

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, JANUARY 29, 2008

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JOURNAL OF THE SENATE

SIXTEENTH CALENDAR DAY
TENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 29, 2008

The Senate met in regular session at 8:46 a.m., President Kibbie presiding.

Prayer was offered by Sr. Pastor Amy Miracle of Westminster Presbyterian Church in Des Moines, Iowa. She was the guest of Senator Zaun.

The Journal of Monday, January 28, 2008, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Putney, until he arrives, on request of Senator Gaskill.

INTRODUCTION OF BILL

[Senate File 2054](#), by committee on Human Resources, a bill for an act providing for county eligibility for state payment of certain mental health, mental retardation, and developmental disabilities services funding and providing effective and retroactive applicability dates.

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

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:50 a.m. until 11:30 a.m.

RECONVENED

The Senate reconvened at 11:31 a.m., President Kibbie presiding.

QUORUM CALL

Senator Gronstal requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent, and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McKibben, until he arrives, on request of Senator Wieck.

FINAL COMMITTEE REPORT OF BILL ACTION

HUMAN RESOURCES

Bill Title: [SENATE FILE 2054](#)* (formerly [SF 2029](#)), a bill for an act providing for county eligibility for state payment of certain mental health, mental retardation, and developmental disabilities services funding and providing effective and retroactive applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Schmitz, Seymour, Boettger, Bolkom, Dotzler, Hartsuch, Hatch, Johnson, Kreiman, Mulder, Quirnbach, and Wood. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on [Senate File 2054](#), and they were attached to the committee report.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2054](#).

Senate File 2054

On motion of Senator Wood, [Senate File 2054](#), a bill for an act providing for county eligibility for state payment of certain mental health, mental retardation, and developmental disabilities services funding and providing effective and retroactive applicability dates, was taken up for consideration.

Senator Wood moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 2054](#)), the vote was:

Yeas, 48:

Angelo	Dvorsky	Johnson	Rielly
Appel	Fraise	Kettering	Schmitz
Beall	Gaskill	Kibbie	Schoenjahn
Behn	Gronstal	Kreiman	Seng
Black	Hahn	Lundby	Seymour
Boettger	Hancock	McCoy	Stewart
Bolkcom	Hartsuch	McKinley	Ward
Cannolly	Hatch	Mulder	Warnstadt
Courtney	Heckroth	Noble	Wieck
Danielson	Hogg	Olive	Wood
Dearden	Horn	Quirnbach	Zaun
Dotzler	Houser	Ragan	Zieman

Nays, none.

Absent, 2:

McKibben Putney

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 2054](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 11:42 a.m. until 8:45 a.m., Wednesday, January 30, 2008.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Dickinson County Soil and Water Conservation District commissioners—For receiving the National Association of Conservation Districts 2007 Excellence Award for Urban Conservation. Senator Johnson (1/29/08).

David Kingland, Forest City—For receiving the John K. and Luise V. Hanson Lifetime Achievement Award. Senator Gaskill (1/29/08).

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: January 28, 2008, 5:00 p.m.

Members Present: Ragan, Chair; Schmitz, Vice Chair; Seymour, Ranking Member; Boettger, Bolkcom, Dotzler, Hartsuch, Hatch, Johnson, Kreiman, Mulder, Quirnbach, and Wood.

Members Absent: None.

Committee Business: Passed [SF 2029](#) and approved SSBs 3051, 3053, and 3054.

Adjourned: 5:25 p.m.

TRANSPORTATION

Convened: January 28, 2008, 5:00 p.m.

Members Present: Rielly, Chair; Noble, Ranking Member; Beall, Hancock, Heckroth, Houser, Warnstadt, Zaun, and Zieman.

Members Absent: Danielson, Vice Chair; Dearden, McCoy, and Putney (all excused).

Committee Business: Presentation by Shirley Andre, Director DOT Driver Services.

Adjourned: 5:25 p.m.

AGRICULTURE

Convened: January 29, 2008, 1:05 p.m.

