.

Committee Business: LSA fiscal staff budget review.

Adjourned: 10:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Thursday, January 18, 2007, 9:45 a.m.

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

Members Absent: None.

Committee Business: Health care presentation and review of Affordable Health Care for Families and Small Business Act.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Thursday, January 18, 2007, 9:55 a.m.

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

Members Absent: None.

Committee Business: Presentation on judicial branch appropriation and allocation.

Adjourned: 10:55 a.m.

INTRODUCTION OF BILLS

[Senate File 29](#), by Hatch, Dotzler, McCoy, and Beall, a bill for an act relating to economic development activities, making appropriations, providing tax exemptions and credits, and providing applicability dates.

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

[Senate File 30](#), by Bolkom, a bill for an act requiring a political committee expressly advocating the passage or defeat of a ballot issue to file four disclosure reports in an election year.

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

[Senate File 31](#), by Warnstadt, a bill for an act making a supplemental appropriation for the home ownership assistance program for Iowa residents who are eligible members of the armed forces of the United States and providing an effective date.

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

[Senate File 32](#), by committee on Commerce, a bill for an act extending the future repeal of a provision requiring the issuance of certificates for furnishing local telecommunications services, and providing an effective date.

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

STUDY BILLS RECEIVED

[SSB 1050](#) **Judiciary**

Relating to the issuance of temporary orders modifying an order of child support or custody.

SSB 1051 **Judiciary**

Adding hallucinogenic substances to the list of schedule I controlled substances, and providing penalties.

SSB 1052 **Judiciary**

Relating to the department of corrections by increasing penalties for engaging in sex acts with offenders under the supervision of the department of corrections or a judicial district department of correctional services, and eliminating certain reporting requirements.

SSB 1053 **Ethics**

Relating to the Senate Code of Ethics governing the conduct of members of the Senate in relation to their senatorial duties during the Eighty-second General Assembly.

SSB 1054 **Ethics**

Relating to the Senate Rules Governing Lobbyists and their interactions with the Senate and members of the Senate during the Eighty-second General Assembly.

SSB 1055 **Ways and Means**

Relating to an increase in the taxes on cigarettes and tobacco products and providing an effective date.

SSB 1056 **Ways and Means**

Increasing the dependent tax credit under the individual income tax and including a retroactive applicability date provision.

SSB 1057 **Ways and Means**

Relating to the state earned income tax credit by increasing the amount and making the tax credit refundable and including effective and retroactive applicability date provisions.

SSB 1058 Ways and Means

Relating to pilot project cities eligible for the target jobs withholding tax credit to be used for funding improvements in certain urban renewal areas and including effective and retroactive applicability date provisions.

SSB 1059 Ways and Means

Updating the Code references to the Internal Revenue Code and including effective date and retroactive applicability provisions.

SSB 1060 Ways and Means

Relating to changes in the utility replacement tax law by redefining a new electric power generating plant, extending the life of the utility replacement tax task force, and requiring notification by the taxpayer to the department of revenue and local taxing district upon transfer of utility property.

SSB 1061 Labor and Business Relations

Relating to confidential information regarding unemployment insurance benefits and providing penalties.

SSB 1062 Labor and Business Relations

Relating to workers' compensation including insurance policy coverages and payments, debt collection practices, compensation for temporary disability, calculation of pieceworkers' compensation, liability for successive injuries, and liability for contractors' employees.

SSB 1063 Labor and Business Relations

Giving immunity to the labor commissioner and employees of the division of labor services of the department of workforce development from compulsory process in civil proceedings for the purposes of giving testimony or depositions concerning their official duties.

SSB 1064 Labor and Business Relations

Relating to the boiler and pressure vessel safety program enforced by the division of labor services of the department of workforce development.

SSB 1065 Commerce

Relating to the authority of creditors and credit unions in consumer credit or credit union transactions.

SSB 1066 Natural Resources and Environment

Requiring certain water treatment and supply-related inspections to be conducted when certain property is sold or transferred.

SSB 1067 Natural Resources and Environment

Relating to regulation of the harvesting of commercial fish, turtles, and freshwater mussels and providing for fees and penalties.

