

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, FEBRUARY 15, 2007

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.)

JOURNAL OF THE SENATE

THIRTY-NINTH CALENDAR DAY
TWENTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 15, 2007

The Senate met in regular session at 8:50 a.m., President Kibbie presiding.

Prayer was offered by Pastor Curtis Girod of the Cornerstone Assembly of God Church in De Witt, Iowa. He was the guest of Senators Stewart and Wood.

The Journal of Wednesday, February 14, 2007, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:57 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 9:02 a.m., President Kibbie presiding.

The Senate stood at ease at 9:03 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:44 a.m., President Pro Tempore Danielson presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 15](#), a resolution opposing the commitment of additional American troops to the war in Iraq.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Gronstal, Kibbie, Courtney, Danielson, Dearden, Dvorsky, and Ragan. Nays, 4: Lundby, Angelo, Mulder, and Wieck. 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 15](#).

[Senate Resolution 15](#)

On motion of President Kibbie, [Senate Resolution 15](#), a resolution opposing the commitment of additional American troops to the war in Iraq, with report of committee recommending passage, was taken up for consideration.

President Kibbie moved the adoption of [Senate Resolution 15](#), which motion prevailed by a voice vote.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that [Senate Resolution 13](#) be referred from the Regular Calendar to the committee on **Rules and Administration**.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 15, 2007, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 199](#), a bill for an act relating to the payment of costs of reasonable attorney fees related to certain paternity proceedings.

Read first time and referred to committee on **Judiciary**.

House File 245, a bill for an act requiring invasive pneumococcal disease immunization for children enrolling in licensed child care centers.

Read first time and attached to **companion Senate File 187**.

House File 260, a bill for an act relating to the classification and regulation of controlled substances and making penalties applicable.

Read first time and attached to **companion Senate File 68**.

House File 317, a bill for an act relating to an on-site fiscal review to be conducted under phase II of the accreditation process upon recommendation by the school budget review committee.

Read first time and referred to committee on **Education**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:27 a.m. until 1:00 p.m., Monday, February 19, 2007.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Wednesday, February 14, 2007, 3:10 p.m.

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

Members Absent: Putney (excused).

Committee Business: Presentation by Broin Company.

Adjourned: 4:00 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Wednesday, February 14, 2007, 2:10 p.m.

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

Members Absent: Kettering (excused).

Committee Business: Approved Governor's appointment, presentation by the Great Plains Institute Program, and subcommittee assignments.

Adjourned: 3:05 p.m.

WAYS AND MEANS

Convened: Wednesday, February 14, 2007, 4:00 p.m.

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

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

Committee Business: Presentation by Culver Property Tax Task Force.

Adjourned: 4:50 p.m.

COMMERCE

Convened: Thursday, February 15, 2007, 11:40 a.m.

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

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

Committee Business: Approved [SSB 1174](#).

Adjourned: 11:45 a.m.

JUDICIARY

Convened: Thursday, February 15, 2007, 1:35 p.m.

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

Members Absent: None.

Committee Business: Passed [SF 14](#) and approved [SSB 1188](#).

Adjourned: 1:50 p.m.

LOCAL GOVERNMENT

Convened: Thursday, February 15, 2007, 1:00 p.m.

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

Members Absent: Angelo, Houser, and McKinley (all excused).

Committee Business: Passed [SF 90](#) and approved SSBs 1126, 1127, and 1191.

Adjourned: 1:20 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Thursday, February 15, 2007, 2:10 p.m.

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

Members Absent: Kettering (excused).

Committee Business: Presentation by the Upper Midwest Hydrogen Initiative, approved Governor's appointment, and subcommittee assignments.

Adjourned: 3:05 p.m.

RULES AND ADMINISTRATION

Convened: Thursday, February 15, 2007, 8:58 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 15](#).

Adjourned: 9:04 a.m.

STATE GOVERNMENT

Convened: Thursday, February 15, 2007, 1:00 p.m.

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

Members Absent: None.

Committee Business: Passed [SF 7](#) and approved SSBs 1019 and 1086 (as amended).

Adjourned: 1:25 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Thursday, February 15, 2007, 10:40 a.m.

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

Members Absent: Black (excused).

Committee Business: Presentations by the Department of Natural Resources and the Department of Agriculture and Land Stewardship.

Adjourned: 11:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Thursday, February 15, 2007, 10:05 a.m.

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

Members Absent: Quirnbach (excused).

Committee Business: Presentation by the Department of Education.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Thursday, February 15, 2007, 10:35 a.m.

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

Members Absent: McKinley, Ranking Member (excused).

Committee Business: Presentations by the Iowa Law Enforcement Academy and the Department of Corrections.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: Thursday, February 15, 2007, 10:30 a.m.

Members Present: McCoy, Chair; Putney, Ranking Member; Beall and McKibben.