Members Present: Fraise, Chair; Rielly, Vice Chair; Johnson, Ranking Member; Appel, Boettger, Courtney, Gaskill, Hancock, Houser, Kibbie, Mulder, Olive, and Seng.

Members Absent: Black and Putney (both excused).

Committee Business: Approved [SSB 3004](#). Presentation on Iowa's local food systems.

Adjourned: 1:50 p.m.

ECONOMIC GROWTH

Convened: January 29, 2008, 2:35 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: Presentation by Roya Stanley on the Iowa Power Fund and the plan for energy independence.

Adjourned: 3:25 p.m.

JUDICIARY

Convened: January 29, 2008, 1:00 p.m.

Members Present: Kreiman, Chair; Hogg, Vice Chair; McKibben, Ranking Member; Behn, Dvorsky, Fraise, Hancock, Hartsuch, Horn, Noble, Quirnbach, Schoenjahn, Ward, Warnstadt, and Ziemann.

Members Absent: None.

Committee Business: Presentation by Marc Mauer, author of *Race to Incarcerate*.

Adjourned: 2:30 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: January 29, 2008, 2:35 p.m.

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

Members Absent: Behn and Lundby (both excused).

Committee Business: Subcommittee assignment. Approval of governor's appointees. Presentations by John Norris, Iowa Utilities Board Chair; John Perkins, Iowa Consumer Advocate; and Bill McAnally on energy efficient building construction.

Adjourned: 3:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: January 29, 2008, 10:05 a.m.

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

Members Absent: None.

Committee Business: Presentations by Dean Lerner, Director, Department of Inspections and Appeals, and Mark Schuling, Director, Department of Revenue.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: January 29, 2008, 10:15 a.m.

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

Members Absent: None.

Committee Business: Presentation on Honey Creek Resort State Park project.

Adjourned: 11:10 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: January 29, 2008, 10:00 a.m.

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

Members Absent: None.

Committee Business: Presentations on STEM (Science, Technology, Engineering, and Mathematics) and Board of Regents issues by David Miles, President, Board of Regents, and presidents of the Board of Regents universities.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: January 29, 2008, 10:10 a.m.

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

Members Absent: None.

Committee Business: Discussion on mental health issues.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: January 29, 2008, 10:15 a.m.

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

Members Absent: McKinley, Ranking Member (excused).

Committee Business: Presentation by John Baldwin, Director, Department of Corrections.

Adjourned: 11:30 a.m.

INTRODUCTION OF BILLS

[Senate File 2055](#), by Beall and Ragan, a bill for an act authorizing a chief primary health clinician to file certain periodic court reports on chronic substance abusers and persons with mental illness who do not require full-time placement in a treatment facility.

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

[Senate File 2056](#), by Appel, a bill for an act relating to ongoing absentee voter status for general elections.

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

[Senate File 2057](#), by Hogg, a bill for an act relating to the residency of a district judge nominee.

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

[Senate File 2058](#), by Hatch, a bill for an act providing unemployment compensation benefits to individuals who leave

employment to care for a family member who is mentally or physically disabled.

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

[Senate File 2059](#), by committee on State Government, a bill for an act relating to the administration of the department of cultural affairs.

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

[Senate File 2060](#), by committee on Human Resources, a bill for an act relating to the practice of pharmacy, including provisions governing tech-check-tech programs and specifying applicable penalty provisions.

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

[Senate File 2061](#), by committee on Human Resources, a bill for an act relating to controlled substance schedules and the reporting requirements to the board of pharmacy and making penalties applicable.

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

[Senate File 2062](#), by Lundby, a bill for an act concerning persons voluntarily excluded from gambling facilities.

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

[Senate File 2063](#), by Houser, a bill for an act relating to certain county distress criteria under the enterprise zone program.

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

[Senate File 2064](#), by Kettering, a bill for an act relating to a tax credit for certain teacher expenses under the individual income tax and including a retroactive applicability date provision.

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

[Senate File 2065](#), by Danielson, a bill for an act relating to the industrial technology requirement under the state's high school educational standards.

