

PROOF

STATE OF IOWA

Senate Journal

MONDAY, FEBRUARY 11, 2008

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JOURNAL OF THE SENATE

TWENTY-NINTH CALENDAR DAY
SEVENTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 11, 2008

The Senate met in regular session at 1:08 p.m., President Kibbie presiding.

Prayer was offered by Nathan Montover of Calamus. He was accompanied by Sara Kretzman, pastor of Faith Lutheran and Our Savior Lutheran churches in Calamus, Iowa. They were the guests of Senator Wood.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Emily Ehlers.

The Journal of Thursday, February 7, 2008, was approved.

HOUSE MESSAGE RECEIVED

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 7, 2008, **amended and passed** the following bill in which the concurrence of the House was asked:

[Senate File 261](#), a bill for an act requiring certain private sewage disposal system-related inspections to be conducted when certain property is sold or transferred and including an effective date provision. ([S-5003](#))

SPECIAL GUESTS

Senator Black introduced to the chamber members of the Iowa Abraham Lincoln Bicentennial Commission, who were hosting

activities at the Capitol in recognition and celebration of the 200th anniversary of the birth of Abraham Lincoln. Lincoln presenter Stan De Haan of Newkirk, Iowa, spoke to the chamber.

The Senate rose and expressed its welcome.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:30 p.m. until 8:45 a.m., Tuesday, February 12, 2008.

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 EDUCATION

Statewide Voluntary Preschool Programs for Four-Year-Olds—Preliminary Report, pursuant to 2007 Iowa Acts, [House File 877](#). Report received on February 8, 2008.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

High school students from Cedar Rapids Washington High School, Cedar Rapids, Iowa. Senator Zaun.

CERTIFICATE OF RECOGNITION

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

Verle and Ellen Hunt—For celebrating their 65th wedding anniversary. Senator McKibben (2/11/08).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: February 7, 2008, 3:05 p.m.

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

Members Absent: None.

Committee Business: Passed [SF 2004](#) and [SF 2018](#). Approved [SSB 3041](#).

Adjourned: 4:00 p.m.

EDUCATION

Convened: February 11, 2008, 3:05 p.m.

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

Members Absent: None.

Committee Business: Approved [SSB 3068](#), as amended. Presentation by Department of Education regarding 4-year-old preschool programs.

Recessed: 3:50 p.m.

Reconvened: 4:00 p.m.

Adjourned: 4:05 p.m.

LABOR AND BUSINESS RELATIONS

Convened: February 11, 2008, 3:05 p.m.

Members Present: Dearden, Chair; Courtney, Vice Chair; Ward, Ranking Member; Behn, Dotzler, Dvorsky, Hahn, Hatch, Horn, Kettering, and Seng.

Members Absent: None.

Committee Business: Passed [SF 2002](#) and approved SSBs 3043, 3045, and 3046.

Adjourned: 3:40 p.m.

LOCAL GOVERNMENT

Convened: February 11, 2008, 2:15 p.m.

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

Members Absent: Houser (excused).

Committee Business: Approved [SSB 3114](#).

Adjourned: 2:25 p.m.

INTRODUCTION OF BILLS

[Senate File 2129](#), by committee on State Government, a bill for an act relating to the duties of the commission on the status of Iowans of Asian and Pacific Islander heritage regarding interpreter qualifications.

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

[Senate File 2130](#), by committee on Economic Growth, a bill for an act relating to certain county distress criteria under the enterprise zone program.

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

[Senate File 2131](#), by committee on Agriculture, a bill for an act relating to the promotion of equines, by establishing an equine industry promotional commission and an equine industry promotional fund, and providing an appropriation.

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

[Senate File 2132](#), by committee on Judiciary, a bill for an act relating to notices regarding the disposition of seized property and providing an effective date.

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

[Senate File 2133](#), by committee on Agriculture, a bill for an act relating to the Iowa crop improvement association.