Members Absent: Warnstadt, Vice Chair (excused).

Committee Business: Presentations by Iowa schools and universities.

Adjourned: 11:50 a.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 16](#), by Wieck, Boettger, Zaun, McKinley, Noble, Putney, Gaskill, Behn, Lundby, Johnson, McKibben, Angelo, Hahn, Kettering, Zieman, Seymour, Hartsuch, Mulder, Ward, and Houser, a resolution designating May 1 as Iowa Right to Work Day.

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

INTRODUCTION OF BILLS

[Senate File 179](#), by McKibben, Angelo, Putney, Lundby, Behn, Gaskill, Seymour, Noble, Zaun, McKinley, Mulder, Johnson, Ward, Hartsuch, Zieman, Boettger, Kettering, Wieck, Houser, and Hahn, a bill for an act providing a small business health care tax credit, and providing for a retroactive applicability date.

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

[Senate File 180](#), by McKibben, Angelo, Putney, Lundby, Behn, Gaskill, Seymour, Noble, Zaun, McKinley, Mulder, Johnson, Ward, Hartsuch, Zieman, Boettger, Kettering, Wieck, Houser, and Hahn, a bill for an act relating to the criminal penalties for certain offenses involving sexual abuse in the second degree, lascivious acts with a child, and sexual exploitation, and establishing a duty to inform law enforcement about a registered sex offender.

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

[Senate File 181](#), by McKibben, Angelo, Putney, Lundby, Behn, Gaskill, Seymour, Noble, Zaun, McKinley, Johnson, Ward, Hartsuch, Zieman, Boettger, Kettering, Wieck, Houser, and Hahn, a bill for an act relating to the repeal of the state inheritance tax and state qualified use inheritance tax.

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

[Senate File 182](#), by Dotzler, Ragan, Hatch, Appel, Rielly, Stewart, Bolkcom, Schmitz, Danielson, Dvorsky, Warnstadt, Horn, McCoy, Hancock, Olive, Dearden, Fraise, Gronstal, Kibbie, Black, Courtney, and Beall, a bill for an act providing that employees should be paid based on comparable worth and making penalties applicable.

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

[Senate File 183](#), by Dotzler, Danielson, Heckroth, Dvorsky, Horn, Seng, Hatch, Hancock, Beall, Olive, Wood, Appel, Courtney, Fraise, Gronstal, Kibbie, Black, McCoy, Connolly, Stewart, Ragan, Schmitz, Kreiman, Rielly, Schoenjahn, and Bolkcom, a bill for an act creating a film, television, and video project promotion program and fund and an Iowa film advisory board, providing tax credits and income exclusions, making appropriations, and including effective and retroactive applicability dates.

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

[Senate File 184](#), by Dotzler, a bill for an act relating to hotel, food establishment, and food processing plant licensing and inspection, providing fees, making penalties applicable, making an appropriation, and providing an effective date.

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

[Senate File 185](#), by Zaun, Angelo, Behn, Boettger, and Johnson, a bill for an act requiring public libraries that receive state funding to adopt certain policies.

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

[Senate File 186](#), by McKinley and Kreiman, a bill for an act relating to councils of governments by making technical changes and by designating a new council of governments area.

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

[Senate File 187](#), by committee on Human Resources, a bill for an act requiring invasive pneumococcal disease immunization for children enrolling in licensed child care centers.

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

[Senate File 188](#), by Beall, Dotzler, Danielson, Ragan, Kreiman, Schmitz, Wood, Connolly, Stewart, Black, Kibbie, Gronstal, Appel, Fraise, Dearden, Olive, Quirmbach, Dvorsky, Hancock, Horn, Seymour, Mulder, McKinley, Johnson, Ward, Zieman, Boettger, Angelo, McKibben, Hahn, Houser, and Noble, a bill for an act creating a special gold star motor vehicle registration plate.

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

[Senate File 189](#), by Angelo, Ward, Seymour, Zaun, McKinley, McKibben, Gaskill, Hahn, Johnson, and Wieck, a bill for an act relating to tuition rates at state universities by providing resident status to the children of alumni and by creating a college costs predictability program to be administered by the state board of regents.

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

[Senate File 190](#), by Hatch, a bill for an act requiring certain providers under the state child care assistance program to be regulated by the department of human services.

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

[Senate File 191](#), by Beall, Stewart, Kreiman, Ragan, Danielson, Dotzler, Dvorsky, Schmitz, Dearden, Appel, Fraise, Courtney, Gronstal, Kibbie, Bolkcom, Quirmbach, McCoy, Connolly, Black, Hatch, Schoenjahn, Heckroth, and Mulder, a bill for an act requiring certain health insurance policies to provide coverage for colorectal and prostate cancer screening under some circumstances and providing an applicability date.