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

[Senate File 2066](#), by Beall, Wood, Mulder, Heckroth, Schoenjahn, Appel, Boettger, Quirmbach, Schmitz, Dotzler, Danielson, Dvorsky, Hancock, Hatch, Gronstal, Kibbie, Fraise, Stewart, Ragan, McCoy, and Bolkcom, a bill for an act relating to the description of shared operational functions for which school districts receive supplementary weighting and including effective and applicability date provisions.

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

[Senate File 2067](#), by Beall, Heckroth, Seng, Olive, Hatch, Dearden, Appel, Courtney, Kibbie, Black, Fraise, McCoy, Connolly, Stewart, Ragan, and Schmitz, a bill for an act relating to a postsecondary tuition and mandatory fee waiver for veterans attending community colleges or state universities.

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

[Senate File 2068](#), by Connolly, a bill for an act providing for an exemption from the state sales tax of the sale of daily or season ski lift passes.

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

[Senate File 2069](#), by Beall, Danielson, Dotzler, Heckroth, Dvorsky, Warnstadt, Horn, Seng, Hatch, Dearden, Quirmbach, Appel, Courtney, Kibbie, Fraise, Black, McCoy, Connolly, Stewart, Ragan, and Schmitz, a bill for an act imposing a criminal penalty for

violating the maximum rate of interest provisions of the national guard civil relief law.

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

[Senate File 2070](#), by Hogg, a bill for an act relating to renewable energy production by establishing an electricity renewable energy standard, and making specified tax credits applicable.

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

[Senate File 2071](#), by Hogg, Bolkcom, Black, Ragan, Stewart, Appel, Dotzler, Seng, Olive, Beall, Heckroth, Schmitz, Dvorsky, Dearden, Danielson, Hatch, Kreiman, Kibbie, Fraise, McCoy, Connolly, and Rielly, a bill for an act relating to renewable energy production by specifying an electricity renewable energy standard.

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

[Senate File 2072](#), by Warnstadt, Beall, Hancock, Heckroth, Ragan, Olive, Schoenjahn, Stewart, Hogg, Appel, Courtney, Dotzler, Mulder, Seymour, Quirnbach, and Gaskill, a bill for an act relating to modification of a child custody order during the time a parent is serving active military duty.

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

[Senate File 2073](#), by Hancock, Beall, Hatch, Black, Kibbie, Courtney, Appel, Fraise, Dearden, Wood, Olive, Quirnbach, Hogg, Seng, Horn, Warnstadt, Heckroth, Dotzler, Danielson, Schmitz, Ragan, Stewart, Connolly, Bolkcom, Schoenjahn, McCoy, and Kreiman, a bill for an act relating to the senior living trust fund and providing for appropriation of moneys in the fund.

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

[Senate File 2074](#), by committee on Human Resources, a bill for an act relating to the advanced practice registered nurse licensure compact and providing an effective date.

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

STUDY BILLS RECEIVED

[SSB 3097](#) **Education**

Concerning state and local measures for preparing a student for a career or for postsecondary education, including a statewide core curriculum for school districts and accredited nonpublic schools and a state-designated career information and decision-making system.

[SSB 3098](#) **Human Resources**

Requiring certification of the performance of an eye examination, and submission of the results of such examination, when a child is enrolled in kindergarten.

[SSB 3099](#) **Appropriations**

Relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the general fund of the state, the road use tax fund, and the primary road fund.

[SSB 3100](#) **Appropriations**

Appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

[SSB 3101](#) **State Government**

Providing for the establishment of a commission on the status of Native Americans within the department of human rights.

SSB 3102 Commerce

Requiring insurers offering certain individual or group health insurance contracts, policies, or plans to provide coverage for vaccinations for human papilloma virus.

SSB 3103 Commerce

Making nonsubstantive corrections to certain provisions relating to insurance and making repeals.

SSB 3104 Commerce

Specifying a duty of agency applicable to licensed mortgage brokers and making penalties applicable.

SSB 3105 Commerce

Making specified changes relating to professional licensing and regulation under the purview of the banking division of the department of commerce.