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

[Senate File 2134](#), by committee on Veterans Affairs, a bill for an act relating to requirements and duties of members, directors, and employees of county commissions of veteran affairs.

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

[Senate File 2135](#), by Kibbie, a bill for an act requiring automated external defibrillators in all public and nonpublic schools.

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

[Senate File 2136](#), by committee on Economic Growth, a bill for an act relating to real estate broker trust accounts and abolishing the local housing assistance program.

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

[Senate File 2137](#), by committee on Agriculture, a bill for an act relating to the regulation of motor fuel, by providing standards for gasoline and for the advertisement of renewable fuel.

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

[Senate File 2138](#), by Johnson, a bill for an act requiring the creation of a publicly available, single state database providing detailed information on state budgets and expenditures.

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

[Senate File 2139](#), by Kettering, a bill for an act relating to the distribution of state aid to school districts and area education agencies for professional development under the student achievement and teacher quality program.

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

[Senate File 2140](#), by Kettering, a bill for an act increasing the dependent tax credit 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 2141](#), by Zaun, Johnson, McKinley, Wieck, Zieman, Boettger, Mulder, Seymour, Hahn, and Angelo, a bill for an act relating to the consideration of certain factors in division of property in a dissolution of marriage proceeding.

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

STUDY BILLS RECEIVED

[SSB 3160](#) **Education**

Establishing the senior year plus program, providing for related matters, and making an appropriation.

[SSB 3161](#) **Judiciary**

Relating to the appointment of certain judicial officers, the retirement of senior judges, the entry of temporary custody and visitation orders, and the jurisdiction of certain judges in probate court.

[SSB 3162](#) **Judiciary**

Relating to sexual misconduct with a juvenile, and providing penalties.

[SSB 3163](#) **State Government**

Relating to the provision of services over certain Iowa communications network connection facilities under specified circumstances.

[SSB 3164](#) **State Government**

Relating to open records and public meetings and providing an effective date.

[SSB 3165](#) **Natural Resources and Environment**

Relating to water quality, by eliminating certain public drinking water utility permit fee requirements, creating a water quality needs and infrastructure program and fund, creating an unsewered community wastewater financial assistance program and making appropriations, eliminating a sales tax exemption for bottled water, and reallocating revenues from the sales tax on drinking water.

SSB 3166 Natural Resources and Environment

Relating to solid waste disposal and environmental management by providing for the designation of environmental management systems, providing incentives, and creating an environmental management systems board.

SSB 3167 Ways and Means

Relating to urban renewal plans and areas, by providing for expiration and dissolution of certain urban renewal plans and areas, placing a durational limitation on the use of tax increment financing in certain urban renewal areas, relating to amendments to urban renewal plans, and including effective and applicability date provisions.

SSB 3168 Ways and Means

Relating to a corporate income tax credit for providing an easement on a railroad right-of-way for purposes of constructing and maintaining a recreational trail and including a retroactive applicability date provision.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2025**

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

Senate File 2103

JUDICIARY: Hogg, Chair; Hancock and Ward

Senate File 2121

NATURAL RESOURCES AND ENVIRONMENT: Schoenjahn, Chair; Johnson and Wood

Senate File 2126

STATE GOVERNMENT: Appel, Chair; Hatch and Kettering

Senate File 2127

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

[Senate File 2128](#)

HUMAN RESOURCES: Bolkcom, Chair; Boettger and Hatch

[Senate File 2135](#)

EDUCATION: Connolly, Chair; Johnson and Schmitz

[SSB 3160](#)

EDUCATION: Wood, Chair; Heckroth and McKinley

[SSB 3161](#)

JUDICIARY: Hogg, Chair; Kreiman and Ward

[SSB 3162](#)

JUDICIARY: Kreiman, Chair; Dvorsky and Noble

[SSB 3163](#)

STATE GOVERNMENT: Danielson, Chair; Gaskill and Wood

[SSB 3164](#)