SSB 1068 Natural Resources and Environment

Relating to various conservation and recreation activities under the purview of the department of natural resources, modifying fees, and making penalties applicable.

SSB 1069 Judiciary

Creating the criminal offense of interference with judicial acts, and providing a penalty.

SSB 1070 Judiciary

Relating to jury service compensation, reimbursement, and confidentiality and exempting certain governmental employees from jury service compensation.

SUBCOMMITTEE ASSIGNMENTS

Senate File 27

HUMAN RESOURCES: Hatch, Chair; Boettger and Ragan

SSB 1050

JUDICIARY: Kreiman, Chair; Behn and Hogg

SSB 1051

JUDICIARY: Schoenjahn, Chair; Hartsuch and Kreiman

SSB 1052

JUDICIARY: Kreiman, Chair; Hartsuch and Hogg

SSB 1053

ETHICS: Dearden, Chair; and Behn

SSB 1054

ETHICS: Connolly, Chair; and Putney

SSB 1055

WAYS AND MEANS: McCoy, Chair; Bolkcom and Wieck

SSB 1056

WAYS AND MEANS: Hogg, Chair; Quirnbach and Ward

SSB 1057

WAYS AND MEANS: Bolkcom, Chair; Schmitz and Ward

SSB 1058

WAYS AND MEANS: Connolly, Chair; Hogg and Ward

SSB 1059

WAYS AND MEANS: Appel, Chair; Noble and Stewart

SSB 1060

WAYS AND MEANS: Schmitz, Chair; Angelo and Hogg

[SSB 1061](#)

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Seng and Wieck

[SSB 1062](#)

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Horn and Ward

[SSB 1063](#)

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

[SSB 1064](#)

LABOR AND BUSINESS RELATIONS: Dearden, Chair; Dotzler and Hahn

[SSB 1065](#)

COMMERCE: Bolkcom, Chair; Heckroth and Putney

[SSB 1066](#)

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

[SSB 1067](#)

NATURAL RESOURCES AND ENVIRONMENT: Seng, Chair; Gaskill and Wood

[SSB 1068](#)

NATURAL RESOURCES AND ENVIRONMENT: Hancock, Chair; Black and Noble

[SSB 1069](#)

JUDICIARY: Horn, Chair; Fraise and Ward

[SSB 1070](#)

JUDICIARY: Fraise, Chair; Behn and Quirmbach

FINAL COMMITTEE REPORT OF BILL ACTION

COMMERCE

Bill Title: [SENATE FILE 32 \(SSB 1002\)](#), a bill for an act extending the future repeal of a provision requiring the issuance of certificates for furnishing local telecommunications services, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Warnstadt, Heckroth, Wieck, Bolkcom, Kettering, McKibben, Olive, Putney, Rielly, Schoenjahn, and Stewart. Nays, none. Absent, 4: Angelo, Courtney, McCoy, and Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

APPOINTMENTS

The following appointees were submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

BY THE GOVERNOR

TERM

COMMISSION ON THE STATUS OF AFRICAN-AMERICANS (Sec. 216A.142)	
Treylla Lee-Chavis, Sioux City	09/08/2006 – 04/30/2008
BOARD OF EXAMINERS FOR ATHLETIC TRAINING (Sec. 147.14(18))	
Melody Higgins, Asbury	05/25/2006 – 04/30/2008
CHILD ADVOCACY BOARD (Sec. 237.16)	
Michael Steele, Mt. Pleasant	09/06/2006 – 04/30/2010
BOARD OF COSMETOLOGY ARTS AND SCIENCES EXAMINERS (Sec. 147.14(14))	
Kimberly Setzer, Whittimore	12/14/2006 – 04/30/2008
CREDIT UNION REVIEW BOARD (Sec. 533.53)	
Denise Dolan, Dubuque	10/09/2006 – 04/30/2009
ADMINISTRATOR OF THE DIVISION OF CRIMINAL AND JUVENILE JUSTICE PLANNING (Sec. 216A.2)	
Paul Stageberg, Clive	07/12/2006 – Pleasure of the Governor
COMMISSION ON THE DEAF (Sec. 216A.112)	
Theresa Legg, Ely	12/12/2006 – 04/30/2009
IOWA ECONOMIC DEVELOPMENT BOARD (Sec. 15.103)	
Mary Nelson, West Des Moines	01/02/2007 – 04/30/2010
COMMISSION OF ELDER AFFAIRS (Sec. 231.11)	
Daniel Ernst, Dubuque	12/27/2006 – 04/30/2009
Leroy Plasier, Doon	10/11/2006 – 04/30/2009
Shirley Sorenson, Urbandale	01/02/2007 – 04/30/2007
ELEVATOR SAFETY BOARD (Sec. 89A.13)	
Todd Christensen, Des Moines	10/12/2006 – 04/30/2010