SSB 3106 Commerce

Providing for the establishment or approval of discounted gas and electric utility rates applicable to low-income residents.

SSB 3107 Local Government

Creating the homeowners' consumer protection fund, providing for the assessment of a surcharge, and making an appropriation.

SSB 3108 Commerce

Barring insurers from requiring repair businesses to buy parts and supplies from specified sellers and providing penalties.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2003**

APPROPRIATIONS: Dvorsky, Chair; and Kettering

[Senate File 2030](#)

VETERANS AFFAIRS: Beall, Chair; Danielson and Hartsuch

[Senate File 2034](#)

HUMAN RESOURCES: Wood, Chair; Kreiman and Seymour

[Senate File 2047](#)

HUMAN RESOURCES: Wood, Chair; Johnson and Ragan

[Senate File 2048](#)

VETERANS AFFAIRS: Beall, Chair; Kibbie and McKibben

[Senate File 2049](#)

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

[Senate File 2050](#)

HUMAN RESOURCES: Quirnbach, Chair; Bolkcom and Mulder

[Senate File 2051](#)

EDUCATION: Heckroth, Chair; Appel and Zieman

[Senate File 2052](#)

COMMERCE: Heckroth, Chair; Olive and Ward

[Senate File 2053](#)

STATE GOVERNMENT: Danielson, Chair; Gaskill and Schmitz

[Senate File 2056](#)

STATE GOVERNMENT: Appel, Chair; Kibbie and Zieman

[House File 2065](#)

VETERANS AFFAIRS: Beall, Chair; Ragan and Seymour

[SSB 3097](#)

EDUCATION: Schoenjahn, Chair; Appel and Boettger

[SSB 3098](#)

HUMAN RESOURCES: Wood, Chair; Schmitz and Seymour

[SSB 3099](#)

APPROPRIATIONS: McCoy, Chair; Dvorsky and Putney

[SSB 3100](#)

APPROPRIATIONS: Hatch, Chair; Dvorsky, Bolkcom, Johnson, and Seymour

[SSB 3101](#)

STATE GOVERNMENT: Hatch, Chair; Hahn and Wood

[SSB 3102](#)

COMMERCE: Rielly, Chair; Courtney and McKibben

[SSB 3103](#)

COMMERCE: McCoy, Chair; Angelo and Olive

[SSB 3104](#)

COMMERCE: Stewart, Chair; Kettering and Olive

[SSB 3105](#)

COMMERCE: Olive, Chair; Courtney and Kettering

[SSB 3106](#)

COMMERCE: Heckroth, Chair; Bolkcom and McKibben

[SSB 3107](#)

LOCAL GOVERNMENT: Stewart, Chair; Angelo and Kreiman

[SSB 3108](#)

COMMERCE: Courtney, Chair; Kettering and Schoenjahn

FINAL COMMITTEE REPORTS OF BILL ACTION

HUMAN RESOURCES

Bill Title: [SENATE FILE 2060 \(SSB 3053\)](#), a bill for an act relating to the practice of pharmacy, including provisions governing tech-check-tech programs and specifying applicable penalty provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Schmitz, Seymour, Boettger, Bolkcom, Dotzler, Hartsuch, Hatch, Johnson, Kreiman, Mulder, Quirmbach, and Wood. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2061 \(SSB 3054\)](#), a bill for an act relating to controlled substance schedules and the reporting requirements to the board of pharmacy and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Schmitz, Seymour, Boettger, Bolkcom, Dotzler, Hartsuch, Hatch, Johnson, Kreiman, Mulder, Quirmbach, and Wood. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2074*](#) ([SSB 3051](#)), a bill for an act relating to the advanced practice registered nurse licensure compact and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on [Senate File 2074](#), and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: [SENATE FILE 2059 \(SSB 3030\)](#), a bill for an act relating to the administration of the department of cultural affairs.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Connolly, Horn, Ziemann, Appel, Behn, Danielson, Hahn, Hatch, Kettering, Kibbie, McKibben, Schmitz, and Wood. Nays, none. Absent, 2: Black and Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.