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

[Senate File 192](#), by Bolkcom, a bill for an act relating to a change in the compulsory education attendance age and providing an effective date.

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

[Senate File 193](#), by Rielly, a bill for an act allowing small business wellness and disease management initiatives, and providing an effective date.

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

[Senate File 194](#), by McKibben, Putney, Behn, Gaskill, Noble, Seymour, McKinley, Zaun, Ward, Hartsuch, Boettger, Angelo, Wieck, and Hahn, a bill for an act creating the penalty of death for the commission of murder in the first degree, kidnapping, and sexual abuse against the same minor, providing a penalty, and providing an effective date.

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

[Senate File 195](#), by Hogg, a bill for an act relating to waste tires deposited on land owned by a nonprofit organization.

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

[Senate File 196](#), by Hogg, a bill for an act providing for a use tax refund for certain fuel-efficient motor vehicles, and making an appropriation.

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

[Senate File 197](#), by Hogg, a bill for an act providing for the establishment of a math and science education improvement grant program, and providing appropriations.

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

[Senate File 198](#), by Hatch, Dvorsky, Hogg, Connolly, Kreiman, Quirnbach, Wood, Dearden, Appel, Kibbie, and Schoenjahn, a bill for an act to require a landlord to have good cause to terminate a mobile home space rental agreement.

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

[Senate File 199](#), by committee on State Government, a bill for an act granting the civil rights commission additional subpoena power to investigate unfair or discriminatory practices and providing an effective date.

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

STUDY BILLS RECEIVED

[SSB 1241](#) **State Government**

Concerning the department of administrative services and providing an effective date.

[SSB 1242](#) **Ways and Means**

Requiring combined corporate tax returns for unitary businesses and including a retroactive applicability date provision.

[SSB 1243](#) **Ways and Means**

Relating to hybrid and alternative fuel motor vehicles by replacing the current deduction with an individual income tax credit, and including effective and retroactive applicability date provisions.

[SSB 1244](#) **Natural Resources and Environment**

Relating to the development, management, and efficient use of energy resources in the state.

SUBCOMMITTEE ASSIGNMENTS

[Senate File 82](#)

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

[Senate File 144](#)

COMMERCE: McCoy, Chair; Courtney and Ward

[Senate File 152](#)

TRANSPORTATION: Danielson, Chair; Heckroth and Putney

[Senate File 157](#)

JUDICIARY: Kreiman, Chair; Dvorsky and Ward

[Senate File 159](#)

JUDICIARY: Hogg, Chair; Fraise and Ward

[Senate File 167](#)

EDUCATION: Connolly, Chair; Mulder and Schmitz

[Senate File 176](#)

JUDICIARY: Kreiman, Chair; Dvorsky and Ward

[Senate File 177](#)

APPROPRIATIONS: Dvorsky, Chair; and Angelo

[Senate File 184](#)

HUMAN RESOURCES: Dotzler, Chair; Johnson and Wood

[SSB 1241](#)

STATE GOVERNMENT: Danielson, Chair; Appel and Hahn

[SSB 1242](#)

WAYS AND MEANS: Quirnbach, Chair; Bolkcom and McKibben

[SSB 1243](#)

WAYS AND MEANS: Bolkcom, Chair; Angelo and Connolly

[SSB 1244](#)

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

FINAL COMMITTEE REPORTS OF BILL ACTION

HUMAN RESOURCES

Bill Title: [SENATE FILE 187 \(SSB 1077\)](#), a bill for an act requiring invasive pneumococcal disease immunization for children enrolling in licensed child care centers.

Recommendation: APPROVED COMMITTEE BILL.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Bill Title: [SENATE FILE 90](#), a bill for an act concerning local emergency management commission communications.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Quirnbach, Beall, Hartsuch, Heckroth, Kreiman, Olive, Rielly, Schoenjahn, and Stewart. Nays, 1: Zaun. Absent, 3: Angelo, Houser, and McKinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: [SENATE FILE 7](#), a bill for an act allowing cash prizes at annual game nights conducted by qualified organizations representing volunteer emergency services providers.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Connolly, Horn, Zieman, Appel, Behn, Black, Danielson, Gaskill, Hahn, Hatch, Kettering, Kibbie, McKibben, Schmitz, and Wood. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *[SENATE FILE 199 \(SSB 1019\)](#), a bill for an act granting the civil rights commission additional subpoena power to investigate unfair or discriminatory practices and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Connolly, Horn, Zieman, Appel, Behn, Black, Danielson, Gaskill, Hahn, Hatch, Kettering, Kibbie, McKibben, Schmitz, 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 State Government Committee on [Senate File 199](#), and they were attached to the committee report.

AMENDMENT FILED

[S-3034](#)

[S.F. 78](#)

Tom Hancock
Dennis H. Black
Larry Noble