IOWA EMPOWERMENT BOARD (Sec. 28.3)

Ruth Krueger, Iowa Falls	08/22/2006 – 04/30/2009
Marguerite Macek, Davenport	08/22/2006 – 04/30/2009
Cathy Ryba, Treynor	08/22/2006 – 04/30/2009
John White, Davenport	12/28/2006 – 04/30/2007

ADMINISTRATOR OF THE DIVISION ON THE STATUS OF IOWANS OF ASIAN AND PACIFIC ISLANDER HERITAGE (Sec. 216A.2)

Cyndi Chen, Des Moines	08/28/2006 – Pleasure of Governor
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COMMISSION ON THE STATUS OF IOWANS OF ASIAN AND PACIFIC ISLANDER HERITAGE (Sec. 216A.152)

Vinh Nguyen, Des Moines	11/13/2006 – 04/30/2010
Ilima Young-Dunn, Des Moines	11/13/2006 – 04/30/2010

COMMISSION ON JUDICIAL QUALIFICATIONS (Sec. 602.2102)

Henry Thomas, Des Moines	08/23/2006 – 04/30/2009
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BOARD OF EXAMINERS FOR MASSAGE THERAPY (Sec. 147.14(17))

Malinda Patch-Gray, Indianola	09/29/2006 – 04/30/2007
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BOARD OF MEDICAL EXAMINERS (Sec. 147.14(2))

Yogesh Shah, Clive	09/12/2006 – 04/30/2007
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MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL DISABILITIES, AND BRAIN INJURY COMMISSION (Sec. 225C.5(1))

David Johnson, Pleasant Hill	11/14/2006 – 04/30/2007
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BOARD OF PAROLE (Sec. 904A.1-3)

Alfredo Alvarez, Des Moines	11/27/2006 – 04/30/2009
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BOARD OF PSYCHOLOGY EXAMINERS (Sec. 147.14(7))

Mary Johnson, Dubuque	08/28/2006 – 04/30/2007
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RENEWABLE FUEL INFRASTRUCTURE BOARD (Sec. 15G.202)

Mona Bond, Ankeny	08/11/2006 – 04/30/2011
Dennis Harding, Des Moines	08/11/2006 – 04/30/2009
K. Allen Hillgren, Stuart	08/11/2006 – 04/30/2010
Jeff Hove, Altoona	08/11/2006 – 04/30/2010
Brenda Neville, Cambridge	08/11/2006 – 04/30/2009
Mary Norton, Clive	08/11/2006 – 04/30/2010
Jill Reams-Widder, Johnston	08/11/2006 – 04/30/2011
Keith Sexton, Rockwell City	12/08/2006 – 04/30/2011
David Smitherman, Clive	08/11/2006 – 04/30/2011
Yvonne Wenthe, Waverly	08/11/2006 – 04/30/2010
Brian Wiegert, Martensdale	08/11/2006 – 04/30/2009

COMMISSION ON TOBACCO USE PREVENTION AND CONTROL (Sec. 142A.3)	
Steven Soddors, State Center	01/04/2007 – 04/30/2009
IOWA BOARD OF VETERINARY MEDICINE (Sec. 169.5)	
Tom Colvin, Runnells	09/12/2006 – 04/30/2008
WORKERS' COMPENSATION COMMISSIONER (Sec. 86.1)	
Christopher Godfrey, Des Moines	04/17/2006 – Pleasure of Governor
IOWA WORKFORCE DEVELOPMENT BOARD (Sec. 84A.1A)	
Roger Grobstich, Hiawatha	12/27/2006 – 04/30/2010
Julie Lord, Sioux City	10/05/2006 – 04/30/2008