STATE GOVERNMENT: Connolly, Chair; Appel, Behn, Danielson, and Gaskill

[SSB 3165](#)

NATURAL RESOURCES AND ENVIRONMENT: Schoenjahn, Chair; Johnson and Wood

[SSB 3166](#)

NATURAL RESOURCES AND ENVIRONMENT: Wood, Chair; Dearden and Noble

[SSB 3167](#)

WAYS AND MEANS: Stewart, Chair; Bolkcom and Zieman

[SSB 3168](#)

WAYS AND MEANS: Dotzler, Chair; Putney and Seng

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: [SENATE FILE 2131](#) (formerly [SF 2018](#)), a bill for an act relating to the promotion of equines, by establishing an equine industry promotional commission and an equine industry promotional fund, and providing an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Fraise, Rielly, Johnson, Appel, Black, Boettger, Courtney, Gaskill, Hancock, Houser, Kibbie, Mulder, Olive, Putney, and Seng. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2133*](#) ([SSB 3041](#)), a bill for an act relating to the Iowa crop improvement association.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Fraise, Rielly, Johnson, Appel, Black, Boettger, Courtney, Gaskill, Hancock, Houser, Kibbie, Mulder, Olive, Putney, and Seng. 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 Agriculture Committee on [Senate File 2133](#), and they were attached to the committee report.

ALSO:

Bill Title: [SENATE FILE 2137*](#) (formerly [SF 2004](#)), a bill for an act relating to the regulation of motor fuel, by providing standards for gasoline and for the advertisement of renewable fuel.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Fraise, Rielly, Johnson, Appel, Black, Boettger, Courtney, Gaskill, Hancock, Houser, Kibbie, Mulder, Olive, Putney, and Seng. 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 Agriculture Committee on [Senate File 2137](#), and they were attached to the committee report.

ECONOMIC GROWTH

Bill Title: [SENATE FILE 2130](#) (formerly [SF 2063](#)), a bill for an act relating to certain county distress criteria under the enterprise zone program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Stewart, Olive, Houser, Beall, Danielson, Dotzler, Hahn, Hatch, Mulder, Rielly, Schmitz, Seymour, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2136*](#) ([SSB 3064](#)), a bill for an act relating to real estate broker trust accounts and abolishing the local housing assistance program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Stewart, Olive, Houser, Beall, Danielson, Dotzler, Hahn, Hatch, Mulder, Rielly, Schmitz, Seymour, and Zaun. 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 Economic Growth Committee on [Senate File 2136](#), and they were attached to the committee report.

JUDICIARY

Bill Title: [SENATE FILE 2132*](#) (formerly [SF 2012](#)), a bill for an act relating to notices regarding the disposition of seized property and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Kreiman, Hogg, Behn, Dvorsky, Fraise, Hancock, Hartsuch, Horn, Noble, Quirnbach, Schoenjahn, Ward, Warnstadt, and Zieman. Nays, none. Absent, 1: McKibben.

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 Judiciary Committee on [Senate File 2132](#), and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: [SENATE FILE 2129](#) (formerly [SF 2016](#)), a bill for an act relating to the duties of the commission on the status of Iowans of Asian and Pacific Islander heritage regarding interpreter qualifications.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Connolly, Horn, Appel, Black, Danielson, Gaskill, Hahn, Hatch, Kibbie, McKibben, Schmitz, and Wood. Nays, 3: Zieman, Behn, and Kettering. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

VETERANS AFFAIRS

Bill Title: [SENATE FILE 2134*](#) ([SSB 3033](#)), a bill for an act relating to requirements and duties of members, directors, and employees of county commissions of veteran affairs.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Beall, Warnstadt, Black, Danielson, Hartsuch, Horn, Kibbie, McKibben, McKinley, and Ragan. Nays, none. Absent, 1: Seymour.

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 Veterans Affairs Committee on [Senate File 2134](#), and they were attached to the committee report.

AMENDMENT FILED

[S-5003](#)

[S.F. 261](#)

House